

A HISTORICAL SURVEY OF THE DEVELOPMENT OF POLITICAL
AWARENESS AMONG THE ZULUS

by

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DISSERTATION

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DECLARATION

I declare that this dissertation is my own work and that all the sources I have used or quoted have been acknowledged by means of complete references.

NTATE JOHN MAKUME

January 1989.

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DEDICATION

This work is dedicated to
my late mother, Likomo Makume

Her determination and success in
life has always been an
inspiration to me.

RIP

ABSTRACT

This study deals with the political development of the largest African population group in South Africa, the 'Zulus. The political development of the Zulus is assessed by the performances of individual Zulu leaders. The study, thus focusses on the achievements/failures of some Zulu leaders, namely King Shaka, J L Dube, Albert Luthuli, Dr A B Xuma, A W G Champion, and Chief Mangosuthu Buthelezi. It becomes apparent from this that the Zulu leadership had very often been involved in some way or another in organizations that strove for the upliftment or "freedom" of the disadvantaged population groups in South Africa. This historical survey covers indeed a very wide period. It stretches from the pre-colonial period up to the present; the present being the era of the KwaZulu/Natal Indaba.

The first individual under discussion is King Shaka, followed in subsequent chapters by the individuals referred to above. It is important at this juncture to elaborate on the relationship between individual action, history and society. History and society are made by constant and more or less purposeful individual action and that individual action, however purposeful, is in turn made by history and society. How do we, as active subjects, make a world of objects which then, as it were, become subjects making us their objects?

It is the problem of individual and society, consciousness and being, action and structure. People make their own history - but only under definite circumstances and conditions: we act through a world of rules which our actions create, break and renew - we

are creatures of rules, the rules are our creations: we make our own world - the world confronts us as an implacable and autonomous system of social/political facts. It is through the specific institutions of time and space that structures larger than the individual become a living reality and are reproduced; it is in the small segments of society that experiences are forged. Hence this study focusses on KwaZulu and Natal, and on some individuals at a particular moment in time.

The problem "structuring" however, means that a return to the local and individual cannot absolve us from a regional as well as a national and indeed an international perspective. Over recent years, historians and social scientists have agonized over their "unit study." Yet as the Dutch historian Jan Huizinga remarked, "Every historical fact opens immediately to infinity." More important than the starting point is the way in which the local and the particular are located within a wider context, and in turn enable us to refine our understanding of that wider context. Natal, the smallest of the four provinces of what became the Union of South Africa in 1910, cannot be understood outside the broader changes in Southern Africa in the nineteenth and twentieth centuries. Twentieth century South Africa is better understood only after we have contemplated King Shaka in his confrontation with White settlers.

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CHAPTER 1

INTRODUCTION

A. The rationale, need, purpose and objectives of the study

It is common cause that the Zulus comprise the largest ethnic unit amongst all Black population groups in South Africa. Because of its numerical preponderance, it stands to reason that this population group should have an important role to play in the politics of change/reform in South Africa.¹ Academically, it has caused an alarming concern that one cannot find a study that covers the entire political history of this population group. In other words there is no readily available reference work that embraces the development and political history of the Zulus.

The rationale, purpose and objectives of this study is to provide historical survey of the role that the Zulus played in the politics of South Africa, from the pre-colonial period up to the present times, i.e. from the days of King Shaka up to the times of the KwaZulu/Natal Indaba. Special emphasis would be placed on the role that the Zulu leadership played during the period as set out above.

B. Delimitations of the study

Since this study covers a very broad period, historical details

1. 18,77% of the total population of South Africa. See Horrell M., The African Homelands of South Africa; Johannesburg, 1973; and The annual reports: A survey of Race Relations in South Africa, Johannesburg, 1969-1975.

would be left out. In other words this survey will concentrate only on the "highlights" of political history whilst pure historical anecdotes would be left to the historian. It will be appreciated that it is fairly difficult to make a clear cut distinction between what is looked upon as "pure history" and what is "political history." Political history in this instance is looked upon as those events whose political consequences have connotations of political authority and political change in the power structures of South Africa. In short, events that show where political power/authority resides or will reside.

C. Research methods

The following methods have been used in the study:

(a) Study of Literature

Literature research on the topic has been conducted at various university libraries and archives, viz, University of Zululand Uzulu collection; Killie Campbell Africana Library, Durban; Natal Archives, Pietermaritzburg; University of Natal Library, Durban; Africana Library, UNISA, Pretoria; University of the Witwatersrand Library, Johannesburg.

(b) Interviews

Interviews have been held with some members of the KwaZulu Legislative Assembly; academics, leaders of civic organizations in some KwaZulu Townships like KwaMashu and Clermont; and ordinary lay people.

(c) Newspapers, journals, publications, officials reports/ documents

From the bibliography it will be clear that a lot of reference has been made to newspaper reports; magazines; journals; publications; official documents like reports of Commission of Enquiry and the KwaZulu Legislative Assembly Debates.

D. Definition of terms

(a) Black

The term "Black" refers to the Black population groups in South Africa to the exclusion of Coloureds and Indians.

(b) African

The term "African" is used to refer to "Black" as described above. The terms "Black" and "African" are used interchangeably.

E. Abbreviations used in text

ANC	-	African National Congress
ANCYL	-	African National Congress Youth League
ASB	-	Afrikaanse Studentebond
AZAPO	-	Azanian People's Organization
BAC	-	Black Advisory Council
BC	-	Buthelezi Commission
BUF	-	Black United Front
CC	-	Central Committee
COSATU	-	Congress of South African Trade Unions
CRC	-	Coloured Persons Representative Council
DTA	-	Democratic Turnhalle Alliance
GC	-	General Conference
Ibid	-	ibidem, i.e. the same work

ICU	-	Industrial and Commercial Workers' Union
KLA	-	KwaZulu Legislative Assembly
KLAD	-	KwaZulu Legislative Assembly Debates
LC	-	Lombard Commission
Loc. cit.	-	loco citato, i.e. in passage quoted
LP	-	Labour Party
NC	-	National Council
n.d.	-	not dated
NIC	-	Natal Indian Congress
NP	-	National Party
NPC	-	Natal Provincial Council
NRP	-	New Republic Party
OAU	-	Organization for African Unity
op.cit.	-	opere citato, in the work quoted
RFP	-	Progressive Federal Party
PRP	-	Progressive Reform Party
RP	-	Reform party
SABA	-	South African Black Alliance
SAIC	-	South African Indian Council
SASA	-	South African Sugar Association
SRC	-	Student Representative Council
UDF	-	United Democratic Front
UNIP	-	United Independent Party (Zambia)
UP	-	United Party
UWUSA	-	United Workers' Union of South Africa
ZTA	-	Zulu Territorial Authority

F BACKGROUND INFORMATION AND RESEARCH OUTLINE

(a) Facts, dates and statistics

Natal is one of the four provinces that were established within the Union of South Africa in 1910. The Union brought together the Boer Republics that had been defeated in the Anglo-Boer War at

the turn of the century and the colonies of the Cape and Natal. It also integrated the African, Coloured and Indian populations without their participation in deciding the form or the content of the new union.

Natal occupies an area of some 91 355 square kilometres, or 8.1 percent of the total land area of South Africa,² but with 20 percent of the total South African population resident there, it has a population density more than twice as high as the national average. The bits and pieces that make up the KwaZulu administrative area total about 38 percent of the province's land area, but account for 55 percent of its population.

2. These official figures for 1985 exclude the so-called "independent" national states. If these were taken into account, Natal would account for an even smaller percentage of the total land area of South Africa. Official figures are notoriously unreliable in South Africa, and are qualified by the policy contortions of apartheid. For example, the populations and land area of "independent" bantustans (the TBVC "countries") are excluded from national statistics. It is therefore frequently necessary to refer to unofficial counts and estimates.

Most of SA's Zulu-speaking African population is concentrated in Natal (75 percent of the total), while about 90 percent of Africans resident in the province are Zulu-speaking. The remainder are mostly Xhosa-speaking and live in and around the urban areas.³ The Black or African population of Natal is about 4.7 million (or 77 percent of the total population of the province). Official figures allocate about 3.9 million to KwaZulu and all but 700 000 of these to "rural" KwaZulu. With the enormous and rapid movement of people into "informal settlements" - shanties, slums, squatter areas around the Durban/Pinetown and Pietermaritzburg industrial areas - this last figure is clearly a vast underestimate. Haarhoff argued that about 1.5 million Africans live in an urban environment in the Natal region, 65 percent of them in the Durban urban area.⁴

Several processes are at work here. First, the government has attempted to relocate as large a part of the African population as is possible to the bantustans, now referred to as national states; and to confine them there except for periods during which they sell their labour within "white" South Africa. The bantustan land areas were legally established through the 1913 and 1936 "Land Acts," and given ethnic and political identity under the National Party (NP) government through for example, the Promotion of Bantu Self-Government Act of 1959. Control over movement from the bantustans was attempted through influx control - the "Pass Laws" (now abolished). Second, there are the Africans who have attempted to establish a legal presence outside the bantustans, through the so-called "section 10" rights. "Section 10" of the Natives (Urban Areas) Consolidation Act spells out the strict conditions under which Africans may live

3. Haarhoff, E; "Where the Workers Live," in Crispin Hemson.

4. Buthelezi Commission Report (ed); 1985 p. 39, nd: pp. 69-72.

outside the bantustans.⁵ In Natal these "rights" were frequently abolished through the administrative incorporation of townships, such as KwaMashu, into KwaZulu. While the residents of these townships are within the jurisdiction of KwaZulu they have continued to live within commuting distance of the industrial areas situated within "white" South Africa. The third process is the movement of people, in defiance of the law as it stood until recently, from the bantustans to live in "white" South Africa in order to be with family or to find employment.

Finally there has been the conglomeration of people into the urban areas of Natal, but still within the boundaries of KwaZulu. This movement has been motivated by a number of factors, probably the most important of which has been the destitution of the outlying areas and possibility (no matter how remote) of employment, or some other means of making money, closer to industrial and urban concentrations. In Natal it was possible without breaking the Pass Laws because of the proximity of pieces of KwaZulu land to industrial and urban areas. This is in contrast to the western Cape, where squatter camps such as Crossroads are hundreds of kilometers from the nearest bantustans, the Ciskei and the Transkei, in the eastern Cape. The African residents of Crossroads were therefore always in contravention of influx control laws unless they had acquired "Section 10" status.⁶

The distribution of KwaZulu's land has also affected a number of people who commute to work daily, rather than migrate to industrial areas within the province. Of a total of 1 329 000

5. See Horrell M; Laws Affecting Race Relations in South Africa 1948-1976; J A Institute of Race Relations; Johannesburg, 1978, p. 174.

6. Platzky L and Walker C; The Surplus People: forced removals in South Africa; Ravan Press, Johannesburg, 1985.

African migrant workers in South Africa in 1981, 280 000 (or 21 percent) were from Natal (obviously not all were migrating to jobs within the region). This compares with 384 200 commuters employed in Natal, or 52 percent of the national total of "frontier commuters" employed in "white areas."⁷ The Indian population of the province, having arrived primarily as indentured labour for the fledgling sugar industry in the 1860s, today comprise about 11.3 percent of Natal's population. This makes them the second largest group, followed by Whites (10 percent) and Coloureds (1.5 percent).

(b) Economic background

Immediately after its annexation by the British in the mid-19th century, Natal lacked a viable base on which a settler economy could be built, and was starved of financial resources. This changed with the planting of sugar. The first public sale of the crop occurred in 1856, and by the end of the decade sugar was being exported to the Cape Colony. It was also at this time (1860) that the labour needs of the sugar growers forced them to look beyond the colony and to import indentured labour from India.⁸

Both sugar and wattle, Natal's other main crop, were established and maintained over the years with poverty wages and poor living conditions. This and the fact of foreign ownership have made both industries the subject of critical enquiries into wages and working conditions over the last 15 years.

7. Survey of Race Relations in South Africa; Johannesburg, SAIRR, 1973, p. 138.

8. Mare G and Hamilton G; An appetite for power - Buthelezi's Inkatha and South Africa; Ravan Press, Johannesburg, 1978, p. 9.

African economic activity during the 19th century was not solely agriculturally based. As Etherington commented:

By the time of the Anglo-Zulu War, African Christian communities had not only established a flourishing peasant economy, but had also embarked upon entrepreneurial capitalist ventures on a significant scale.⁹

He suggests that measures taken by white settlers to curb the economic activities of Africans through legislation "were not so much designed to safeguard whites against potential Black competition, but aimed rather to undo progress which had already been made. Moreover, it is at least arguable that the rise of political activism and religious separatism at the end of the 19th century owed more to the loss of valued economic opportunities than to a newly awakened desire to compete on equal terms in the dominant society."¹⁰

Defence or promotion of commercial interests by a petty bourgeoisie claiming a "Zulu identity" came to the fore both in the 1920s and the 1970s around Zulu political movements - both called Inkatha. Agricultural activity became more and more difficult after the 1913 Land Act froze the acquisition of land by Africans. During the time of the first Inkatha it was largely around agricultural activity, based on mission land and freehold farms, that the petty bourgeoisie consolidated and sought to safeguard their "valued economic opportunities." In the 1970s,

9. Etherington N; African economic experiments in colonial Natal, 1845-1880, in Bill Guest and John M Sellers (eds), 1985, p. 265.

10. Loc cit.

trading and services were areas of most rapid expansion, largely through the involvement of the state's Bantu Investment Corporation (BIC).

In the 1920s the worries and woes of the African petty bourgeoisie were on the periphery of the growth of capitalism in the region (except when they were needed as allies in labour recruitment for larger concerns). The centre was provided by the sugar industry and the concerns that grew up around it. This made for a regionally specific economy, even if not an independent economy, until the central state policy to stimulate a national capitalism started having its effects on Natal. After 1910, when the Union of S.A. came into being, "the Natal bourgeoisie became part of a national bourgeoisie."¹¹ This was not a sudden event but a process, and for some time there was conflict over the flow of labour from the atrocious conditions of the sugar, wattle, and coal industries to the slightly better conditions of the Transvaal mines.

The process of incorporation through ownership and control took rapid strides during the decades starting from the 1960s. Sitas et al have discussed "some of the linkages which ultimately subordinate a large proportion of Natal's industry to the control of large national or foreign corporations."¹² They found that with concentration and centralization of ownership and control of

11. Marks S; The ambiguities of dependence in South Africa; Class, Nationalism, and the State in Twentieth Century Natal; Ravan Press: Johannesburg, 1986, p. 13.

12. Sitas, Ari, Stanwix J and Shaw C; Trade unions, monopoly power and poverty in Natal's industries; (paper for the Second Carnegie Inquiry into Poverty and Development in Southern Africa, UNiversity of Cape Town). 1984, p. 22.

capital in S.A. generally, employment was stabilized but this stability applied to a smaller and smaller proportion of the work force. Manufacturing output increased during the 1960s by 8.5 percent while employment in the sector grew by 5.64 percent. During the 1970s output grew by 5.43 percent and employment by a mere 2.82 percent.¹³

Productive activity remains regionally tied, though it is no longer correct to talk of a regionally specific capitalism. Access to the port, labour, water, decentralization subsidies, favourable climate conditions, all serve to favour one place against another for accumulation purposes. Probably the most important aspect of regional preference at present and in the foreseeable future is that of stability. It is in this context that the "regional options" such as the KwaZulu/Natal Indaba became central, and political and economic alliances with African economic interests are essential to a nationally controlled but regionally based monopoly capitalism and its political representatives.

(c) Inequalities and "Development" in the policy of "Separate Development"

The policy of "separate development" (as the so-called "positive aspects" of apartheid came to be called) attempted to give dignity to the idea that South Africa is basically composed of "First" and "Third World" components, rather than the more directly racial categorization of backward African and advanced white segments of the population. The terminology was used to "explain" and justify the stark contrasts (in living standards, educational and social facilities, incomes, health), between white society and the African population. The "Third World" is

13. Ibid; p. 24.

then given convenient geographic form through the enforced separation of Africans into the bantustans. Within this dualism everybody is "developing" but has started from a different point and hence advances at a different rate. At some distant future point the existing inequalities will, so the argument goes, be overcome. Until then the slogan is "patience."

That was, and in many circles still is, the dominant argument in Natal, except that the clear geographic distinction does not exist to the same extent as elsewhere in S.A. and on certain levels, even if only administratively, an interrelationship between the racial groups has to be acknowledged. Artificial separation leads to instability. It was not for nothing that the report of the Buthelezi Commission (referred to in Chapter V of this work) was entitled "The Requirements for Stability and Development in KwaZulu and Natal" taking that interdependence as a starting point. The same demands for stability and acknowledgement of the interwoven character of Natal revived interest in the "KwaZulu/Natal option."

The interrelationship is, however, not only on the level of employment, residence, infrastructure, services, recreational facilities, etc., another element is that the wealth that has been channelled into white hands originates from the poverty of the black population. Nattrass wrote that:

South Africa enjoys the somewhat —
dubious distinction of having one
of the most unequal distributions of
income here, but the inequality
also has a racial overlay and is
partnered by the continuance of
significant poverty.¹⁴

14. Nattrass J; The impact of underdevelopment, poverty and inequalities on the development of KwaZulu/Natal; in Crispin Hemson (ed); 1985, p. 50.

She compared the national picture with that of Natal, and concluded that:

Whilst KwaZulu and Natal region has a different demographic, ethnic and economic structure from that of the rest of the Republic, these differences have not had a marked impact on either the income distribution or the lifestyles in the region. White standards of living in this area are, on average, five times better than those of the Indian and Coloured regions, and within the Black communities and nearly 12 times greater than those of the Black community there is a gap emerging¹⁵ between urban and rural lifestyles.

In 1976, 56 percent of the economically active population of KwaZulu were employed outside the national states.¹⁶ This has meant that in typical KwaZulu rural areas "between 70 and 80 percent of families have members away as migrant workers. More than a third of the population of KwaZulu is landless, and it is therefore no wonder that migrant remittances far exceed KwaZulu's internal revenue creation". Nattrass refers to a study of three districts that showed that these remittances, even though a small percentage of the migrants' actual incomes (about 17 percent)¹⁷ still made up some 75 percent of total household incomes.

15. Loc cit.

16. Surplus People Project; Vol. 4, 1983, p. 3

17. Nattrass J; op. cit., p. 55

Apart from employment within the KwaZulu administration services (as public servants, nurses, labourers in the department of works, teachers, etc.) there are a few jobs. In 1981, 6122 people were employed in industrial undertakings in the national states. All except 700 of these jobs were at the Isithebe industrial "growth point." Some 30 000 new job-seekers enter the job market in the region every year.¹⁸ By 1984 the number of employees at Isithebe had increased to 11 000, while another 1200 people found work at Ezakheni, also within KwaZulu. "Other things being equal," said the Corporation for Economic Development Chairman Professor S P du Toit Viljoen in 1977 at Isithebe, KwaZulu could become the "Ruhr of South Africa."¹⁹ But of course "other things" are not equal in South Africa, and one of those inequalities is the totally skewed power relations that have existed for so many years, both between races and classes.

KwaZulu, for which Chief Buthelezi has taken responsibility and in which he hoped to achieve some measure of development, cannot ever hope to feed its population, provide them with jobs, and improve the general standard of living in terms of basic facilities, infant mortality, educational levels, employment, social and health services. Under the existing structural power relationship, and even in some solutions for the future,²⁰ inequality forms part of the whole. In 1982/3 the white-controlled Natal Provincial Administration spent four times as much on health facilities for all race groups as the KwaZulu authorities did. Pensions for whites far exceeded those paid to blacks.

18. Surplus People Project (SPP); Vol. 4; 1983, p. 4.

19. Financial Mail special report on KwaZulu, 11 May 1979.

20. See Giliomee H and Schlemmer L (eds); Up against the Fences: poverty, passes and privileges in South Africa, David Philip: Cape Town, 1985.

In fact KwaZulu is only a distinct region in that it is artificially maintained as such, reinforced through participation of some blacks in that maintenance, even if such participation is hedged with qualifications. The effect is that its existence, as with other bantustans, serves to deflect responsibility from the central state and capital in South Africa on to the KwaZulu authority and on to the people who live there (the "Third World" component). As recently as early 1986 parliament was told that "South Africa's Third World component was too large for (the) housing goals that would have to be met if influx control was truly scrapped, instead of being replaced with the euphemistically named "orderly urbanization strategy."²¹ A policy of blaming the victims, who are largely located in the bantustans, is all too common in S.A.

Stanwix noted that the population in Natal is poorer than in South Africa as a whole (probably in large measure due to the relatively small white population in the province, which serves elsewhere to push up the average income). He also noted that in Natal "there are severe inequalities between the KwaZulu component and the rest of the region as well as marked differences in their composition of economic activity."²²

However, he warned that this does not prove the "existence of two clearly differentiated sub-regions...(but rather these factors) reflect much more the integration of these components and the arbitrary (in economic terms) nature of KwaZulu boundaries."²³

21. The Daily News, 6 February, 1986. This is reported as having been said by a National Party member of Parliament.

22. Stanwix J: A Study of Natal regional economy (Report for the Natal Town and Regional Planning Commission) 1983, p. 55.

23. Loc cit.

A glance at the map shows the fragmentary nature of KwaZulu, and also casts a great deal of doubt on Buthelezi's contention that his involvement in KwaZulu is partly justified by the need for regional development (that region being KwaZulu). KwaZulu exists as a separate entity in terms of administration and legislative control, and of ideology (to justify the vast inequalities between the races), but geographically there is little to justify it.

(d) Research outline

This study comprises six chapters. Chapter 1 is the introductory chapter covering inter alia, background information that has hitherto been referred to.

Chapter 2 will cover the period since the advent of the Whites in Natal until 1910. In this chapter reference would be made to the pre-colonial period, the colonial period and the political consequences of the Union of South Africa in 1910. In the pre-colonial period one will notice a shift from Zulu to Boer hegemony whilst in the colonial period a shift from Zulu to British political leadership would be evident.

Chapter 3 will deal with the period since the Union of South Africa in 1910 until the National Party came to power in 1948. The chapter would, inter alia, give an overview of the policy of apartheid, give an account of the opposition to the policy of apartheid by the ANC; and in the end give an expose' of the role that the Zulus played in the ANC.

Chapter 4 will cover the period from 1948 until the establishment of the KwaZulu Legislative Assembly in 1972. What would be dealt with in this chapter will mainly be the Homeland Policy; the installation of Buthelezi as Chief of the Zulus; the political development of the

Zulus within the homeland system of apartheid under the leadership of Chief Buthelezi; and lastly an evaluation of Homeland politics with particular reference to KwaZulu.

Chapter 5 will cover the present era. Under the present era some peripheral reference would be made to organizations that existed before Inkatha. This would be followed by some detailed discussion of Inkatha as well as the Buthelezi Commission and proposed merger between KwaZulu and Natal, i.e. the KwaZulu/Natal Indaba.

Chapter 6 would be the conclusion and evaluation of this study. This concluding chapter would be a historical outlay of two aspects:- firstly, the influence of Zulu political awareness on other population and political groups, and secondly, the effects of Zulu political awareness on the racial policies of South Africa. It is perhaps of importance at this stage to point out that the influence and effect Zulu political awareness on other population groups, and on the racial policies of South Africa, is assumed from the contact that the KwaZulu leadership made with other political/population groups, and the organizations that were formed with such other political/population groups.

CHAPTER II

THE PERIOD SINCE THE ADVENT OF THE WHITES IN NATAL UNTIL 1910

A The political awareness of the Zulus with reference to the pre-colonial period(a) Introductory remarks

The history of Natal centres around three racial groups, viz., Blacks, Whites and Asians.¹ It is said that over centuries Blacks moved from the region of the Great Lakes southward and ever southward, and gradually entered what is now the Republic of South Africa.² Scientific study has enabled us to differentiate Blacks into certain main ethnic groups. Of these groups it was the Nguni group which entered Natal, the group from which stems the Zulu and Xhosa-speaking peoples of the present day.³

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1. In or before the year 1300 the land which we now call Natal was inhabited solely by the pygmy hunters whom later generations called "Bushmen". (See article by Monisa Wilson in African Studies, Vol. 18 No. 4. Prof Wilson's article suggests that even the date 1300 might not be early enough).
 2. Brookes, H E, A History of Natal, University of Natal Press, 1965, p. 1.
 3. This group did not, of course, enter as a united and purposeful group, but the tribes which unsystematically and for various reasons did enter Natal, can all be classified as belonging to one or other Nguni sub-group. (See unpublished manuscript of A T Bryant in Killie Campbell's Africana Library, Durban).

When did this group actually cross the boundaries of present day Natal? Some authorities have fixed a date as late as the end of the sixteenth century. The modern tendency has been to push this date as far back as 1400 or even earlier. What we can take as certain is that when the Whites first appeared in the form of Vasco da Gama's expedition of discovery, it was the men of the Nguni group who observed these strangers from the shore.⁴

The Nguni who finally settled in Natal were a people who had advanced much further along the road of civilization than the nomadic Bushman hunters. Their culture revolved around cattle. While cattle were the particular core of the men, agriculture proper was still largely women's work. The Nguni grew, among other crops, millet and maize.

With plenty of game to hunt in addition to their regular food supplies, the Natal Nguni were in a position to live with reasonable comfort a fairly static life, at a considerably higher level than that of their predecessors. Socially they were a well-organised people, possessing a magnificently worked out system of law, and political institutions adequate for the surroundings in which they found themselves. Their law was mainly a law of persons, and only in a minor degree a law of contract. Birth in general fixed one's position in a society which, borrowing a term of Roman law, we may call "agnatic."⁵

Every woman was from birth to death under the guardianship of some man. The passage of cattle regulated her transfer

4. Brookes, E H, op. cit., p.2.

5. Loc. cit.

and more especially the transfer of the children to be born from her, from her father's family to that of her husband. A deep pietas, reinforced by law, protected age and station.

This, then, in terms of the utmost brevity, was the position of Natal when men of European race first saw it. No chronicles, no poet has told us the story of the extermination of the Bushmen. Some of them probably lived side by side with the Nguni⁶ and mixed their blood with theirs, while others were forced into the mountains. They could not maintain themselves even in the mountains, and left no survivors in Natal.

(b) The process of mutual acculturation and the conclusion of "Diplomatic Relations" with King Shaka

The pre-colonial period of White-Black interaction in Natal had not been incorporated into past and present discussions of South African frontier societies. For example historians like MacCrone,, Walker and Legassick have limited their focus to the Cape and Orange River regions where predominantly White Afrikaans-speaking settlers and British missionaries became involved with indigenous Black societies. However, in Natal, Black-White cultural adaptation and the breakdown of northern Nguni political power follow patterns similar to frontier regions in other parts of South Africa. The penetration

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6. Bryant, in an unpublished manuscript in the Killie Campbell Library, Durban, refers to the "remarkable, intimate relationship" which existed for some time between the Nguni and the Bushmen.

of White settlers into a territory clearly under the hegemony of the Zulu polity created that political instability characteristic of a frontier zone.⁷

In 1824, six men, under the leadership of Francis Farewell and Henry Francis Fynn, established a trading station at Port Natal (known today as Durban). They were acting as agents for Cape merchants who sought a large and ready market among the Zulus from whom they could obtain ivory, hides and maize.⁸ The traders hoped to develop a flourishing trade with the northern Nguni and re-route the flow of ivory and hides from Delagoa Bay through the port.⁹

Essential to the growth and security of trade at the port was the opening of "diplomatic relations" with the legitimate authority in the region, the Zulu kingdom under Shaka. By obtaining permission from Shaka to occupy land and to trade from the port the traders had, in effect recognized the legitimacy of Zulu rule in Natal. The small band of traders had no alternative to this in the face of the Zulu military dominance coupled with the unwillingness of the British government to extend its authority beyond the borders of the eastern Cape. Shaka regarded White traders as "client-chiefs" and expected

7. Ballard, C, The Frontier Interregnum, Journal of Natal and Zulu History, Vol. 5, 1982, University of Natal, p. 49.

8. Loc. cit.

9. Stuart James and Malcolm Mc K Duncan, (eds) The Diary of Henry Francis Fynn, Pietermaritzburg, 1950, p. 56.

them to render "service" to the Zulu state like other tributary chiefs within the Zulu political orbit.¹⁰

"Service" to the Zulu monarch could be of a military or an economic nature. Shaka, on two occasions, summoned the White traders to assist in military campaigns against his enemies. His successor, Dingaan, readily obtained the participation of the port settlers in three expeditions.¹¹ Although the English traders regarded themselves as British citizens, they demonstrated their flexibility in accepting a role of subservience to a Black political authority in return for security and trading privileges. By rendering services to the Zulu monarchs the White traders provide a fitting example of European mercantile adaptation to the political realities existing in a frontier zone. Furthermore the adoption of northern Nguni laws and customs as an alternative to metropolitan codes provide yet another example of the acculturation of White frontiersmen.

Shaka's wars of expansion in south-east Africa had depopulated the port vicinity and a severe dislocation of chiefdoms had resulted. Once these uprooted Nguni learned

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10. Ballard, C, op. cit., p. 50.
11. Stuart and Malcolm (eds), p. 238, 249-251. Although Fynn professed his aversion to fighting with the Zulu army against its enemies, he and other White traders, notably Isaacs and Cane, obliged rather than risk incurring the wrath of Shaka and Dingaan. For their efforts the traders were rewarded with gifts of cattle taken as spoils. Dingaan was the most lavish, especially after the successful raid on Sobhuza, King of the Swazi, when 1500 head of cattle were taken.

that the White traders had been given permission by Shaka to trade and settle, they began to cluster around them seeking protection and a better livelihood.¹² Thus the British traders gave protection and a better livelihood to the Nguni refugees while the British traders themselves were subservient to Black political authority in return for security and trading privileges.

The rapid influx of these uprooted refugees prompted the traders to organize their growing community along Zulu political lines for the traders were too few in number and lacked the materials and manpower to impose a metropolitan system of government on their Black wards. From all accounts, it would appear that the refugees quickly accepted the traders as their undisputed leaders and chiefs. Henry Fynn became chief of three kraals scattered from the Bluff south to the Umzimkhulu river.¹³ John Cane and Henry Ogle also governed three kraals each, in the vicinity of the port.

In 1832 traders from the British settlements in the eastern Cape colony trickled into Natal. The White population at the port increased from six to approximately thirty by 1838.¹⁴ Following the example of their predecessors (Fynn, Cane, Ogle), these men gathered Nguni refugees and fugitives from Zululand as clients. James Collis, Robert Dunn, D C Toohey and Richard (Dick) King, also assumed positions as chiefs over various kraals.

12. Ballard, C, op. cit., p. 51.

13. Loc. cit.

14. Loc. cit.

Another social characteristic was the scarcity, if not total absence, of a White female population. In order to offset this, White men frequently took wives and concubines from the indigenous population.¹⁵ The prevalence of cohabitation among the White chiefs and their Black female clients reflects not only the scarcity of White women but also the degree of integration that occurred in this society.

Three inferences can be drawn from the above: First, the opening of "diplomatic relations," though in the most elementary form, with King Shaka; Second, the White trader-chiefs were held in high esteem by their Black wards because of the security and employment afforded them; Third, it is evident that in consummating relationships with Black women, the White traders, or at least some of them, adhered to the northern Nguni marriage customs.¹⁶ Serious efforts were made by several White chiefs to legitimize their marriages by the payment of bride price in cattle (ilobolo). After the establishment of the British colonial rule in Natal, Henry Ogle publicly announced in a local newspaper that his eldest son by his first wife (for whom he had paid lobola) was his legal heir.¹⁷

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15. Brookes E H and Webb, op. cit., p. 20. Until the arrival of James Collis from Algoa Bay in 1832, only Francis Farewell had brought his wife to the post. -
 16. Krige, Eileen; The Social System of the Zulus, London, 1936, pp. 24-40.
 17. Welsh David, The Roots of Segregation, Cape Town, 1969, p. 98.

While Port Natal's White population adapted to northern Nguni culture, conversely, the White European values made an impression on northern Nguni society. The Nguni refugees had arrived at Port Natal in a destitute condition. The Mfecane had deprived these defeated people of their most tangible source of wealth, cattle. They were forced to turn even more to hunting, fishing and agriculture to survive. The traders at the port found this situation advantageous because the refugee agriculturists provided food in a community where Whites were not interested in crop cultivation owing to lucrative opportunities in trade. A regular supply of locally produced foodstuffs meant that the White settlers could devote more time and energy to their trading activities. Black agriculturists freed the traders from less and more expensive supplies imported from Algoa Bay or Cape Town.

The Black wards at the port became involved in the commercial activities of their White chiefs and this represents another fact in the acculturation of the Nguni refugees. They assisted the White traders in the ivory and hides trade as guides, hunters and carriers. Hunting expeditions under the direction of the White traders were organized in the search for elephant, hippopotamus and buffalo. The White traders trained a number of their Nguni adherents in the use of firearms and they adapted quickly to this new European innovation.¹⁸

18. Isaacs, N, Travels and Adventures in Eastern Africa, Cape Town, 1936 & 1937, Vol. II, pp. 40-41, 52-54.

(c) The demise of Zulu political hegemony in pre-colonial Natal

A plethora of political and economic factors contributed eventually to the demise of Zulu hegemony in Natal. Central to this theme is an examination of the diverse groups, both Black and White, that co-operated and fought each other on the Natal frontier. The disparity in values and aspirations between the various factions operating during this period generated friction that led ultimately to armed confrontation. Political divisions within Zulu society drove enemies of the king to the British traders for protection. This development opened a breach between the port and Zululand and the first rift in Black-White relations began at this point. The second stage in the erosion of Zulu power occurred with the arrival of Boer pastoralists who aligned themselves with the port settlers in contesting Zulu authority. The third phase in the challenge to the Zulu State came about with the defection of a powerful faction which combined with the Anglo-Boer forces to wrest power from the Zulu kingdom. Zulu resistance to White inroads was formidable and White usurpation of power would have been difficult, if not impossible, without the support of the Natal Nguni and rebellious Zulus.¹⁹

During Shaka's rule the vast majority of refugees was comprised of elements that were not incorporated within the Zulu kingdom. After Shaka's assassination, Dingaan's efforts to legitimize his rule met with resistance which the Zulu king attempted to eradicate through execution and confiscation of property. This internal dissension within the Zulu polity forced opponents of Dingaan to flee for

19. Ballard, C, op. cit., p. 56.

refuge to Port Natal, which by this time was recognized as a sanctuary.

By the early part of 1835 Dingaan had decided that more persuasive methods must be applied to the British traders as a coercive measure to halt the flow of Zulu deserters to the port. The immediate cause of Dingaan's aggressive posture is not certain but the defection of an entire Zulu regiment to Natal in the latter part of 1834 may have provided the impetus.²⁰ By April 1835 Dingaan's threats against Port Natal had reached such alarming proportions that self-interest compelled the traders to come to grips with the problem of Zulu escapees. The arrival of the missionary, Allen Gardiner, in February 1835 provided the means whereby a temporary solution to the political impasse²¹ was reached.

For a brief period both parties honoured the treaty. Anxious to ingratiate himself with Dingaan in order to begin mission work in Zululand, Gardiner took an active role in returning fugitives with the aid of traders, notably, James Collis. Dingaan made no further threats against the port for he was obviously pleased with Gardiner's efforts in solving the problem of escapees. However, at the end of 1835, two White traders violated the treaty of encouraging Zulus (especially young women) to renounce their allegiance and move to the post. Gardiner's influence over the traders waned when he fulminated against their unconventional living habits, particularly the taking of Black wives. Gardiner believed that the traders were guilty of "glaring

20. Ballard, C, op. cit., p. 58

21. Loc. cit.

derelictions from Christian duty"²² and had a baneful influence upon their Black wards.

Dingaan retaliated against the traders' violations by prohibiting all trade between Zululand and Port Natal and, with the exception of Gardiner, refused to permit any European from crossing the Tugela river boundary. That the Zulu king did not attack the port is attributable to the fact that all the traders and many of their clients possessed firearms. Secondly, faced with the threat of a Zulu invasion before Gardiner's treaty was concluded, the traders had organized under Alexander Biggar to defend the port against attack.²³ As the population of the traders and their refugee clients grew in size and strength, their confidence in defending their community increased.

Relations between the port and Dingaan were not entirely beyond reconciliation after the breakdown of the treaty. Tensions were eased somewhat when the traders consented to assist Dingaan's army in the recovery of cattle from Sobhuza, the king of the Swazi. Commercial relations were re-established as a result of the traders' invaluable assistance in the campaign. The upshot of all this was that Dingaan now demanded muskets and powder for ivory, hides and cattle. For a short time the traders willingly supplied him with firearms because of the exorbitant profits to be made.²⁴

22. Loc. cit.

23. Loc. cit.

24. Stuart and Malcolm (eds), op. cit.; pp. 249-250. A port trader, Blankenberg, received 40 head of cattle for 1 elephant gun and a small quantity of lead and powder.

Dingaan's insatiable desire for guns was probably caused out of a combination of two factors: first, a fear of a White invasion from the Cape colony; and second, a concern over the decline in Zulu military prowess as a result of Zulu reserves at the hands of the rival Khumalo and Ndebele clans.²⁵ A permanent breakdown in trader-Zulu relations came about in 1837 when asylum was once again offered to escapees, and shortly thereafter, sales of firearms were discontinued out of fear that Dingaan would use them against Port Natal.²⁶

The clash between trader and missionary on the Natal frontier intensified with Gardiner's return in 1838. Convinced that the influence of the British traders over the refugee Nguni had created a community that deviated from western christian standards, Gardiner sought out British officials at the Cape and in London with the aim of imposing British authority on the settlement. His arguments for annexing Natal as a colony were rejected by the colonial office yet he managed to have the Cape of Good Hope Punishment Act extended to British subjects living in South East Africa below 25 degrees latitude. Armed with this powerless decree and an appointment as Justice of the Peace, Gardiner returned to Port Natal in May 1838. Immediately upon arrival the missionary magistrate summoned the traders for a meeting where he announced his authority and banned all further sale of

25. Isaacs, N, op. cit. pp. 59-60; 79-80.

26. Felix, N C Okoye, "Dingane: A Reappraisal," Journal of African History, Vol. X no. 1, 1964, p. 230.

arms and ammunition to the Zulu king.²⁷

The traders, led by Alexander Biggar, repudiated Gardiner's decrees. Having no authority, and without police or funds to enforce his laws, Gardiner was compelled to leave Port Natal, moving twenty miles northward to the Tongaat river. The traders voiced their opposition to the Punishment Act by transmitting a written protest to Gardiner which stated that "Natal was not British territory, but a free settlement." The traders also expressed a desire for the British government to appoint magistrates to "protect and encourage them, not to threaten and imprison them." In other words, protect the lives, property and economic interests of the settlement from the Zulu menace without infringing on their social and economic liberties. The strained relations between Dingaan and the Port Natal traders created a political climate that hampered trade and motivated raiding and warfare.²⁸

The arrival of the Retief-Maritz contingent of Trekboers inspired the traders to adopt measures which would release them from economic and political control of Dingaan. In June 1837 news of the impending Boer move into Natal stimulated the traders to consider aligning themselves with the Boers. Not expecting any immediate establishment of British rule, the traders announced that when the Boers arrive "we intend to form an internal

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27. MacKeurtan, G, The Cradle Days of Natal; London, 1930, p. 200.
28. Galbraith, John S, Reluctant Empire: British Policy on the South African Frontier 1834-1854, Los Angeles, 1963, pp. 180-183.

government of our own, free from false measures and wavering policy of the neighbouring colony (Cape Colony), and we have no doubt but that everything will then go smoothly." ²⁹ Thus we see a second shift in the political allegiance of the British traders; first in 1824 from Briton to Zulu and then a second from Zulu to Boer in 1838.

However perturbed Dingaan had grown with the traders over the issue of Zulu refugees, he had tolerated their presence out of a fear of firearms and in the forlorn hope of obtaining guns to bolster his military power. The trekboers constituted a much more serious threat to continued Zulu hegemony over Natal. The thirty or so traders and their trainers could be effectively quarantined to the port vicinity, whereas the more numerous Boer pastoralists demanded large tracts of land in territory regarded by the Zulus as their sphere of influence. Dingaan's reaction to Boer penetration was to kill Retief and his party and launch a swift attack on the Boer encampments; the desired goal being to inflict such ³⁰ severe defeat as to force their withdrawal from Natal.

On 16 December 1838, the Zulu army was severely defeated by a Boer commando at Blood river. ³¹ Zulu domination of Natal was seriously shaken and Dingaan's credibility within the Zulu kingdom was weakened to the extent that rival princes and factions could openly challenge his authority. These fissiparous tendencies surfaced in September 1839 when Mpande revolted and fled with his

29. Ballard, C, op. cit., p. 61.

30. Loc. cit.

31. Mackeurtan, G, op. cit., p. 242.

followers to seek an alliance with the Boers. Taking advantage of this political rupture in the Zulu royal house, the Boers concluded an alliance with Mpande which decisively defeated Dingaan's forces. Mpande was recognized as king of Zululand by the majority of his people; Dingaan was eventually captured by the Swazis and executed.³²

(d) The change from Zulu to Boer hegemony in Natal

The British settlement at Natal fell within the domain claimed by the Republic of Natalia and for a brief 3 year period the community of traders, merchants and their Nguni clients willingly accepted Boer rule.³³ Zulu sovereignty in Natal had been successfully challenged by a combination of White-Black alliances. First, British traders and their Black wards had found common cause with the Boer pastoralists; second, Mpande's defection from Zululand to the side of the Boers had tipped the military balance firmly in the favour of the White frontiersmen. The territory claimed by the Boers and recognized by the Zulu kingdom had tentatively fixed the boundaries of the future colony of Natal. The last step required in "closing" the frontier was the restabilization of the region by an imperial power.

During the first 15 years of White penetration into Natal, the British government had been unwilling to exert its authority in the area. Policy makers at the colonial office had consistently refused appeals by the port

32. Brookes, E H and Webb, op. cit., p. 35.

33. MacKeurton, G, op. cit., p. 242.

traders and Gardiner to annex the territory. Natal was not considered economically viable or strategically vital enough to warrant the expense of annexation.³⁴

The change from Zulu to Boer hegemony over Natal cannot be viewed as the termination of a frontier situation. The replacing of a Black authority by a White dominated power structure represents only a shift in the direction toward White rule; it does not imply that a state of permanent hegemony has been reached. The struggle for political control in Natal was narrowed down to a contest between the two competing White authorities of Britain and the Republic of Natalia. Boer rule in Natal was short-lived because of the failure to consolidate authority over the dislocated Nguni refugees in an orderly and peaceful fashion.³⁵

The Zulu-Boer conflict produced an instability that inspired a massive flood of Nguni peoples to return to their former lands. The influx of nearly six thousand refugees in Natal between 1839 and 1842 meant increased competition for grazing and agricultural lands. Squatting and cattle theft were common and Boer attempts to deal with this inevitably led to indiscriminate raiding and rash retaliation. The British government was alarmed by Boer commando raids on south-eastern frontier tribes accused of cattle theft and by the Volksraad's plan for relocating the "surplus" Nguni population from the Natal midlands to lands on or near those settled by eastern Cape chiefdoms under British protection. These events

34. Galbraith, John S, op. cit, p. 181-183.

35. Ibid., p. 178.

convinced the British government that Natal must be annexed in order to prevent a renewed wave of chaos and violence from erupting on the eastern Cape frontier.³⁶

(e) Conclusion and evaluation of the process of acculturation

In any analysis of the acculturation of Blacks in Natal, one must bear in mind that the process affected two distinct northern Nguni communities at two levels of differing authority. The acculturation of the Nguni refugees at Port Natal was a degrading process because of their inferior status as clients of White chiefs. On the other hand, the acculturation of White chiefs was as well a degrading process in the sense that the White chiefs were de-facto clients in a subservient and subordinate status to the Zulu King. This dichotomy of political power and cultural influence in a frontier zone is a fluid and interchangeable phenomenon; one in which Black society can play both inferior and superior roles depending upon the degree of cohesion or fragmentation in Black societies.

The Zulu kingdom was influenced by White traders to a much lesser extent than the Nguni refugees. From 1824 until his assassination in 1828 Shaka welcomed the traders and allowed dispersed elements of the northern Nguni to settle under White supervision at Port Natal. It would appear, as far as records indicate, that Shaka never felt politically threatened by a White presence at the port. Shaka saw two advantages to be gained by allowing Europeans to settle in his domain: first, the traders could supply him with European articles and goods, which he highly prized; and second, the refugee population

36. Ibid., pp. 193-196.

would be concentrated under White client-chiefs totally dependent on his goodwill for economic and physical survival. Shaka clearly regarded the traders as subordinate allies and used them to his economic and political advantage.

The dissemination of White culture through trade was limited to only a privileged few within the Zulu kingdom, primarily the ruling hierarchy of royal princes, military leaders and the women of the royal harem or isigodlo.³⁷ In this way Shaka reelevated the status of his immediate ruling circle and effectively checked White influence by not allowing free and unrestricted trade with his subjects. Thus, the vast majority of Zulus were never given the opportunity to barter with the White traders, therefore economic acculturation was negligible.

B The political awareness of the Zulus during the colonial period with particular reference to the times of Theophilus Shepstone

(a) Introductory remarks

The transition period between the submission of the Volksraad (1843) and the arrival of the British officials (1845) had very important effects bearing on the future policy of Natal towards its Zulu population.

It is estimated that during the transition period not less than 80 000 Zulus entered Natal and subsequently became permanent residents in the Colony. It is perhaps useless to speculate now as to the possibility and advisability of

37. Ibid., pp. 201-203.

checking this influx. All that concerns us at the moment is that when the new British government entered into office at the end of 1845 it had to deal not only with 20³⁸ 000 but +100 000 Zulus, fifty times the number of Whites; and that it found the European population decreasing, the majority of the Afrikaner settlers, disgusted with the way in which the British government had dealt with them, having quitted the colony by the end of 1848.

The new administration had thus to face an entirely new position:- Natal had once again become largely a Zulu territory; and the problem now was how to rule and control the vast Zulu population without police, without money and with but a small military garrison.

(b) The character of the Zulus as seen by the 1846-47 and 1852-53 commissions

The military despotism of Shaka and Dingaan had apparently succeeded within a generation in making a dangerous individual out of the Zulu. Even when well-disposed to European government - "uhulumeni"³⁹ as the Zulus called it - he was not to be relied on.

Sir Theophilus Shepstone was a member of the Natal Native Commission of 1846-47 which described the character of the Zulus as follows:-

Their universal character, as formed
by their education, habits and
associations is at once
superstitious and warlike; their

38. Robertson, "1849 Settlers"; pp. 284-288 and 416-420.

39. "Uhulumeni" is a Zulu attempt to pronounce the Afrikaans word "government."

estimate of the value of human life is very low, war and bloodshed are engagements with which their circumstances have rendered them familiar since their childhood and from which they can be restrained only by the strong arm of power; their passions are easily inflamed, while at the same time they have grown up in habits of such servile compliance with the wills of their despotic rulers that they will still show ready obedience to constituted authority.⁴⁰

The 1852-53 Natal Native Commission, which was hostile to Shepstone's policy, repeats the above description of the Zulu character almost word for word, adding however that the Zulus were "crafty and cunning ... averse to labour and their general habits debased and sensual to the last degree".⁴¹

(c) The Locations Commission of 1846-47

Lieutenant-Governor Martin West,⁴² in his instructions to

40. Brookes, E H, op. cit., p. 42.

41. Loc. cit.

42. Lieutenant-Governor Martin West appointed the 1846-47 Commission on 31 March 1846 to report on Native affairs generally.

the 1846-47 Commission, had disapproved the scheme of more or less absolute segregation recommended by the Volksraad of the Republic. In its place Governor West suggested locations in the best disposable situation, to be hereafter conveniently superintended by one magistrate (each) and placed under the pastoral care of one or two missionaries each.

In recommending the location system, the Commission made several additional recommendations, namely:-

- (i) Each location was to be governed by a superintendent or resident agent of the Government who was to be furnished with one or more assistants according to the size of the location.
- (ii) Order was to be maintained by a Black police force officered by Whites.
- (iii) In each location a "model mechanical school" was to be instituted, where "the useful arts should be taught and practically illustrated".
- (iv) In each location, systematic agricultural instruction was to be given by the superintendent.⁴³

However, nearly all the constructive suggestions of the Commission were turned down by the British Colonial office. All that could be done was to lay out the locations and induce the Zulus to move into them. This in itself was a formidable task, as there was no military force to back up the government. Nevertheless by

43. Brookes, E H, op. cit., p. 43.

judicious and tactful methods Shepstone - on whom the whole burden fell - was able to place 80000 Zulus in fixed homes in different parts of the country, without the loss of a single life - White or Black. It is one of the most brilliant pieces of administrative work recorded in South African history.

It may be said that the whole operation was carried out in direct opposition to the instructions of Earl Grey, who was naturally afraid of the result of moving large masses of tribal Zulus. He recommended that the actual construction of locations should wait until the Executive Government was armed with military power sufficient to render all resistance to its authority hopeless. Lieutenant-Governor Martin West, however, pointed out that further delay would be equivalent to the abandonment of the whole country to the Zulus. The Location System was not, as the 1852-53 Commission suggested, a negrophilist scheme to hand great tracts of land over to the Zulus, but an insurance to save some parts of Natal for Whites.⁴⁴

The measures of the 1846-47 Locations Commission in Natal have been very vehemently attacked; but they were undoubtedly the best way out of a difficult position, remembering that the British Colonial Office would not approve any segregation scheme. As for the "excessive size" of the locations, it must be remembered that they were and are often the most barren, wild and broken parts of an exceedingly rugged and picturesque division of South Africa. Only small portions here and there are suitable for cultivation and much of the land is not even fit for pasturage, but only for the habitation of the eagle and

44. Ibid., p. 44.

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the baboon.

(d) Criticism of the Locations Commission by the 1852-53 Commission

Shepstone's task of laying out the locations was not popular in Natal, and the 1852-53 Commission was followed by an equally vigorous and very illuminating onslaught on the recommendations. "They failed" - so the report of the 1852-53 body runs - "chiefly owing to the size of the locations it recommended, which led it to trespass largely on the private rights of proprietors of farms - and also dried up the source whereby an abundant and continuous supply of Kaffir labour for wages might have been procured".

The 1852-53 Commission then proceeded to sketch out a constructive programme which formed the kernel of their policy. All that they were concerned with, as landowners, was an abundant and continuous supply of Black labour for wages. With this object in view they recommended agricultural education of an elementary type for the Zulus; and economic pressure, by means of hut and other taxation; and by introducing individual tenure of land in the locations with the consequent necessity of earning money to purchase a holding, which might constrain Zulus to come out and work as agricultural labourers on a White farm. They should be taught to respect the White man and realize their own immense inferiority. Apparently, in order to assist in achieving this desirable end, the 1852-53 Commission recommended that immigration from England should be encouraged of unskilled agricultural labour, of

which the schools would be a useful recruiting ground.

(e) Developmental objectives of the Locations Commission

The proposal of the Locations Commission entailed the planned and supervised modernization of the Zulu society, but the British Government, constrained by fiscal stringency, refused to advance the means to achieve these objectives.⁴⁷ Theophilus Shepstone was perforce limited to removing the bulk of the Zulu population to great territorial locations where he personally supervised their government under customary law. Thus emerged the so-called Shepstone system, based on appointive chiefs and the perpetuation in modified or reconstructed form of tribal organization in a constellation of locations, under the trusteeship of the British government in the persons of Shepstone and the Lieutenant-Governor of Natal as "Supreme Chief".⁴⁸

The Zulus were somehow eventually supposed to acquire "civilization" but the effect of the system tended to preserve traditionalism from all-out "amalgamation". As the number of settlers increased and acquired a measure of self-government with municipal institutions and limited legislative representation in the 1850's, it became more difficult to reconcile their views on the status and role

47. Swanson, M W, The Urban Factor in Natal Native Policy, 1843-1873; From: Journal of Natal and Zulu History, Volume III, 1980, p.2.

48. Woolfson, F, "Some aspects of the Native Administration under Theophilus Shepstone, 1857-1865". (Unpublished M.A. Thesis, University of Witwatersrand, 1946).

of the Zulus with those of the authorities for whom the Shepstone system was a touchstone of good order and imperial interest.

Colonists attacked the location policy associated with Shepstone as the source of their frustration and insecurity, isolating the Zulus from the civilizing effects of work and perpetuating barbarism to the danger of everyone. They pressed for the breakup of the great locations into smaller ones and the end of customary law. The Zulus would then be forced by necessity to work for the Whites and thus be speedily amalgamated to civilization.⁴⁹

(f) Change from Zulu to British hegemony in Natal: The end of the Zulu kingdom

(i) Introduction

In 1879, when British troops, supported by colonial forces, invaded the Zulu kingdom, the Zulu people resisted this assault on their independence with such vigour that they not only inflicted on the invaders one of the greatest defeats in the history of Britain's colonial wars, but they also impressed the name "Zulu" indelibly on the popular imagination of Europe and America.⁵⁰

49. Bird, J, "Shepstone's task", in The Form of Constitutional Government Existing in the Colony of Natal, London, 1938, pp. 230-232.

50. Guy, J, The Destruction of the Zulu Kingdom, Longman Group Limited, 1979, London, p. XIX.

At one level this can be seen in the way in which the name "Zulu" has entered popular speech and writing over the last century and has become widely identified with an idea of traditional African savagery, bravery and barbarous nobility. It has been used to name, and to sell an extraordinary range of commodities, particularly when such qualities as speed, vigour or blackness need to be emphasized. A successful film, purporting to be about the British invasion, was simply called "Zulu", and another film of this genre was inexplicably named "Zulu Dawn,"⁵¹ and the South African Broadcasting Corporation has on television given much publicity to the South African made film "Shaka Zulu."

The Zulus and their kings have undergone a different, but no less radical, transformation in the minds of the English reading public. The outlines of the process can be traced from the first missionary and traveller accounts to the 1860's when Bishop Colenso caught the public's attention by writing of the "intelligent Zulu" whose penetrating questions were the origin of Colenso's notorious biblical criticism. In 1879 the Zulus came suddenly and dramatically before the world with the news of the British defeat at Isandlwana, the defence of Rorke's Drift, the killing of the Prince Imperial, and Disraeli's famous comment on the remarkable Zulu people who convert our Bishops, defeat our generals, and put an end to a great European dynasty. All this was intensified by the grotesque imagination of Rider Haggard who became the great popular writer of his time by showing the Zulus "as they were, in all their superstitious madness and

51. Loc. cit.

bloodstained grandeur";⁵² and who successfully confused in his readers' minds campfire anecdotes about the rise of Shaka with the later history of the kingdom.

(ii) The Battle of Ulundi (July 1879)

The conventional view that equates the end of Zulu power and independence with the British military victory at Ulundi in July 1879, is a misleading oversimplification.⁵³ It is an interpretation which ignores the fact that, by the time the battle was fought, the intensity of Zulu resistance had already persuaded London that the cost of ending Zulu independence by force of arms would be too high, that the officials who had brought about the war had been checked, and that orders had been given that Zululand should not be annexed. Nevertheless Isandlwana could not go unavenged; Britain's colonial people's had to be convinced of the Queen's military superiority, and the "stain" on Britain's honour had to be wiped out. To achieve this the battle of Ulundi was promoted to the rank of a major military victory.⁵⁴ Peace was in fact attained by promising the Zulu people that they would retain possession of their land if they

52. Cohen, M, Rider Haggard: His Life and Work; London, 1968, p. 227.

53. Guy, J, op. cit. p. XXI

54. Loc. cit.

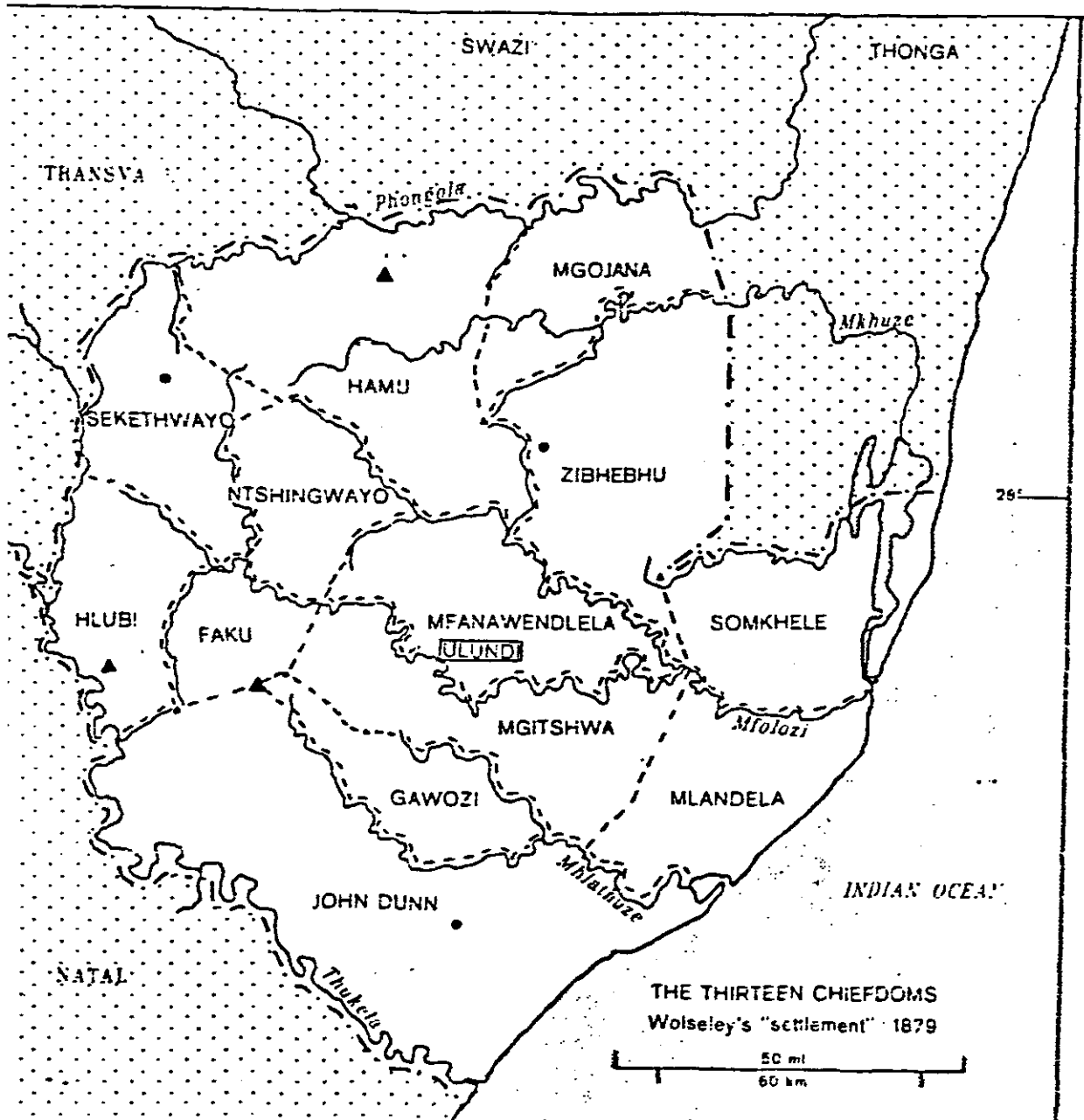
laid down their arms.⁵⁵

The intension of those who planned the invasion of 1879 was to terminate Zulu political independence by means of a decisive military victory. The Zulu army thwarted this, but the imperial power had to hide this fact and Wolsely's settlement was built on this deception.⁵⁶ As a result the war became merely the first stage in a prolonged process during which metropolitan and colonial forces undermined the strength of the Zulus by exploiting divisions within their society, and brought about a civil war which left the country and its people open to political subjugation and economic exploitation after King Cetshwayo had been exiled.

(iii) The Civil War with particular reference to the Second Battle of Ulundi in July 1883

Wolseley was aware of the fissiparous tendencies in

55. In terms of the Woseley Settlement Plan, the Zulus were to be ruled by 13 British-appointed chiefs. (see map on the following page) An agreement was signed (by only 4 of the 13) which, inter alia, bound the Zulus to abolish their military system; respect their new boundaries; not to import firearms nor engage in any trade which did not reach them through Natal or the Transvaal; not to alienate land.
56. For details of the Settlement of Zululand according to Wolseley's plan, see Guy, J; The Destruction of the Zulu Kingdom, pp. 69-72.



Zulu society,⁵⁷ and connoted a settlement that succeeded in dividing the royal house into hostile factions, thus destroying Zulu national unity. The origin of the Zulu civil war of 1883 can be traced to the factional divisions and royal rivalry that simmered beneath the surface. The interests of imperial Britain and colonial Natal triggered latent Zulu factionalism into open civil strife.⁵⁸ When the thirteen chiefs accepted their appointments from the British Government, they represented a new order for radical social, political and economic change in post-war⁵⁹ Zulu society.

The eruption of full-scale civil war in Zululand in 1883 was the climax of a pattern of political violence, rebellion, and economic distress that had developed out of conditions of the settlement of Zululand at Ulundi. The continuation of the rule of the thirteen chiefs rested on two pre-conditions first, that Cetshwayo should never be allowed to return to Zululand; and secondly that the Usuthu

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57. Internal disorder was a feature of Zulu political life throughout the kingdom's history. Dingane, Mpande and Cetshwayo had all won their thrones by assassinations or civil war.
58. Ballard, C C, The Trans-frontiersman: The Career of John Dunn in Natal and Zululand 1834-1895; D. Phil Thesis, University of Natal, 1980, p. 294.
59. By "post-war" Zulu society we refer to the society after the first Battle of Ulundi in July 1879.

royalists⁶⁰ should be prevented, at all costs, from fomenting discontent and rebellion against the appointed chiefs.⁶¹ To prevent the restoration of King Cetshwayo the chiefs needed the support of forces both within and outside Zululand. John Dunn, who at that time was not only the principal political adviser to Sir Garnet Wolseley on the settlement plan, but was also the appointed chief of the largest and wealthiest of the thirteen districts carved out of the Zulu kingdom, entered into an alliance with Cetshwayo's most fierce opponent in Zululand, (also an appointed chief) Zibhebhu, chief of the Mandlakazi. Dunn was also intent on maintaining the favour and continued support of the imperial government through a policy of firm and efficient role in "Dunnsland", and by appearing as a force for moderation and unity through the exercise of moral suasion or political coercion over the other twelve chiefs.⁶²

Thus the terms of the settlement of Zululand created the volatile political conditions which fostered the growth of a restoration movement among the Zulus and their humanitarian supporters in Natal and England. The turbulent period of the Zulu civil war may be attributed to the interaction and confrontation of three "main streams of historical forces" which were found in Zululand

60. By the "Usuthu" royalists we refer to those Zulus that remained loyal to the king and wished him to be restored.

61. Ballard, C C, op. cit., p. 290.

62. Loc. cit.

in the 1880's: "the one with its source in Zulu history, the other in imperial Britain, and the third in the settler communities on Zululand's borders."⁶³

The settlement of Zululand had disposed of much of the traditional political order and insisted on radical changes in the structure of Zulu society. These substantive changes required the presence of a sizeable and costly administration, but the Conservative and Liberal Governments were both precluded from adding Zululand to Britain's dominions after Isandlwana; the heavy expenditure of the war had rendered such a policy unacceptable to the British Government.⁶⁴

In fact the original intention of the British government was to return Cetshwayo to Zululand so that he could set up a self-supporting system of government over the people occupying this block of territory and the coastline.⁶⁵ The cost to Britain would be slight and the country would be susceptible to informal British influence. Settler Natal found these proposals intolerable. The African did not appreciate "magnanimity"; it would be interpreted as weakness if Cetshwayo was restored, and would encourage Blacks throughout Southern Africa to resist progress. Thus the Natal officials recommended in the strongest terms the partition of the country, and the British Government, lacking the confidence to go against the advice of a man like Sir Theophilus Shepstone when it came

63. Guy, J, op. cit., preface.

64. Webb, W P, Britain and the Zulu People; p. 306.

65. Guy, J, op. cit., p. 241.

to native affairs, did not oppose the recommendation.⁶⁶

As a result Cetshwayo returned to a deeply divided country and immediately war broke out between those who supported his return and those who had opposed it.⁶⁷ It was in fact the result of the active encouragement and support given by the officials to individuals within Zululand who opposed the king and the Usuthu, in order to destroy any chance of the re-emergence of a united independent Zulu kingdom.

The Usuthu tried to defeat Zibhebhu, but were destroyed by fine leadership and modern weapons used by Zibhebhu. Driven from their homes, the Usuthu were attempting to launch another offensive when Zibhebhu forestalled them by a surprise attack on Ulundi which virtually annihilated the leaders of the old political order, and drove the king into hiding. It is this battle, the second battle of Ulundi in July 1883, which marks the end of the Zulu kingdom, not the face-saving demonstration of British fire-power at Ulundi four years before.⁶⁸ In 1879 Wolseley persuaded the Zulu to lay down their arms by offering them their land; in 1883 the Usuthu's enemies drove them into the forest and denied them access to their land.

(iv) The aftermath of the Civil War and its effects on the life-style of the Zulus

In essence the struggle which took place in

66. Ibid., p. 242.

67. Loc. cit.

68. Loc. cit.

Zululand between 1879 and 1884 was between representatives of the pre-capitalist and capitalist formations; between representatives of the old Zulu order working for the revival of the kingdom, and those trying to ensure political division as a prerequisite for subordination to capitalist production. And although the story told here is only a fragment of Zulu history which itself is only a small part of the history of Southern Africa, it does illustrate a fundamental historical event, one manifested on widely different timescale and in a multitude of forms: the separation of producers from their means of production and the products of their labour; the dissolution of the pre-capitalist social formation.⁶⁹

Of course historical events are never neatly self-contained; the pre-capitalistic Zulu social formation was showing signs of the changes to come long before 1879, and precapitalist features continued to exist after 1879. But there was a fundamental difference between the life of the Zulu before 1879 and their way of life after 1884. In the former period they were in possession of their land and largely in control of their labour and its products: after 1884 they were losing this possession and control. These changes were initiated by external invasion and perpetuated by civil war.

There has been a tendency to interpret the civil war solely in terms of conflict within Zulu society. This tendency suggested that many groups which made up the Zulu kingdom were deeply divided and once the

69. Ibid., p. 243.

authoritarian rule of the king was removed, these rivalries emerged in violence. Holders of this view then go on to condemn Britain for her "irresponsibility" in failing to intervene to save the Zulus from themselves.⁷⁰

This standpoint is inadequate. As already pointed out, three dominant historical forces can be discerned in the events in Zululand between 1879 and 1884: one with its origins in Zulu society; another in the settler communities bordering on Zululand; and the third from metropolitan Britain. Between and within these groups were factions moving towards capitalist domination of Zululand, and factions attempting to revive and retain the pre-capitalist system. It was the tension between these factions that drove the Zulus into civil war and the destruction of the old order.⁷¹

One does not have to accept the idea of a Zulu Arcady, that life was essentially egalitarian, or that the social structure was in any way "organic," to understand that the pre- 1879 Zulu social formation created in its people a self-sufficiency and a sense of totality which they knew was intrinsically valuable and was absent in the manner of existence that their enemies wished to force on them. The division of labour in the Zulu kingdom was not highly developed. Once mature the great majority of Zulus were entitled to land and they worked it themselves, retaining a good proportion of its produce for their use. The destination of the surplus that was extracted was known, and the purpose to which it was applied included their own

70. Ibid., p. 244.

71. Loc. cit.

security. Men and women remained in close proximity to the instruments and means of production, and were involved in the labour process from start to finish. When disasters occurred there were a number of social devices to pull any individuals who had lost access to the means of production back into the productive process.

Shepstone tended to fall back on mechanistic metaphor when describing the Zulu society of that period.⁷² He conceived the independent kingdom as a steam engine, and the military system as its boiler about to explode with disastrous consequences both to the engine itself and all in the vicinity. Zulu society after 1879 was likened to a watch that had been allowed to run down. The exiled king was the key. If he was restored, the officials alleged, the mainspring would regain its tension, the cogs would turn, and the Zulu regiments would assemble again to threaten the peace of Southern Africa. And in his arguments for the partition of Zululand Shepstone revealed that, in spite of his reputation as the man who had acquired the secret of African government, he was in fact a captive of the imagery and ideology of 19th century European capitalism: thus he proposed a Zulu scheme which "contains so many self-adjusting balances, all the springs which ... are put into operation by the instincts of self-preservation and self-interest."⁷³

Against this statement we must place the Zulu image of the king as a bird giving protection and ensuring the fertility of its eggs without regard for individual self-

72. Ibid., p. 245.

73. Loc. cit.

interest - the eggs which were left to rot when the great bird (i.e. Cetshwayo) died in 1884.

The 1880's saw the physical destruction of the Zulu kingdom. And yet the kingdom is still a potent element in African life and politics in Southern Africa. The memory of the kingdom, its history, its victories as well as its defeats continue to influence events in a transformed situation. The survival of the kingdom into the last quarter of the 19th century meant that it existed within the lifetime of many of the men who articulated and organised the first social and political protests against colonial rule in Natal. Searching for an acceptable programme, alienated by their colonial backgrounds, and closely related to the Zulus, they identified readily with the kingdom and its long history of independence. The House of Shaka has had an emotional appeal which remains⁷⁴ an important factor in African thinking.

C Political consequences of the formation of the Union of South Africa in 1910

(a) The formation of the Union of South Africa

In 1903, an intercolonial commission was appointed to study native affairs, with a view to arriving at a common understanding upon questions of native policy.⁷⁵ It made a number of recommendations, especially in regard to a limited representation of Blacks in the legislature. But in view of the divergent native policies of the four

74. Loc. cit.

75. Buell, R L, The Native Problem in Africa, The MacMillan Company, New York, 1928, p. 7.

different colonies, the South Africa Act of 1909, establishing the Union, scarcely mentioned the native population. It merely provided that half of the eight senators nominated by the government should be chosen on the "ground mainly of their thorough acquaintance ... with the reasonable wants and wishes of the Coloured races in South Africa."⁷⁶ Members of the senate and the assembly must, however, be of European descent. Legally, therefore the position of the natives, and this includes the Zulus, was less secure now than it had been before the Union.

As a result of the Act of the Union, the four colonies became provinces, each governed by an administrator and a provincial council, with power to make ordinances subject to the veto of the Governor-General. Each province was entitled to receive a grant from the Union primarily for educational purposes; while it could also levy and collect certain local fees and taxes. In view, however, of the unlimited legislative power of the Union parliament, the provincial councils had so little discretion and they expended so much money that their suppression was being advocated in some quarters.⁷⁷

(b) Conclusion and evaluation

While in 1910 the old Zulu monarchy was non-existent, the tribal system, though slowly decaying, retained much of its power.⁷⁸ Most Zulus in the colony - i.e. all but a few "exempted" persons - were in matters of civil law subject to the code of 1891, which enacted as a law, could

76. Loc. cit.

77. Loc. cit.

78. Brookes, E H, op. cit., p. 249.

only be amended by the Natal Parliament, most of the members of which were not interested in the details of the customary law of the Zulus.⁷⁹ The value of the code was that it supplied magistrates who may not have been experts in tribal customs with a clear guide to the law and ensured uniformity. Its danger - and it was a very great danger - was that in an area of intense acculturation it fixed and retained customary law as it was at a given moment of time.

By 1910 Zululand had become in all essentials an ordinary part of Natal.⁸⁰ The Zulu royal family was in eclipse, the chiefs were merely government functionaries working under the magistrates. The formidable Zulu army was no more. Zulu tradition survived in the reserves, feeding on its own narrow intensity: on the other hand missionary work and education flourished and produced Zulus who were sharply contrasted with the ultra-conservative tribal rulers.⁸¹

79. Loc. cit.

80. Ibid., p. 255 (see map on following page).

81. Loc. cit.



The Colony of Natal, 1910.

CHAPTER III

THE PERIOD SINCE THE UNION OF SOUTH AFRICA IN 1910 UNTIL THE
NATIONAL PARTY CAME TO POWER IN 1948 - PRINCIPAL LEADERS,
ACTORS, AND ORGANIZATIONS

A The policy of apartheid: An overview

(a) The meaning of the word "apartheid"

The word "apartheid" is an Afrikaans¹ word meaning literally "separateness." One will not find the word apartheid in the edition of the standard Afrikaans - English dictionary published as late as 1946,² and used in schools and universities of South Africa. The word "apartheid" achieved lexical legitimacy in 1950. In the first volume of the definitive Afrikaans dictionary published by the government, apartheid is defined as:

a political policy in South Africa
based on broad principles of: (a)
differentiation according to
differences of race and/or colour
and/or level of civilization, as

1. Afrikaans, by law one of the official languages of the Republic of South Africa, is a derivative of the Dutch language introduced by the settlers who came from Holland in 1652. Their descendants - those who regard Afrikaans as their mother tongue - are Afrikaners.
2. Tweetalige Woordeboek (Afrikaans-English) deur Prof D B Bosman, I W van der Merwe, M A en ander (Nasionale Pers, Beperk, Kaapstad, Bloemfontein en Port Elizabeth, 1946).

opposed to assimilation; (b) the maintenance and perpetuation of the separate identity of the different colour groups which the population comprises and the separate development of these groups according to their own nature, tradition and aptitude, as opposed to segregation.³

Apartheid comprises four elements: (1) the enforced separation of White and Black; (2) the control of Black movement and employment;⁴ (3) the "separate development" of the Black groups; and (4) a police-state apparatus, controlled by a White minority, designed to curb resistance and opposition from the Black majority comprising over 80% of the population.⁵

(b) A functional approach to racial inequality in South Africa

The Afrikaner sees as his task in South Africa the

3. Woordeboek van die Afrikaanse Taal A-C Die Staatsdrukker, Pretoria, 1950.
4. It will be noted that some of these elements have since been relaxed by the "Reform Process" as set out by the State President, P W Botha. For example the introduction of a uniform identity document in the place of the "Dompass" or "Reference Book" has considerably relaxed Black movement & employment.
5. Rubin, L and Weinstein, B, Introduction to African Politics: A Continental Approach; Praeger Publishers, New York, 1977, p. 113.

maintenance of the identity of the White man.⁶ In that task many are prepared to die fighting. Many believe that the Afrikaner nation was placed in this country by God's hand and is destined to remain as a nation with its own character and its own mission. Fundamentalists reason that God intended men to be different, and that it is His purpose that they remain different, otherwise He would not have made them different in the first place.⁷ A leading article in an (Afrikaner-Church) newspaper stated: "God, the great Divider, found it good to establish boundaries between people and groups of people."⁸

While functionalists stress the peaceful nature of race relations in South Africa, there are latent in their observations two basic assumptions:-

- (1) that peace is dependent on the interests of the upper group (i.e White) being protected and;
- (2) that peace will be disturbed if the stratification system is altered, i.e. integration will unleash hostility.⁹

Functionalists emphasise the role of the White man, the upper group, in developing the country, in training and guiding the uneducated, unmotivated Blacks: "It can now —

6. Forsyth, C F and Schiller, J E (editors); Human Rights: The Cape Town Conference (Proceedings of the First International Conference on Human Rights in South Africa 22-26 January 1979); Juta and Co; Cape Town, 1979, p. 52.
7. Loc. cit.
8. Die Kerkbode; 11 January 1961.
9. Forsyth, C F and Schiller, J E op. cit.; p. 52.

be taken as axiomatic that the progress of any country is dependent on the White-Black ratio. The more White men the greater the progress."¹⁰ It is frequently and quite correctly stated that all the work has been performed by Black hands. "But until these hands were directed by White brains they built nothing more complex than mud and pole huts roofed with grass. White brains, skills and capital are the key to African progress."¹¹

Defying the current emphasis on human rights and equality for all in the rest of the Western world, many White South Africans, in the tradition of earlier times, take economic and educational inequality for granted, especially between the races. It is, in their view, due to a very natural development. Inequality results from individual differences in ability and motivation and is the primary mechanism by which society maintains order and motivates its members.¹²

While admitting that there is no proof of the inherent superiority or inferiority of any race, many South African Whites refer to the "inherent conservatism of primitive races" and the "firmly held belief in the superiority of European culture."¹³ Few White persons in responsible positions today would claim publicly that the Whites are

10. Loc. cit.

11. Cloete, S, South Africa: The Land, its Peoples and Achievements; Da Gama, Johannesburg, 1969., p. 71.

12. Forsyth, C F et. al., op. cit; p. 52.

13. South Africa in the Sixties; South African Foundation, Johannesburg, pp. 199-200.

inherently superior to Blacks but a subconscious, if not conscious, sense of superiority underlies some of their attitudes and behaviour.

According to critics of the South African Government, the social and political structure of South Africa, based on racial domination, is in itself a denial of all primary ethical concepts.¹⁴ For that reason they do not see the government as representing even the Whites. The South African Government, to them, is hostile to the interests of the community - the exact opposite of what a democratic government should be.¹⁵

P L van den Berghe, a critic of the government, describes South Africa as an example par excellence of what he calls a "plural society."¹⁶ It is characterised by the absence of value consensus and consequent excessive coercive measures to enforce the laws of the land. There is a proliferation of separate societies based on racial distinction with different goals and opportunities, different values, different institutions and facilities and different and often conflicting points of view.¹⁷

Van den Berghe regards the South African situation as an obvious application of Hegelian dialectic in which change is bound to be abrupt, qualitative and revolutionary, and

14. Forsyth, C F, et. al., op. cit., p. 54.

15. Loc. cit.

16. Van den Berghe, P L; "Towards a Sociology of Africa" Social Forces, 1964, pp. 11-18

17. Ibid. pp. 13-15.

where conflict is fostered.¹⁸ The syndrome of White domination is the "major source of conflict" and is "calling forth its opposite and is sowing the seeds of its own destruction... White supremacy is busily digging its own grave in many ways other than ideological ... South Africa, and, more generally, pluralistic societies, call for a model of change which gives conflict, contradiction, revolution, and malintegration a prominent place."¹⁹

(c) Government strategies for change from apartheid

The South African Government strategies for change from separate development are based on the following propositions:-

- (i) Meaningful change is likely to emerge in South Africa only with the collaboration of decisive sections of the White ruling group.²⁰ In anticipation of imminent challenges, the apartheid state has strengthened itself economically and militarily to such an extent that at the moment no revolutionary movement on its own is able to defeat this state. Except for an unlikely regional war with massive superpower interference, South Africa's racial minority monopoly is certain to continue for the time being, despite its universal repugnance. An unjust regime is not necessarily an unstable one! Current unrest, particularly in the Eastern Cape (Uitenhage in 1985-86) and Natal (the fatal violent clashes in Pietermaritzburg, and

18. Ibid., 1965, pp. 278-281.

19. Loc. cit.

20. Rotberg, R I et. al., Conflict and Compromise in South Africa, 1980, p. 146.

Hammersdale areas between Inkatha and United Democratic Front (UDF) (1987) has however, paradoxically shown that a stable regime is not necessarily a happy one and therefore not always ideal.

(ii) The costs of maintaining separate development in South Africa are increasing through the increased internal unrest, escalating (terrorist) incursions and international ostracism.²¹ In this fragile situation, Pretoria now tries to cut its costs by policy adaptations to new exigencies. The shortage of skilled manpower in a booming economy has led to abolitions of certain training and mobility restrictions for Blacks. A growth-oriented policy demands modifications of traditional apartheid regulations. The Afrikaner ruling elite has offered a new alliance to English business to achieve an optimally mobilized war economy in their mutual interests. In this endeavour an emerging Black petty bourgeoisie in the Homelands and urban townships is actively courted to form a conservative bulwark against an increasingly politicized youth.

(iii) It would be false to dismiss these policy changes (i.e. the reform process) as merely cosmetic. Of course, they do not tally with Black expectations. But neither do they indicate inflexibility. They present adaptations of a sophisticated control system that re-arranged the switches and rewired the bureaucratic machinery to make it more efficient.²² If the system so far

21. Loc. cit.

22. Ibid., p. 149.

did not go further in reforming itself, it is because there was no pressing need, not because it was incapable of doing so. Thus one of the government's strategies for change is to adapt its policy when there is a pressing need, i.e. when pressurized.

- (iv) These reformist policies have strained the cohesion or togetherness of the Afrikaner ruling group. Deep cleavages and heated controversies about strategies and tactics of privilege-maintenance reveal conflicting interests and reflect class positions of Whites. Heated ideological debates about the essence of White survival reflect conflicting perceptions of identity in a group that is often falsely portrayed as a monolithic group. A complete disintegration of the Nationalist Party would open the possibility of new political alliances within the White camp and across the colourline. It is this leverage for Blacks which can be considered the most promising hope for change in the short run. However, the need for internal pacification in the light of a growing Black militancy accounts for new emphasis on previously neglected policies.

The most important implication of South Africa's extraordinary economic development, and accumulated wealth, lies in the vast leverage it affords the regime to manage internal conflict. The state can afford to bribe a hesitant Homeland leadership into accepting Pretoria's designs for independence. In the case of Ciskei, Minister P J G Koornhof is reported to have said: "Independence: we'll make it attractive!"²³ This includes payrolling the entire client bourgeoisie:- "The rapidly expanding middle

23. Charton, N, Ciskei Independent?: Reality, New Haven, Yale University Press, 1981, pp. 10-11.

class of politicians, chiefs, civil servants, teachers and merchants are all dependent on the state for salaries or loans; and the Ciskeian state is dependent on South Africa. These people form a privileged class tied to South Africa's chariot wheels by bonds of common economic interests."²⁴

In short, Afrikaner Nationalist hegemony is indeed willing to negotiate on the policy of apartheid, but it wants to do so only on its terms. It is in the process of extending state patronage to collaborating ethnic elites, as long as Afrikaner Nationalism has the decisive say in selecting new elites. It aims at cross-ethnic alliances and is even prepared to share power and abandon apartheid for its Black counterparts as long as Nationalist Afrikanerdom retains ultimate control. In this process race has, indeed, become irrelevant for power holders. What has been jettisoned is the commitment to retain Afrikaner sovereignty, if necessary on a much smaller scale. It is for this purpose alone that all kinds of modifications of traditional apartheid are contemplated.

(d) Conclusion

The unfulfilled Black expectations in a too slowly liberalizing society may constitute a necessary but not sufficient pre-condition for a successful revolution. The co-operation amongst the rulers i.e. the co-operation between the South African Government, the Homeland leaders

24. Loc. cit.

and urban Councillors, can be used to undermine the unity of the oppressed. The deep cleavages among the Black apartheid opposition - groups (e.g. UDF and Inkatha) are a stumbling block to successful revolution. At present there is even a serious clash between the mother-body UDF and AZAPO. Hence, different Black priorities emerge which often result in fighting each other than in fighting the common source of the malaise. In this vein, middle-class Blacks are mainly concerned with asserting their violated dignity through acts of symbolic liberation (Black Consciousness); migrants and peasants focus, above all, on material improvements by working within the system (Inkatha, Unions); for exiles confrontation and disassociation remain crucial (ANC); finally, the liberal White apartheid former opposition (PFP) aims primarily at negotiated security and economic stability.

B The African National Congress (ANC): Its opposition to apartheid and the role the Zulus played in it

(a) The formation of the African National Congress and its stand as far as the policy of separate development was concerned

The formation of the Congress was very largely the outcome of a debate over Native policy and the growing alarm at Britain's failure to insist on an extension of Cape policies at the conclusion of the South African War.²⁵ When after the intense debate concerning the Union and the colour bar clauses of the South Africa Act, the new legislature passed a series of racially discriminatory measures, the Congress was formed by individuals who had

25. Walshe, P, The rise of African Nationalism in South Africa C Hurst & Co., London, 1970, p. 414.

forseen and were appalled by these trends. Having idealised the Cape tradition, they oriented the Congress towards the non-racial principles of that colony's constitution.²⁶

The injustices of the Native Land Act of 1913 confirmed congressmen in their fundamental opposition to racial discrimination.²⁷ Yet once it became clear that the Government was adamant and that there was no prospect, at least for that moment, of the Cape's policy being extended, an attempt was made to seek an understanding with the authorities. In this way the Congress sought to mitigate the hardships involved and to establish means of consultation which might lead to a later re-orientation of policy. By the early 1930's localised segregation had consequently been accepted. While territorial segregation was rejected, the plea became one for an increase in the size of the reserves and for provision of African freehold in the segregated urban locations.

It was in this context that Native Councils were seen as institutions of local government in the rural areas and Locations Advisory Boards were welcomed as a first step in the urban areas. The Government Native Conferences, established under the Native Affairs Act of 1920, were also seen as a progressive step providing a channel of consultation with the Native Affairs department, and it was in the late 1920's that Congress discussed the possibility of supporting separate representation in Provincial Councils and Parliament. This mode of representation was seen by its advocates as an alternative

26. Loc. cit.

27. Loc. cit.

to the Cape common roll, their hope being that it might allay European fears and so permit an extension of the African franchise to the northern provinces. Although the ideals of the Cape policy had been heavily compromised, this search for a modus vivendi with the authorities had clearly stopped short of accepting separate economic development and separate political institutions other than those of local government.²⁸

Once the revised Hertzog bills were published in 1935, providing for the abolition of the Cape common roll and making an unacceptable and final allocation of land, Congress fell back once more on the Cape tradition. The common roll was again seen as the symbol of a South African citizenship; segregation was condemned as simply an expedient for the exploitation of African labour and the earlier willingness to compromise fell away. Once the bills were passed, congressmen participated in the Natives' Representative Council and in the election of Native Representatives to Parliament, but only under protest.²⁹ On the land issue, the concern for increased if segregated areas were replaced by a renewed demand for the repeal of the original Natives Land Act of 1913.

The sense of frustration and impotence engendered by the Hertzog "solution" had a profound impact in African political circles. This was reflected in a revived concern with organization and an increasingly adamant political stance. In the years following the outbreak of World War II and under Dr A B Xuma's leadership, Congress consequently called for the eradication of all racial

28. Ibid., p. 415.

29. Loc. cit.

discrimination and adopted a position which rejected the very idea of a distinct Native policy.³⁰ When the Smuts Government refused to co-operate, constitutional appeals for reform gave way to a policy of non-collaboration which led, after the National Party victory of 1948, to the Defiance Campaign of 1952.

(b) "Nationalism" according to the African National Congress

The South African National Congress had been founded in 1912 to encourage a sense of supra-tribal unity, a sense of Native or African nationality transcending the jealousies and suspicions of the tribes. Although initiated and led by a mission-educated and Westernised elite, several of whom had been educated overseas, the intention was to incorporate the chiefs as representatives of their tribal communities in an organisation embracing Africans of all stations.³¹

Congress was to be both the focal point of African unity and a pressure group defending African interests. In seeking the removal of racial discrimination, the way was to be opened to untrammelled progress in the modern economy and evolutionary participation in the country's political institutions. Eventually, it was hoped, a common citizenship would result in mutual respect, trust and a growing sense of unity among all South Africans.

The Nationalism that Congress espoused was intended to bind the African people together under the established state, that is, under His Majesty and His Government in

30. Loc. cit.

31. Ibid., p. 142

the Union of South Africa. This did not involve the concept of a nation state, but rather of a multi-national state with the various population groups participating in a gradually widening parliamentary democracy. The ideology involved was that of an outward-looking nationalism, respectful of past traditions yet based on universal principles. Government was to involve the consent of the governed; authority was ultimately judged to reside in the sovereignty of the people. This sovereignty was not simply the will of either the British, Afrikaner or African peoples. It resided in the citizens of all races inhabiting the territory of the Union.³²

The growing involvement of Africans in the affairs of this multi-national state was to take place ideally through consultation.³³ Improved and more widespread education, economic progress and the experience of mutual respect were to result in the enlightenment of public opinion. This was to lead in turn to a consensus on the need for equal opportunity for all, and hence the rights of educated and qualified Africans to advance in the modern sector of the economy and to participate in the provincial and parliamentary institutions of government. Africans, like the Dutch, English, Coloureds and Asians, would make their own contribution to the rich and evolving patterns of South African society. That society, however, was to be conditioned by a legal structure based on a non-racial ethic which would ensure justice, peace and good government.³⁴

32.. Loc. cit.

33.. Ibid., p. 413.

34.. Loc. cit.

These political attitudes remained fundamentally unchanged until the 1940's, when Congress developed a serious concern with the African majority. After three decades of moral argument and fruitless endeavour to obtain reforms, the stage was reached when a disciplined mass organisation was recognised as the essential means to political influence.³⁵ Africans were to claim their rights as a group and accept responsibility for the reform of society, a confrontation with the authorities coming to be accepted as a lamentable necessity.³⁶ Methods of protest consequently changed from consultation to non-collaboration and then passive resistance. Although Congress maintained its non-racial ideals, the stage had been reached when African leaders were involved in the difficult task of eschewing racialism, while relying on the strength of the African majority as a countervailing force to White supremacy and an exclusive, inward-looking and self-sufficient Afrikaner nationalism.

(c) The effects of the African National Congress on the Zulus with specific reference to the role the Zulu leaders played in it

(i) The role played by John Langalibalele Dube

John Langalibalele Dube was an educator, journalist, church leader, author and first president-general of the ANC.³⁷ Dube has been

35. Loc. cit.

36. Loc. cit.

37. Karis, Carter & Gerhart, From Protest to Challenge: Profiles of African Politics in South Africa, 1882-1964 Vol. 4., Hoover Institution Press, 1977, Stanford, California, p. 24.

described as South Africa's Booker T Washington, after the American Black leader whose cautious approach and emphasis on racial pride, education, and self-help were a continuous influence on Dube throughout his life. One of the most influential leaders of his day, Dube developed close ties with racially moderate and economically conservative Whites, although Whites in Natal had at first seen him as a radical.

Dube was not only a Zulu patriot, he was also a leading figure within the African educated elite and an opponent of "narrow tribalism."³⁸ His interests however, were more in education than in politics. By the late 1930's and early 1940's, he increasingly isolated himself from political currents elsewhere in the country, and the rising generation of militant African nationalists came to look upon him as a conservative and parochial figure.

Dube was born in 1871 at the Inanda mission station of the American Zulu mission in Natal, where his father was a pastor.³⁹ Related to the Ngcobo line of chiefs, he maintained close ties with Zulu traditional leaders, including the Zulu royal house, throughout his life. After studying at the Amanzimtoti Training Institute, which later became Adams College, Dube went to America in 1887 and attended a preparatory school at Oberlin College. He also travelled and gave talks on self-help for

38. Loc. cit.

39. Loc. cit.

the Africans of South Africa. In 1892 he returned to South Africa and became a teacher for the American Board Mission at Amanzimtoti. In 1897 he returned to America again, this time to study theology at a Seminary in Brooklyn. After three year's study, he was ordained by the Congregational Church and returned to Natal, where he set about the establishment of Ohlange Institute, a school modeled on the principles of self-help and vocational education, as pioneered by Washington at Tuskegee and Hampton Institute in the United States.⁴⁰ Overcoming great obstacles, Dube succeeded in this effort, formally opening the school in August 1901. During his early days as principal of Ohlange, Dube began parallel pioneer endeavours in politics and journalism.

In 1900-1901 he helped found the Natal Native Congress, and in 1903 he launched Natal's first African newspaper, the weekly Ilanga laseNatal, in English and Zulu.⁴¹ He remained its editor until 1915. With Walter Rubasana he convened the South African Native Convention in 1909 to oppose the colour bar in the Act of the Union, and the same year he accompanied a multi-racial deputation to England to lobby against the Act. Dube was unable to attend the conference in January 1912 when the South African Native Congress (later renamed the African National Congress) was founded, but he was elected in absentia as the ANC's first president, because he was a neutral figure between rival Cape

40. Loc. cit.

41. Ibid., p. 25.

and Transvaal leaders.⁴²

In 1914 he led the ANC deputation to England to protest against the 1913 Land Act. Prior to the delegation's departure, Dube expressed his readiness to compromise on land policy:- "We make no protest against the principle of separation," he said in a petition to the then Prime Minister Botha, "so far as it can be fairly and practically carried out."⁴³ He abandoned his apparent acceptance of segregation in his talks on later legislation, but nevertheless, discord within the ANC over how to respond to government land policies and personal rivalry with Pixley Seme led in 1917 to aDube's resignation as president-general of the ANC, but he retained the Natal presidency.

In the 1920's Dube participated in the Union Government's Native conferences and, with White liberals, in the Durban Joint Council. In 1935 he was elected to the executive committee of the All African Convention but aroused wide criticism from Africans when he chose to support the Hertzog Bills, on the grounds that they would lead to the enlargement of African reserve areas in Natal. In 1936, for his contributions to African education, Dube was the first African awarded an honorary doctorate by (Unisa).⁴⁴

In 1937 and again in 1942 he was elected to represent rural Natal on the Natives'

42 Loc. cit.

43 Loc. cit.

44. Loc. cit.

Representative Council, but in 1945, with his health rapidly failing, he declined to run and his seat was won by Albert Luthuli. Dube died of a stroke in 1946. His writings include Isita Somuntu Nquye (The enemy of the African is Himself), Insila kaShaka (Jeqe the Body-servant of King Tshaka, in English translation, 1951), and UShembe (1936), a biography of the Zulu independent church leader.⁴⁵

(ii) The role played by Albert John Luthuli in the development of political awareness

President-general of the ANC from December 1952 until his death in 1967 and recipient of the Nobel Peace Prize for 1960, Luthuli was the most widely known and respected African leader of his era.⁴⁶ He was born about 1898⁴⁷ near Bulawayo in Zimbabwe which was then known as Rhodesia, where his father was employed as an evangelist and interpreter at a Seventh Day Adventist mission.⁴⁸ His father died when he was an infant, and in about 1908 his mother sent him back to the family's traditional home at Groutville mission station in Natal. Luthuli then lived for a period in the household of his uncle, Martin Luthuli,⁴⁹ who was at that time the elected chief of the Christian Zulu inhabiting the Umvoti Mission Reserve around Groutville.

45. Loc. cit.

46. Ibid., p. 60

47. Luthuli, A, Let my people go: An autobiography, Collins, Johannesburg & London, 1962, p. 24.

48. Loc. cit.

49. Loc. cit.

Succumbing to pressure from elders of his tribe, Luthuli agreed in 1935 to accept the chieftainship of the Groutville reserve,⁵⁰ and became an administrator of tribal affairs. For seventeen years he immersed himself in the local problems of his people, adjudicating, mediating local quarrels, and organizing African growers to guard their interests. Through minor clashes with White authority he gained his first immediate experience with African political predicaments. Travel outside South Africa also widened his perspective during this period; in 1938 he was a delegate to an international missionary conference in India, and in 1948 he spent nine months on a church-sponsored tour of the United States.⁵¹

The illness and death of J L Dube in 1946 awakened his active interest in strengthening the ANC, at that stage in Natal still a rather confused organization centering around several rival personalities. His public support for the 1952 Defiance Campaign brought him finally into direct conflict with the South African government, and on his refusal to resign from the ANC, he was dismissed from his post as chief in November 1952.⁵²

In response to his dismissal, Luthuli issued "The Road to Freedom is via the Cross" (See Appendix A), - a belief in non-violence, a conviction that apartheid degrades all who are party to it, and an optimism that Whites would sooner or later be compelled to change heart and accept a shared

50. Karris, Carter & Gerhart., op. cit., p. 61.

51. Loc. cit.

52. Luthuli, A., op. cit., p. 123.

society.⁵³ The notoriety gained by his dismissal, his eloquence, his unimpeachable character, and his demonstrated loyalty to the ANC all made Luthuli a natural candidate to succeed ANC president James Moroka, who at his trial during the Defiance Campaign had tried to dissociate himself from the other defendants.

At the annual conference of December 1952, Luthuli was elected ANC president-general by a large majority.⁵⁴ Bans imposed on him in early 1953⁵⁵ and renewed in following years prevented him from giving direction to the day-to-day activities of the Congress, but as a country-bred "man of the people," combining the most inspiring qualities of Christian and traditional leadership, he provided a powerful symbol for an organization struggling to rally mass support. He was re-elected president-general in 1955 and 1958.⁵⁶ Although bans confined him to his rural home throughout much of his presidency, he nevertheless was able to write statements and speeches for presentation at ANC conferences, and occasionally circumstances permitted him to attend conferences personally.

In December 1956 he was included in the treason arrests,⁵⁷ but was released with sixty others in late 1957 after the pre-trial examination. He was subsequently called as a witness for the defence and

53. Ibid., pp. 235-236

54. Karis, Carter & Gehart., op. cit., p. 61.

55. Luthuli, A, op. cit., p. 67.

56. Karis, et. al., op. cit., p. 62

57. Luthuli, A, op. cit., p. 162.

was testifying in Pretoria the day of the Sharpsville shooting in 1960. He enjoyed a period of relative freedom between his release at the end of 1957 and May 1959, when a new ban confined him to the Lower Tugela District for five years.⁵⁸ During this lapse in restrictions, he made a number of highly publicized speeches to White and mixed audiences. His polished speeches and balanced appeals for reason in race relations earned him the praise of many Whites. Reactions were not all sympathetic, however, and at one meeting in Pretoria he was assaulted and knocked down on the platform by a group of young Afrikaners.⁵⁹

Almost from the beginning of his presidency, Luthuli was confronted by critics warning him that he was allowing himself to become a tool of the ANC's left wing. In the circumstances of restriction, he was unable to supervise closely the activities and movements of other ANC leaders, but he was realistically aware of the problem and hardly the naive figure that some critics have described. His reply was always to defend the right of people of all ideological persuasions to play their part in the struggle for African equality and to support the multiracial Congress alliance as the foundation of a future integrated society. In ideological terms, he personally expressed a preference for socialism of the type espoused by the British Labour Party.⁶⁰

58. Karis et. al., op. cit., p. 62.

59. Loc. cit.

60. Loc. cit.

Six days after the Sharpsville emergency in 1960, Luthuli sought to rally Africans to resistance by publicly burning his pass in Pretoria⁶¹ (see picture on following page), in accordance with an ANC decision, and calling for a national day of mourning. On March 30 he was detained and held until August, when he was tried and sentenced to a £100 fine and a six month suspended sentence.⁶²

He was allowed to travel to Oslo to receive the Noble Peace Prize in december 1961, an award that Die Transvaler labeled "an inexplicable pathological phenomenon."⁶³ It was ironic, in fact, that within days of the award, on a day selected because it was a historic Afrikaner holiday,⁶⁴ the ANC embarked on its first campaign of sabotage, apparently with at least tacit consent from Luthuli. On July 21, 1967, while walking near his Natal home, Luthuli was killed, reportedly when he was struck by a train.⁶⁵

61. Luthuli, A, op. cit., pp. 176-177.

62. Karis et. al., op. cit., p. 62.

63. Loc. cit.

64. 16 December.

65. Karis et. al., op. cit., p. 62.



As President of the African National Congress, the author publicly burnt his pass in Pretoria on March 26th, 1960, and invited all Africans to do the same

Chief Albert Lutuli, President-General, African National Congress, 1952-1967



(iii) The ANC Youth League (ANCYL) - The role played by Dr A B Xuma

The formation of the ANC in 1912 had been an attempt to develop African nationalism in the sense of supra-tribal unity, and so to articulate the opinion of both chiefs and the educated elite on current political issues.⁶⁶ It had not been an attempt to wrest power from White South Africans, but rather to qualify that power by the gradual participation of Africans in the machinery of government and the developing exchange economy. For three decades before World War II, and working from a weak organisational base, the ANC sought through petitions, delegations, a short-lived attempt at passive resistance, resolutions and unofficial and official channels of consultation to check racial discrimination and so to move Native policy towards equality of opportunity for all citizens.⁶⁷ The future had been envisaged as the removal of those obstacles impeding the participation of a gradually expanding elite in the wider society.

The continued thwarting of the ANC's aims and the deliberate maintenance of White privilege had however created a new determination of far-reaching consequences. Slowly, but with increasing clarity, it was seen that African progress and the attainment of ANC ideals would have to involve the disciplined organisation of extra-constitutional

66. Walshe, P, op. cit., p. 349.

67. loc. cit.

power.⁶⁸ Such power was then to be used for fundamental reforms which would ultimately bring Africans into positions of political authority and even control of the state itself. No longer was an elite to participate at the invitation and pleasure of European condescension.⁶⁹ The African people, the educated elite immersed in the numerical strength of the proletariat and peasantry, were to assert their majority.

A sense of Pan-African solidarity had also emerged concurrently with, and dependent upon, the new determination to assert the power and ideals of African nationalism. It was the Congress Youth League, initiated in 1943 and formally founded in 1944,⁷⁰ which set out to hasten the realisation of this latent African power and to manoeuvre the ANC towards non-collaboration, new methods of mass protest and mass action.

Dr A B Xuma had recognised the need for independent initiatives and a "militant ANC... a strong national organisation."⁷¹ In accepting the presidency his initial intention had been to build up mass membership and use such an organisation to support the Native Representatives in Parliament,⁷² and so take full advantage of the opportunities offered by the war for the reconciliation of Native

68. Ibid. p. 350

69. Loc. cit.

70. Loc. cit.

71. Loc. cit.

See appendix B for the criticisms made by Dr Xuma and others on the political representation of Africans in the Union of South Africa.

Policy.⁷³ Later, as disillusionment spread after 1942 and as the League began to articulate its ideology, the further implications of such a militant ANC became apparent. First there was the move to adjourn and then to boycott the Native Representative Council (NRC); there were also claims for a universal franchise under separate representation and ultimately for a common voters' roll. Then from 1946 onwards, Xuma and his national executive came to accept the need for a "mass liberation movement" prepared at some future date to undertake passive resistance.⁷⁴

The Youth League's ideology was in fundamental agreement with that developing more gradually in the ANC under the leadership of Xuma as President-General. Xuma was at first on good terms with the young radicals, although he was inclined to treat them with a certain reserve and paternalism. The League's peculiar contribution lay not only in the vision of Pan-Africanism, in a search for African self-confidence and in a vigorous insistence on the implications of African power, but in the belief that attempts at mass protest, boycotts and passive resistance would in fact create the basis of mass support. It was on this latter point that differences of opinion developed over the NRC

73. Xuma, A B, ANC Presidential Addresses, December 1942, p. 3, 1941, p. 1, Xuma Papers., undated circular, "ANC Conference, 14 December 1941."

74. African Claims, Preface, Resolutions of ANC Conference, December 1946, Nos. 7, 8, 9.

boycott and over the timing of the "Programme of Action," and it was eventually the Youth League, in circumstantial co-operation with the ANC left wing, that defeated Xuma in 1949 and initiated the somewhat uncertain move towards the Defiance Campaign of 1952.⁷⁵

(iv) The Industrial and Commercial Workers' Union (ICU) -
The role played by A W G Champion

The ICU had been founded by a Malawian, Clements Kadalie, among dockworkers in Cape Town in 1919.⁷⁶ By the mid-1920's it had developed into a mass protest movement throughout Southern Africa. An "all-in" union, it drew its adherents both from the intelligentsia and the newly proletarianized in the towns, and from the dispossessed squatters and peasants in the countryside.⁷⁷ Although the organization was initially slow to get off the ground in Natal, within eighteen months of his arrival, Champion had built up an organization with fifty-eight secretaries, clerks and organizers.⁷⁸ To quote Chief Justice de Waal, Champion was "in many respects a remarkable man. Of good Zulu parentage, well educated, in the prime of life,

75. Walshe, P, op. cit., p. 351.

76. Swanson, M W, The View of Mahlathi, Killie Campbell Africana Library, Durban, 1982, Introduction.

77. Marks, S, The ambiguities of Dependence in South Africa, Ravan Press, Johannesburg, 1986, p. 74.

78. Loc. cit.

held in high esteem by and exercising great influence over his fellows, he is capable of much good and infinite mischief... his arrival caused a change to come over the scene."⁷⁹

By 1925 Champion already had considerable experience in causing what Chief Justice de Waal was pleased to call "infinite mischief." The son of a convert of the American Board of Missions, he was educated for some time at the famous Amanzimtoti Institute (later Adams College), the American Congregationalist school not far from Durban, before entering the police force.⁸⁰ After a spell on the Rand, he served as a special constable in Dundee and Babanango; part of his duties being to spy on the Zulu royal family.⁸¹ His mother, Nomazembe Cele, persuaded him, however, "to leave the police and get other employment"... because my father had been a soldier in the British army when the British troops fought against the Zulus. "Why should you again follow in the steps of your father against your own people?" she asked.⁸² Champion now went to the Rand to work at the mines. By 1920 he

79. Pretoria Archives, Commission of Enquiry - Native Riots at Durban (under Commissioner C J de Waal) K 22 Vol. 5, 1929.

80. Marks, S, op. cit., p. 75.

81. Loc. cit.

82. Champion Papers, UNISA, I, 1.1 "Time is longer than the rope in the life of every man" (unpublished TSS, UNISA archives, n.d.); 1-2. This was evidently written late in Champion's life and entitled no doubt after Edward Roux's Time longer than rope" (first published in 1948).

was employed at Crown Mines as a clerk and within a short while headed the Transvaal Native Clerks' Association, agitating for higher wages and "disputing the welfare of the workers,"⁸³ as well as giving evidence before several government commissions. In Johannesburg he was a member of the newly formed Joint Council of Europeans and Natives and became part of its executive committee.

In 1925, when the headquarters of the ICU were moved from Cape Town to Johannesburg, Champion was persuaded by Kadalie to leave Crown Mines and become organizing secretary for the Transvaal. A few months later he was sent to Durban to organize the fledgling movement. Here he rose rapidly to the forefront as a leader, both in Natal and nationally, taking Kadalie's place as national organizing secretary when the latter was abroad. As Chief Justice de Waal acknowledged, in Natal his activities transformed the position of the organization. By 1927 there were said to be over 50,000 members of the ICU in the province; 26,000 of them were in Durban alone - a remarkable number if correct, for there were only between 35,000 and 40,000 Africans officially in the towns.⁸⁴ Funds from the province had become the mainstay of the head office in Johannesburg.

83. Swanson, M W, op. cit., p. 11.

84. Bradford helen, Landlords, Labour Tenants and the ICU : Strikes in the Natal Midlands, 1926-28," (seminar paper, Wits, 1981), p. 6. This apparently included migrant workers based in rural Natal.

In 1928, after financial scandals implicating ICU officers in Natal had erupted in the local courts and Champion's own honesty and judgement had been under suspicion, he was suspended from the national organization; such was his standing, however, that he was able to take most of the local organization and membership of the ICU with him into the independent ICU in Natal. As A F Batty, the one-time British trade-unionist and veteran socialist, who had encouraged Kadalie to initiate the ICU in Cape Town in 1919 and later became Champion's friend and counsellor, wrote when the latter was suspended, "thousands of natives in this town ... rose in might against the victimization ... of their leader" and insisted on his reinstatement.⁸⁵

Champion's popularity was largely the result of the notable series of legal battles he had won against both the Durban Corporation and local employers in the previous years. Among his most important successes were the abolition of the nightly curfew for Black residents and the removal from the pass (the document every African had to carry in order to prove his right to be in an urban area) of the so-called character column, where an unfavourable comment by an employer could well jeopardize further employment.⁸⁶ He also accomplished the exempting of Black women from carrying night passes; the lifting of prohibitions on Blacks renting

85. Pretoria Archives, unpublished commissions, K22 Vol. 14, evidence to Durban Riots Commission, 12 July 1929, p. 440.

86. Marks, S, op. cit., p. 76.

rooms and engaging in trade in the town; the restraining of the police from summarily demanding passes; and the ending of the system whereby Blacks could be tried in batches for the same offences, with policemen acting as interpreters.⁸⁷ In addition one of his most notable victories was the abolition of what was known as "the bodily dipping of natives," the compulsory disinfecting of Blacks on their entry into the city as an antityphus measure.⁸⁸ A series of letters to employers about wrongful dismissal and threatening legal action unless workers were given pay in lieu of notice had not enhanced his popularity with the White citizens of Durban.⁸⁹ As Maynard Swanson has pointed out, "these manoeuvres were of course at best tactical and short-run victories... In their context, however, and in their manner of achievement they represented unprecedented concessions wrung from a rather surprised and increasingly indignant White community. They provided the visibility for Champion and the gratification for his public from which he acquired

87. Loc. cit.

88. For a largely unsympathetic account of Champion's activities and the ICU in Natal, see Wickins, Industrial and Commercial Workers' Union, p. 115, Swanson, op. cit., p. XIX.

89. Many of these letters are to^{be} found in the ICU records, A924 Champion's letterbook, Durban branch, 1925-26, in the University of Witwatersrand Archives. The style is endearing to the contemporary reader; clearly, local employers and the Durban municipality found them less so.

great influence for himself and his union."⁹⁰ His legal victories, while undoubtedly discomfoting to the Durban Corporation, served to confirm the social order rather than invalidate it. But while they certainly did not challenge the social order's "rampant inequalities," they clearly increased Champion's standing in the Black community.⁹¹

It was his instigation of a boycott to challenge the municipal monopoly of beer brewing, however, that gave Champion the opportunity of mass support. This was particularly important because by 1929 the popularity of the ICU may well have already peaked as evidence of financial mismanagement and the disagreements between Kadalie and Champion began to affect morale throughout the organization. In opposing the extension of the so-called Durban system,⁹² whereby municipal revenues were raised through the sale of what was inelegantly known as "kaffir beer" (i.e. utshwala, the traditional beer that was an intergral part of African diet), Champion had fastened on an issue that roused widespread popular resistance.

90. Swanson, M W, op. cit., p. XX.

91. Marks, S, op. cit., p. 77.

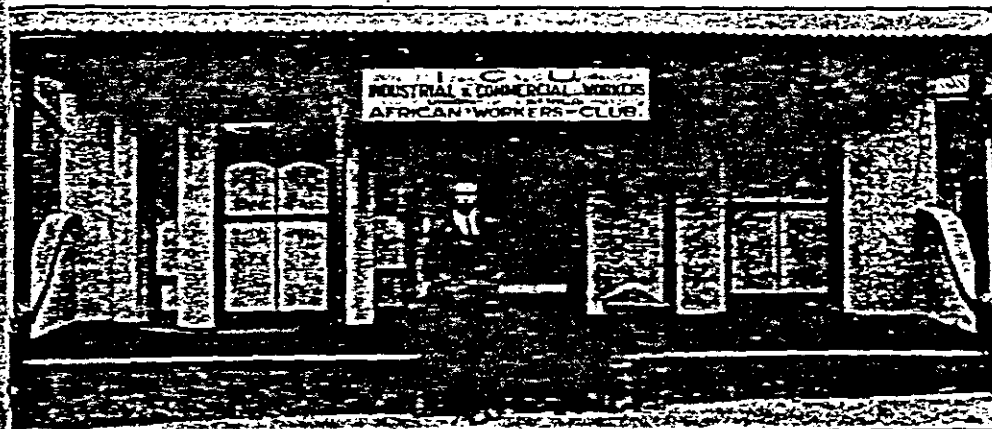
92. By the 1920's, the Durban system was widely admired as a method of raising revenue and of keeping down drunkenness, since the alcohol content of municipal beer could be so much more easily controlled than if it were left to the discretion of African brewers. Thus the 1923 Native Urban Areas Act, which replaced Natal's "Native Beer Act," encouraged municipalities in the rest of South Africa to copy the Natal example and establish municipal beer monopolies.

In conclusion,⁹³ it is perhaps trite to point out that the present wave of Black unionism is not the first in South African labour history. The ICU was the first South African mass Black union to emerge and had at its height an estimated membership of a quarter million.⁹⁴ The union was certainly a power in its day - it achieved several concrete gains for its members and on occasion won some degree of recognition from the White authorities. But a combination of state action and bitter internal dissent led to its crumbling in 1930.

93. It might be of importance to point out that when Champion died on 28 September 1975, he died still being vigorous in his old age, nearing his 82nd year and a week before the end of his last term as chairman of the Ningizimu Urban Bantu Council.

94. Hindson, D C, Working papers in Southern African Studies, Vol. 3, Ravan Press, 1983, p. 123.





A.W.G. Champion as a young man outside the ICU headquarters in Johannesburg, early 1920s (UNISA Africana collection).



A.W.G. Champion in his old age in the 1970s (UNISA Africana collection).

CHAPTER IV

THE PERIOD FROM 1948 UNTIL THE ESTABLISHMENT OF THE KWAZULU
LEGISLATIVE ASSEMBLY IN 1972

A The homeland policy

The government of South Africa had decided unilaterally that its Black population consists of a group of "nations", each of which is entitled to a homeland. As a result, the government had designated 10 predominantly rural areas as homelands. Together they constitute less than 13% of the total area of the Republic.¹ In them Blacks have been accorded some of the rights of citizenship whether or not they were born there or are regularly resident there. Each homeland has been granted a measure of self-government, and further advances - including independence - are promised.

Homeland leaders are currently involved in a complicated dialogue with the South African government over the structure and exercise of power - over defined responsibilities, the expansion of budgets, the acquisition of more arable land, and the consolidation of disparate fragments of territory into contiguous holdings. Still unwilling to despair of peaceful change, they are involved in exploiting the flexibilities that have been introduced into South African politics by recent commitments to internal accelerated political and economic development and to external detente. The existence of

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1. Butler, J et. al.; The Black Homelands of South Africa: The political and economic development of Bophuthatswana and KwaZulu; University of California Press, Los Angeles, 1978, p.1.

homelands and the recent elaboration of their institutions provide for Blacks new and potentially beneficial leverage on the otherwise rigid politics of South Africa.²

Despite the fact that 70% of the people of South Africa are Blacks representing considerable ethnic diversity (see table 1) neither size of population nor cultural identity has been considered a criterion in locating homelands.³ Most of the homeland territories are direct legacies of the haphazard system of reserving certain lands for Black use during the final stages of White settlement in the late 19th and early 20th centuries. In designating these territories as homelands, homogenous societies have not been consistently sought. Rather, the South African Government has relied on tradition, propinquity, practicality, and political expediency. The Pedi and North Ndebele are combined in Lebowa, as are the Tsonga and Shangaan in Gazankulu; the South Ndebele, who are widely dispersed in Bophuthatswana, Lebowa, and elsewhere, have been given a homeland of their own. The Xhosas are located in two homelands, the Transkei and the Ciskei, separated by a corridor of White settlement. Self-government has been extended to both (although the South African Government has expressed no objection to the creation of a single Xhosa homeland).⁴

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2. Loc cit.
 3. Ibid., p. 2.
 4. Ibid., p. 5.

TABLE 1
^a
 ETHNIC COMPOSITION, SIZE AND STAGES OF SELF-GOVERNMENT OF THE
 HOMELANDS

HOMELAND	PEOPLE	LAND AREA (SQ MILES)	DATE OF ESTABLISHMENT	
			OF LEGISLATIVE ASSEMBLY	DATE OF SELF-GOVT
Transkei	Xhosa	14,178	1963	1963
Ciskei	Xhosa	3,547	1971	1972
KwaZulu	Zulu	12,141	1972	1976(?) ^b
Lebowa	Pedi/N Ndebele	8,549	1971	1972
Venda	Venda	2,333	1971	1973
Gazankulu	Shangaan/Tsonga	2,576	1971	1973
Bophuthatswana	Tswana	14,494	1971	1972
Qwa-Qwa	S. Sotho	144	1971	1975
KaNgwane	Swazi	818	- - ^c	- - ^c
KwaNdebele	S Ndebele	?	- - ^d	- - ^d
		58,813		

SOURCE: Muriel Horrell, The African Homelands of South Africa (Johannesburg, 1973) and the annual reports A Survey of Race Relations in South Africa (Johannesburg, 1969-1975).

- a Ethnic composition refers to the ethnic group allocated to the homeland, the de jure group, not to the actual composition of the population.
- b KwaZulu was to hold elections in late 1976 preliminary to a grant of self-government. Elections were however only held in 1978 and it is still not independent.
- c KaNgwane received its territorial authority, the stage before the granting of legislative assembly only in December 1975.
- d A homeland has been established near Groblersdal in the eastern Transvaal known as KwaNdebele.

TABLE 2
SOUTH AFRICA: POPULATION

PEOPLE	HOMELAND	TOTAL POPULATION	PERCENTAGE OF TOTAL POPULATION OF REPUBLIC	POPULATION IN HOMELAND OF OWN ETHNIC GROUP	POPULA TION IN HER HOME LAND	POPULATION IN WHITE AREA
Africans						
Xhosa	Transkei	3,930,087	18.32	1,650,825 ^a	45,750	1,723,905
	Ciskei			509,607		
Zulu	KwaZulu	4,026,058	18.77	2,057,471	77,480	1,891,107
Pedi	Lebowa	603,854	7.47	899,301	101,887	602,666
N.Ndebele	Lebowa	181,748	.84	46,836	23,172	111,740
Subtotal	Pedi/N.Ndebele	(1,785,602)	(8.32)	(946,137)	(125,089)	(714,406)
Venda	Venda	357,919	1.66	239,331	11,901	106,684
Shangaan	Gazankulu	737,169	3.43	234,244	158,666	344,259
Tswana	Bophuthatswana	1,719,367	8.01	600,241	10,288	1,108,838
S.Sothon	Qwa-Qwa	1,451,790	6.76	24,189	119,816	1,307,785
Swazi	KaNgwane	498,716	2.32	81,890	30,130	386,696
S. Ndebele	KwaNdebele	233,021 ^b	1.08	- - ^c	55,249	177,772
Other	- -	318,223	1.48	- -	18,902	299,321
TOTAL AFRICAN		15,057,952	70.20	6,343,938	653,241	8,060,773
Whites	- - ^d	3,451,328	17.48	3,730,951	20,377	
Coloureds	- - ^d	2,018,453	9.4	2,005,325	13,128	
Asians	- - ^d	620,436	2.89	616,995	3,441	
TOTAL		21,448,169	98.0	12,697,209	690,187	8,060,773

SOURCE: Muriel Horrell, The African Homelands of South Africa (Johannesburg, 1973) 37-39

^aThese figures on Xhosa population have been affected by transfers of territory from the Ciskei to the Transkei in 1975.

^bThis figure was stated by a minister on 4 March 1975 to be 283,021.

^cA figure for the population of the KwaNdebele homeland is not available

^dNo homeland is planned.

Separate development is based at least in part on a denial of any positive connection between prolonged residence and the acquisition of rights. Architects of the policy are not convinced that the permanent dispersion of Blacks throughout South Africa makes it difficult to base rights on polities that the citizen may never have visited. Consequently, in most of the homelands, only a part of the de jure population, i.e. the population allocated to a homeland, actually lives there or derives its income from activities in a homeland. (Table 3 indicates the dispersion of homeland populations and their relative sizes). Assuming that Coloureds, Whites and Asians are residing almost wholly in their own homelands,⁵ we find that, among Blacks, only the Venda, 1.6% of the total population of South Africa, have over 60% of their de jure population living in their own homeland.⁶ At the other extreme, only 1.6% of all Southern Sotho live in their tiny homeland. Of the Blacks generally, only 42% live in the homelands, and only half of the Xhosas and the Zulus, the two major peoples, reside in their own homelands. A small proportion of all Blacks lives in homelands other than their own,⁷ the remainder inhabiting the so-called White areas.

Looking at this figure from another perspective, only 600,000 people, or 4 percent of the entire Black population, would have to be moved to make the existing

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5. At the moment no specific homelands have been designated for these racial groups.
 6. Butler et. al; op. cit; p.6
 7. Loc. cit.

homelands ethnically homogenous; to accomplish homogeneity in the White and Black areas, however, nearly 9 million people, White and Black, would have to be moved.⁸ (Only 0.6 percent of the total White, Coloured and Asian populations would have to be removed from the Black homelands to make them completely Black).

The dispersion of the Black population, the dependence of the homelands on the White-controlled economy, and the subordination of Blacks in South Africa are long standing. Much of the history of the 20th century in South Africa has been one of the imposition of constraints on Blacks rather than the opening up of opportunities for them. South African Whites, although still in a position of overwhelming power, are facing an unsympathetic world outside their borders as well as a restive majority within. In an attempt to manipulate forces of change, they are making limited opportunities available to Blacks in segregated political institutions. Limited concessions, however, may contain opportunities unintended by the makers of policy, and the search for such opportunities may be the only strategy available, short of a revolutionary one, to the leaders of politically subordinate groups.

The homelands still depend in many ways upon the co-operation of the central government. Departments of the central government such as Water Affairs, Public Works, Transport and Post and Telecommunications, remain responsible for many services in the homelands. Officials are seconded from central governmental service, not hired on contract by homelands.⁹ They are therefore far more

8. Loc. cit.

9. Ibid., p. 68.

responsible to their old than new masters and, consequently, there is a considerable range in the quality of the service they render.¹⁰ Many officials are punctillious; others have led Mangope, Buthelezi, and other legislators to complain. For example in June 1974 Mangope reacted vehemently to delays and misdirections of salary cheques to teachers, accusing unnamed officials of acting "deliberately to prove that Blacks were incapable of running their own affairs". Mangope then generalised the attack "For years we have been going cap in hand, begging Whites who are only interested in (an) inconvenience allowance".¹¹ Members of the KwaZulu Legislative Assembly have said that the appalling condition of their roads was due to uncooperative and inefficient officials in the Department of Works.¹²

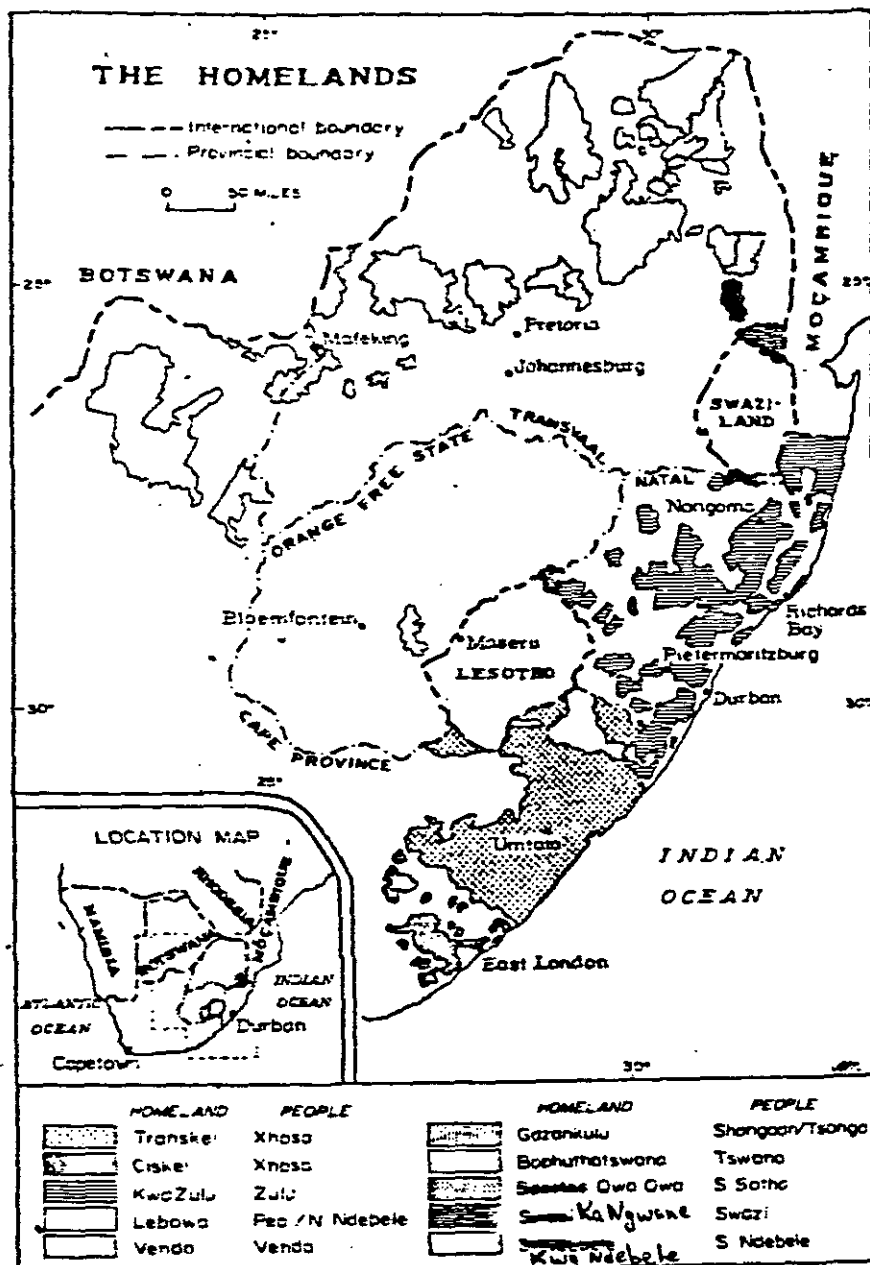
Because the formal changes in political relations are limited and precise, and informal changes are difficult to estimate, a major debate continues as to whether any autonomy has been granted or whether "real" independence is intended. Many doubt the legitimacy and validity of limited self-government and any independence likely to follow from it. A number of questions must, therefore, be answered before the impact of the establishment and prospective evolution of the homeland governments can be assessed for the Blacks of South Africa and for the future of the Republic.

In the following pages we shall inter alia examine the installation of the KwaZulu Chief Minister, the political development of the Zulus within the homeland system, and, in the end, make an evaluation of homeland politics with particular reference to KwaZulu.

10. Loc. cit.

11. Mafeking Mail, 7 June 1974. Mangope referred to as a special allowance paid to White officials serving in the homelands.

12. Natal Mercury, 10 May 1974.

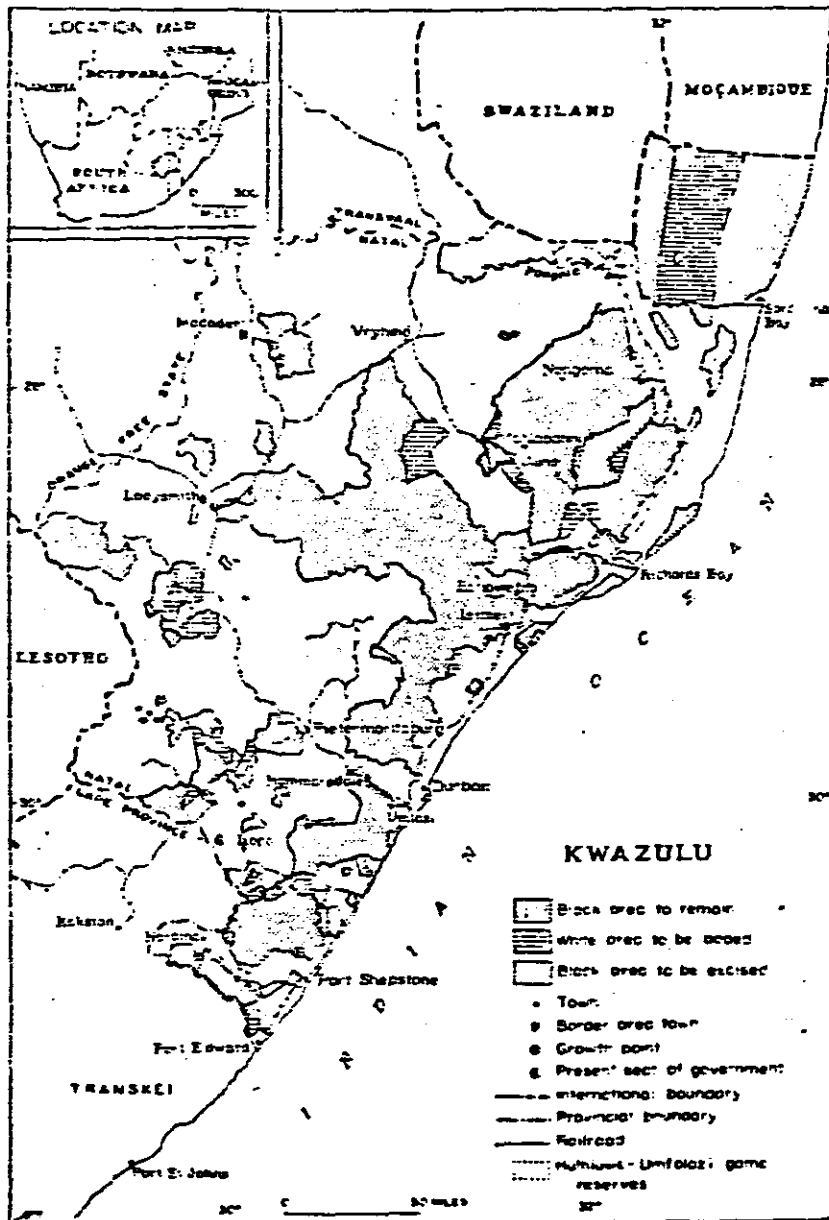


MAP I: THE HOMELANDS.

SOURCES: U S Department of State, South Africa. Homelands (Washington, 1973), a map simplified from data available 1970-72. Muriel Horrell, The African Homelands of South Africa (Johannesburg, 1973), frontispiece "African Reserves in South Africa, September 1969", Republic of South Africa, Department of Statistics Map 1 Bantu Homelands, 1970, "White Areas, Bantu Homelands and Districts, 6 May 1970.

It is difficult to separate the actual state of affairs from proposed consolidations. This map shows KwaNdebele still in process of creation, and the transfer of the Glen Grey and Herschell districts from the Ciskei to the Transkei. It does not show the recent consolidation proposals, especially the proposed reduction of

Bophuthatswana and KwaZulu to six and ten blocks of territory respectively. This is, therefore, only an approximation of the present state of affairs.



MAP 2: PROPOSED CONSOLIDATION OF KWAZULU

SOURCE: Republic of South Africa, BENBO, KwaZulu Economic Review, 1975 (Pretoria, 1976); Muriel Horrell, The African Homelands of South Africa (Johannesburg, 1973).

TABLE 3

PERCENTAGE DISTRIBUTION OF ETHNIC GROUPS IN THE HOMELANDS

PEOPLE	HOMELAND	PERCENTAGE OF EACH GROUP IN HOMELAND OF OWN ETHNIC GROUP	PERCENTAGE OF EACH GROUP OUTSIDE HOMELAND OF OWN ETHNIC GROUP	
			OTHER AFRICAN HOMELAND	WHITE AREAS
Xhosa	Transkei	54.97	1.16	43.86
	Ciskei			
Zulu	KwaZulu	51.10	1.92	46.97
Pedi	Lebowa	56.07	6.35	37.58
N Ndebele	Lebowa	25.77	12.75	61.48
Venda	Venda	66.87	3.32	29.81
Shangaan	Gazankulu	31.78	21.52	46.70
Tswana	Bophuthatswana	34.91	0.60	64.49
S Sotho	Qwa Qwa	1.60	8.25	90.08
Swazi	KaNgwane	16.42	6.04	77.54
S Ndebele	KwaNdebele	- - ^a	23.71	47.29
Other	- -	- -	5.94	94.06
TOTAL AFRICANS		43.13	4.34	53.53
Whites		99.46	0.54	
Coloureds		99.35	0.65	
Asians		99.45	0.55	
TOTAL		59.20	3.22	37.58

SOURCE: Muriel Horrell, The African Homelands of South Africa (Johannesburg 1973), 37-39.

^aNo figure is available for the population of the KwaNdebele homeland.

- B The installation of Gatsha Mangosuthu Ashpenaz Nathan Buthelezi as chief of the Zulus

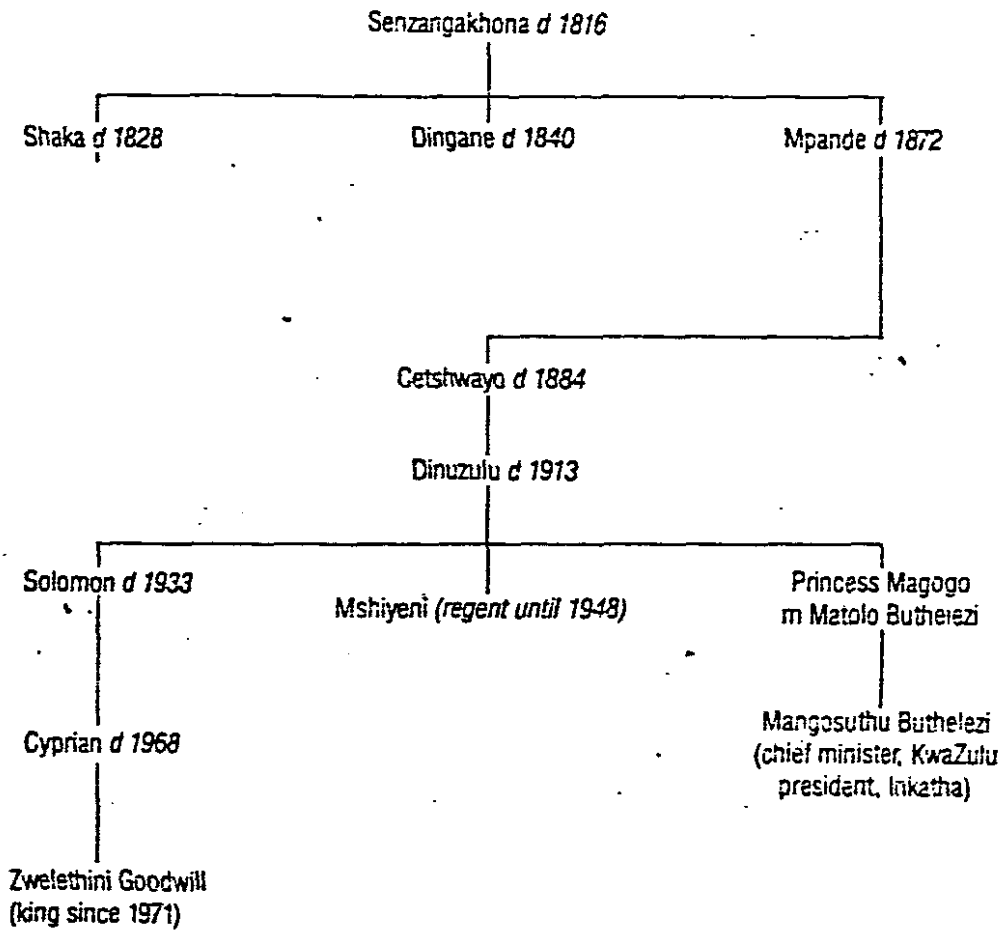
Inevitably a discussion of the political development of the Zulus becomes also a discussion of Chief Buthelezi. Buthelezi, a consummate politician and representative of a sizeable segment of the Zulu people, has been lynch-pin of the political development of the Zulus and the initiator of much of their political philosophy. This forceful spokesman is largely responsible for much of the friction between two theoretically complementary institutions, the South African government and its creation, the KwaZulu organs of government.

Chief Gatsha Mangosuthu Ashpenaz Nathan Buthelezi¹³ was born on 27 August 1928 in Mahlabathini to Chief Mathole and Princess Constance Magogo Zulu (see the Buthelezi Family Tree & The Zulu Royal House on the following pages). About five months before the birth of Chief Buthelezi, Inkatha kaZulu had accepted a new constitution. This constitution, that of an "organization designed by the Zulu aristocracy and the African petty bourgeoisie to gain state recognition for the king (Solomon),"¹⁴ was to

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13. It is not clear why Chief Buthelezi should have decided in the past few years that he was not going to be known as Gatsha anymore, but as Mangosuthu. His biographer, Temkin, called his book "Gatsha Buthelezi" - Zulu Statesman, and in the KwaZulu Legislative Assembly he has been known by that name until recently. Whatever the reason, the media - by now including the SABC - were quick to jump to the Chief's sensitivities.
14. Marks S.; The ambiguities of dependence in South Africa: class, nationalism, and the state in twentieth century Natal; Ravan Press, Johannesburg, 1986, p. 36

ZULU ROYAL HOUSE

Zulu Royal House



receive mention in the first constitution of the Inkatha movement revived by Chief Buthelezi 47 years later in 1975.¹⁵

In 1948 young Buthelezi arrived at Fort Hare.¹⁶ He studied for a B A degree, majoring in Bantu Administration, under Professor Z K Matthews, an important ANC figure. Buthelezi was 19 when he started his student days, and he was a member of the ANC Youth League from 1948 to 1950. An ANC Youth League-led boycott of the visit to Fort Hare by the Governor-General of the Union of South Africa, Brand van Zyl, in 1950, caused Buthelezi's expulsion for action taken by him and others against students who had welcomed the Governor-General. Buthelezi's biographer hinted that he had failed in his duty towards his tribe, within which there had been some opposition to his university career.¹⁷ Tribal opposition had been in part directed at the "radical" company that he had been keeping (such as then journalist Jordan Ngubane). To make matters worse, in 1949 Buthelezi, then in his second year of study, had helped in the offices of the ANC in Durban in attempts to calm the racial tension that had erupted between Indians and Blacks.¹⁸ These events, as

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15. Mare G and Hamilton G., An appetite for power: Buthelezi's Inkatha and the Politics of "Loyal Resistance" Ravan Press, Johannesburg, 1987, p. 32.
 16. Loc. cit.
 17. Tenkin B., Gatsha Buthelezi: Zulu Statesman, Purnell, Cape Town, 1976, pp. 36-37.
 18. Webster E., The 1944 Durban Riots - a case study in race and class, in P L Bonner (ed) - Working papers in Southern African studies: papers presented at the ASI African Studies Seminar (Johannesburg: ASI University of Witwatersrand), 1977.

will be discussed below, have become a symbol of the racial form that social and economic tensions can take in South Africa's racially divided society.

It is not clear what Buthelezi's role was in the attempts by the Natal Indian Congress (NIC) and the ANC to restore calm, but Temkin commented that, "as a future chief, he had to play his politics in as low key as possible".¹⁹ "Low-key" appears to be a fair description of Buthelezi's actions over the next few years. Having assured Senator Edgar Brookes "that he would steer clear of politics for the time being", Buthelezi wrote his exams at Natal University but graduated at Fort Hare. He was then interviewed by Dr W W M Eiselen, secretary for Bantu Administration, and warned that if he wanted to become a tribal chief (as he was destined to become) he would have to "wipe out the Fort Hare episode".²⁰ Temkin said that it was to achieve this cleaning of his slate that Buthelezi joined the Department of Native Affairs for nearly two years, instead of serving his articles, as he had planned to do, with Rowley Arenstein, "a Durban lawyer, who was a self-confessed communist".²¹

The Bantu Authorities Act was passed in 1951, during Buthelezi's period of employment with the Department of Native Affairs. In November 1952 the Buthelezi tribe decided that Buthelezi, who was 24 at the time and had married in July, should become chief and take over from the regent, Chief Maliyamakhanda. In March 1953 he was installed as acting chief and four years later his position received government approval.²² Temkin wrote

19. Temkin B., op. cit., p. 34.

20. Ibid. p., 39.

21. Loc. cit.

22. Ibid., p. 45.

that Buthelezi saw it "as his role to help re-establish the paramountcy of the Zulu king",²³ even though the king, as chief of the Usuthu²⁴ seemed to have decided to accept the Bantu Authorities system for his people (something which Buthelezi's people were apparently not willing to do). However, this particular chieftainship was also the source of "prime ministers" to the Zulu king, a post that Buthelezi's father had held under King Solomon. It could thus expand the young man's political horizons considerably, but only if the king should be restored to something of his previous central position in Zulu society (this time as figurehead not as an executive monarch).

Thus on 6 September 1957 Buthelezi was officially installed as chief. He had steered clear of the pass protests that his wife and mother had been involved in so as not to jeopardize official recognition of his position. Albert Luthuli, who could not attend the installation ceremony because of illness (says Temkin, although Luthuli could hardly have done so with the ANC opposition to Bantu Authorities) sent a letter in which he restated ANC rejection of Bantu Authorities because chiefs would become "official mouthpieces".²⁵ The director of the Institute of Race relations, Quintin Whyte, who attended the ceremony, wrote that "leaders such as Buthelezi and others could only do their best to reduce the harshness of these laws and to develop their people within their framework."²⁶

23. Ibid., p. 46.

24. Term "Usuthu" came to be applied to the followers of Cetshwayo, one of the sons of the Zulu King Mpande (see diagram on p. 88), in their struggle against the followers of another son, Mbulazi, who were known as the Gqoza, in 1856.

25. Temkin B., op. cit., p. 59.

26.. Ibid., p. 61.

C The political development of the Zulus within the homeland system of apartheid under the leadership of Chief Buthelezi

(a) Justification of Chief Buthelezi for participation in the "system"

At a meeting of the Mashonangashoni Regional Authority in 1968, before the authority had been formally established, Buthelezi as chairman justified his participation in the Bantu Authorities system. This meeting is said to have signified capitulation to the state's political plans in Natal. Buthelezi said that "co-operation was not acceptance of the apartheid system by evidence of a desire to progress within whatever system was imposed upon them."²⁷ This justification also extends to obeying the laws and authority of the land: for example, when Buthelezi opened the first session of the Zulu Territorial Authority (ZTA) in 1970 he pointed out that "essentially" they (the Zulu people) had cooperated "as subjects with whichever government ...(was) in power".²⁸

At the time of the Promotion of Bantu Self-government Act (1959) Buthelezi wrote to a "White political friend:"-

I have stated at public meetings in the presence of my tribe that it would seem that the best thing would be to co-operate with it (the Bantu Authorities Act) since my cousin who is the Paramount Chief has done so. The people have not rejected the Act as far as I am aware. All that they have said is that I am trying to rush them despite the choice given by the government - that they are watching it in operation in the Usuthu ward (that of the Paramount Chief).

27. Ibid., p.118.

28. Ibid., p.127.

I am not the person standing in the people's way to acceptance. I am prepared to abide by the Act passed by parliament. Parliament has chosen to make this particular one permissive. My suggestion is that it should be compulsory like Bantu Education and other Acts of Parliament.²⁹

Why did Buthelezi find it worthwhile to participate in the "system"? First, he would have a "platform" from which he "could draw attention to the iniquities and inequalities of the system", wrote Temkin.³⁰ The plausibility of this reason is diminished when one recalls that this "system" had been in existence for nearly two decades, and its "iniquities and inequalities" had been shown up and rejected times without count. It would hardly seem necessary to expose the disastrous effects of a system that prosecuted hundreds of thousands of people under the pass laws, that relocated as many into hellholes of "resettlement" camps,³¹ that banned organizations of resistance, and condemned thousands to a life of migration. Participation in the bantustan structures carried such a taint as to negate any value it might have had.³²

A second claim was that participation would offer "some hope for the Zulus" if a "Zulu homeland" was effectively led.³³ Third, his "abstaining could have a destructive effect on the Zulustan government".³⁴ After 16 years of the

29. Ibid., p. 72. Similar sentiments were expressed in the Daily News dated 28 April 1964.

30. Ibid., p. 216.

31. Desmond C., The Discarded People: An account of African resettlement in South Africa.

32. Mare G and Hamilton G., op. cit., p. 37.

33. Ibid., p. 38.

34. Temkin B., op. cit., p. 123.

ZTA and then the KwaZulu Legislative Assembly (KLA) under the leadership of Buthelezi, the bantustan is having to screen pensioners as they cannot all be paid, a fraction of jobs have been created that are necessary to absorb the unemployed, let alone new workseekers, and there are frequent complaints of mismanagement, corruption, and totally inadequate infrastructural and health facilities. Buthelezi and his administration may not have directly caused this situation, but participation in a system that has these and other "iniquities and inequalities" as its inevitable and sometimes conscious effects entails some responsibility for them - especially when Buthelezi and his administration claim credit for small victories that allegedly arise out of their participation.³⁵

One stand of Buthelezi's justification for involvement in first the Bantu Authorities and then the next stage of the apartheid structure - the pragmatic realistic, argument - is well captured in his first report to the ZTA:-

We as a people need development more than any other race group, and, for this reason, we say to those who have these reservations that a negative attitude will deprive us of the development that is available to our people within the framework of the policy.

Let us, therefore, unite as a people as Whites are united and glean whatever development is allowed us in our lifetime, for the benefit of the posterity.

What will be more gratifying to us as we close our eyes on our deathbeds than to think that we did our best in the circumstances and to the very limit of what was possible...?

Let us make mistakes and learn by them instead of folding arms.³⁶

35. Mare G and Hamilton G, op. cit., p. 38.

36. Ibid., p. 39.

The second stand can be called one of "moral affront". It goes something like this:-

Each and every person in South Africa, white or black is willy-nilly working and living within the system imposed by oppressors on all of us. Vociferous black spokesman who thrive on reiterating these cliches live in the townships under the WRAB (the West Rand Administration Board) and other administration boards to which they pay rent. They are educated in black schools that are financed directly by the department of Education and Training. They attend separate black universities financed by the government.³⁷

The argument is that there is no difference between simply living in South Africa as a black person, and actively participating in the structures of that society. To call those who opt for participation "stooges" or "puppets" is, according to this argument, totally wrong. There is a very big difference between living in apartheid South Africa -carrying a pass, attending schools, living in group areas set aside for different racial groups, - and becoming part of the structures that have been set up for the maintenance of the society in this form. Becoming part of ethnically fragmented bantustan administration, running an ethnic police force, fighting battles with other ethnically defined units over resources, is a far cry from doing those things that apartheid society enforces, doing them under pressure and, more and more often since the 1970's, dying while resisting apartheid. To equate these two aspects to justify participation in the apartheid structures reflects a measure of unease and sensitivity about such participation.

37. See "The Star" newspaper of 14 July 1978, reporting on Buthelezi's address to the Inkatha Central Committee meeting. See also the "Cape Times" newspaper of 10 April 1978.

The third stand in Buthelezi's justification is that regional development and regional administration will always be necessary in South Africa, and that he is doing no more than participating in this technical task.³⁸ In this vein Buthelezi told Justice and Police Minister Jimmy Kruger in 1977, when the latter called him in to warn him against taking non-Zulus into the Inkatha movement:-

In fact, the Ulundi thing as far as I am concerned is nothing more than local administration of the Zulu people ... we are just a section of the South African people.³⁹

Fourth, participation is justified in terms of the continuity of pre-capitalist political and cultural traditions.⁴⁰ This is probably the most frequently used explanation of why Buthelezi has chosen the path of "separate development", not because it is the policy of the central state but because it is primarily the historical continuity of "Zulu" society and of Buthelezi.

Buthelezi stated this position in an article written after the referendum results in 1983:-

I was the traditional Prime Minister to my first cousin, King Cyprian for 16 years, long before there was any KwaZulu Legislative Assembly. I never thought that the Prime Minister was so politically illiterate to the extent of him being unaware that I am not Chief Minister of KwaZulu by the grace of the nationalist Government.⁴¹

38. Mare G and Hamilton G., op. cit., p. 40.

39. Inkatha politicians: Meeting between Chief Gatsha Buthelezi President of Inkatha and Mr J T Kruger, Minister of Justice, Police and Prisons. Pretoria - 19 September 1977.

40. Mare G and Hamilton G., op. cit., p. 40.

41. See the "Sunday Tribune" of 6 November 1983.

And in remarkably similar language he wrote in the Sunday Times (16 January 1983):

I do not owe my political power to the KwaZulu Legislative Assembly or to Pretoria. King Shaka never owed his political eminence to any colonial power. The solidarity of the Zulu people was not dependent on white-created institutions when they defeated the might of the British army. White South Africa observes a so-called Day of the Vow as testimony to the fact that the people I now lead have their own and their own sense of destiny. An act of history made us South Africans and South Africans we are and will remain.

What is remarkable is that this specific local history should in the last quarter of the 20th century be raised to justify involvement in a policy as divisive and generally abhorrent as that of apartheid.

- (b) The formation of the KwaZulu Legislative Assembly (KLA) with reference to the role played by the king in the politics of KwaZulu.

Political development in KwaZulu did not take place at "ox wagon pace," and by 1972 the KwaZulu Legislative Assembly (KLA) was created to replace the Zulu Territorial Authority.⁴² This was a major step forward in the state's constitutional planning for the bantustans, giving limited legislative as well as executive powers to these regional administrations.

The Act under which the KLA was created, the Bantu Homelands Constitution Act of 1971,⁴³ makes provision for "Chapter 1" and "Chapter 2" powers. During the first stage, which started for KwaZulu in 1972, an executive

42. Mare G and Hamilton G., op. cit., p. 41.

43. See appendix C

council is allowed, which becomes a cabinet in the next stage (Chapter 2). Excluded from "Chapter 1" powers are important areas, such as establishment of townships and business undertakings, the appointment and dismissal of chiefs, and educational syllabuses. This means that the bantustans are forced to move to the next stage, even if they should reject the "final" stage of independence, as KwaZulu has done.⁴⁴

In 1972 a constitution was drafted for KwaZulu which contained two aspects worth mentioning. First, the king had been "downgraded" to a figurehead position, at the insistence of Buthelezi and the other executive councillors. This occurred against the wishes and petitions to the central state of such royalists as Prince Clement Zulu who had wanted an executive paramount chief (king).⁴⁵ There is also a pledge of "respect" for "all laws applicable in the area of the KwaZulu Legislative Assembly."⁴⁶

The issue of constitutional role of the king is of central importance to the detail of "Zulu" politics. Buthelezi's 'tactics' have rested on occupying a commanding position in KwaZulu that could not be challenged by an alternative tradition, such as that of the king, with the potential or actual backing of the central state. Powerful forces were

44. Horrell M., Laws affecting Race Relations in South Africa 1948-1976., South African Institute of Race Relations, Johannesburg, 1978; pp. 52-52.

45. Kotze D A., African Politics in South Africa 1964-1974: Parties and Issues; St martin's Press, New york, 1975; pp. 55-58; See also Schmahmann B., "KwaZulu in Contemporary South Africa: A case study in the implementation of the policy of separate development". (Unpublished PhD thesis, University of Natal Durban); p. 93.

46. Temkin B., op. cit., p. 149.

trying to set up a system of government similar to that of Swaziland, another monarchy but with an executive king. These forces were operating not only within Zulu society, but also found allies in the state, and later amongst a disgruntled petty bourgeoisie. Their allies within the state did not want a sometimes rebellious Buthelezi running the bantustan for the largest ethnic group in South Africa, a showpiece if they did take "independence". Buthelezi tried to delay the installation of Goodwill as king of the Zulus.⁴⁷ This was interpreted by some as a tactic to get the constitution for the KwaZulu Legislative Assembly passed first, with its clauses defining a non-executive role for the king. This interpretation is rejected by Temkin.⁴⁸

Despite the king's acceptance of his role within the constitution, a role that was reaffirmed in later years by both the KwaZulu Legislative Assembly and by Inkatha, there have been attempts to involve him in efforts to oust Buthelezi on a number of occasions. The king has been involved in attempts to form opposition parties by members of the Zulu Royal House antagonistic to Buthelezi, and by opponents of Inkatha, in particular businessmen from urban areas opposed to certain KwaZulu economic projects.⁴⁹ At the Nongoma celebrations of the king's fourth year as paramount chief, to which Buthelezi's cabinet had not been invited, a white official employed by Iscor, where members of the Royal House and had been employed, collected a large sum of money for the occasion. While the implications are far from clear, Buthelezi referred the matter to the Security Police of the central Government.⁵⁰

47. Mare G and Hamilton G., op. cit., p. 42.

48. Temkin B., op. cit., p. 140.

49. Schmahmann B., op. cit., p. 235

50. Loc.-cit.

It is also alleged that the king had attempted to enlist the support of KwaZulu tribes astride the Mozambique-KwaZulu border, presumably in a bid to oust Buthelezi.⁵¹ It appears that, with the consent of Frelimo, and accompanied by a member of the South African Police, the king travelled to Mozambique to visit the Tembe tribe who were part of Shaka's original empire. The visit was described by the Security police as "nothing out of the ordinary". During 1975, a Transvaal organization called "Abelwi Benala", backed King Goodwill, apparently attempted to discourage the growth of Inkatha in that province. To counter these moves, Buthelezi summoned a National Council of Inkatha in 1976, and it prevailed upon the king to sign a declaration pledging the cessation of political activity. The position rested there.⁵² The king attends meetings of the KwaZulu Legislative Assembly in his constitutional, non-participatory capacity, escorted by Chief Buthelezi, and is greeted on entrance and exit with the royal chant of "Bayete" by members present. He has always been empowered to address the House should he so desire, and a more recent decision has been taken that when the king is in the House he, and not the Speaker, is addressed.⁵³

The KwaZulu Legislative Assembly provided for 24 September to be an official public holiday in KwaZulu to be known as King Shaka Day. The KwaZulu Legislative Assembly would comprise a personal representative of the king, three chiefs (or chairs of community authorities) appointed by

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51. Natal Mercury 13 and 15 December 1975., Sunday Times 14 December 1975.
 52. Survey of Race Relations of South Africa (1976)., p. 248. See also The Daily News, 26 may 1976.
 53. Schmahmann B., op. cit., p. 236.

each of the 22 existing regional authorities, and 55 elected members (election were not held until 1978). A comment by Butler et al draws attention to a point that has been mentioned in connection with Buthelezi's denial that he participated in apartheid:-

It is important to emphasize the limited nature of the changes in the constitutions of the homelands. The legislation of 1970 and 1971 (the Bantu Homelands Citizenship Act and the Bantu Homelands Constitution Act) provides no major break with the system established in the Transkei in 1963, the roots of which go back to the Bantu Authorities Act of 1951. What has been achieved constitutionally in recent years is the extension of Transkei-type models to the other former reserves.⁵⁴

A further concession that Buthelezi won was the right to select members of his own executive council, although the names still had to be presented to KwaZulu Legislative Assembly for approval.

(c) Buthelezi's rejection of "independence" for KwaZulu

The status achieved in 1972 (i.e. the creation inter alia of the KwaZulu Legislative Assembly) was that of stage 1 self-government. The Zulus were one of the last of the originally envisaged ethnic groups to get to this point. Buthelezi has fairly consistently come out against the

54. Butler et al., op. cit., p. 41.

final step, as envisaged by the political planners in Pretoria, and the KwaZulu bantustan will probably never become one of the "independent national states" (of which there are 4 at present, i.e. the TBVC national states) recognized only by each other and by the South African state.

The KwaZulu Government Diary carried a "statement of policy" in Buthelezi's foreword.

We believe that it is in the interests of the Zulu nation that we gear our approach towards full political rights with the least political delay and that means nothing less but unqualified independence.

We will therefore in terms of our constitution from time to time ask that more and greater powers and more comprehensive duties in respect of KwaZulu matters be handed over to us that we can orderley develop towards full autonomy.⁵⁵

To be fair to Buthelezi, the speech on which he based this foreword (quoted above) was given in the KwaZulu Legislative Assembly the previous year.⁵⁶ Here the phrase "unqualified autonomy" rather than "unqualified independence" was used. It would be correct to say that

55. KwaZulu Government Diary., Edupress, Durban, 1974., p.10.

56. KwaZulu Legislative Assembly Debates., Vol. 3., 4-14 May 1973., p. 168-169.

while one may find such instances where he envisaged "independence" under certain conditions, generally he has rejected the climax of the bantustan policy. When Drum magazine wrote, in its December 1982 issue, that he had seen the establishment of the ZTA as a "step towards eventual independence", Inkatha secretary general, Oscar Dhlomo, was quick to respond that "it was blatantly untrue to allege that there was ever a time when Chief Buthelezi ever contemplated taking so-called "independence".⁵⁷

At a meeting in Soweto in March 1976,⁵⁸ Buthelezi made his stand clear on the question of "independence" when he said:-

I challenge anyone to prove to me that the majority of Blacks want the so-called independence which is offered to our reserves, now called homelands, and when I speak for my people in this matter, I speak for the majority of Blacks in the country. No single Black leader would dare to go to his people to decide independence on the basis of a referendum.⁵⁹

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57. Drum magazine., February 1983.
58. Buthelezi's speech., On-this Approaching Hour of Crisis., Soweto, March 1976. See also Schmahmann B., op. cit., p. 321.
59. Attention is drawn to the detentions preceeding the elections prior to independence in Transkei, and the subsequent imposition of the death penalty, early in 1977, for those opposing Transkeian independence.

D Evaluation of homeland politics with particular reference to KwaZulu

Internal bantustan politics have not changed greatly except that the level of direct repression has escalated dramatically.⁶⁰ However, the changing political climate in South Africa as a whole has fundamentally altered the position originally envisaged for these regions. The KwaNdebele "homeland" was due to gain its "independence" at the end of 1986, but popular resistance has forced the South African state and African supporters of "independence" for KwaNdebele to back down and postpone plans for further fragmentation of South Africa. Fewer attempts are made to force the remaining "homelands" into "independence".⁶¹ This new policy, only in its initial stages, has meant that it has become counter-productive to find a way of circumventing Buthelezi or forcing him into "independence". As the lines are being drawn ever more clearly in class rather than just racial terms, so the traditional opposition from the state and National Party-controlled media has changed. Gone are the days when every session of the KwaZulu Legislative Assembly was dominated by revelations and accusations about Department of Information and security police involvement in KwaZulu politics in attempts to replace Buthelezi with someone more pliant. Even business had, in the early 1970's, wanted Buthelezi and other bantustan politicians to

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60. Hayson N., Mabangalala: The rise of right-wing vigilantes in South Africa., Centre for Applied Legal Studies, University of the Witwatersrand, Johannesburg., occasional paper 10.
61. Cobbet et al., South Africa's regional political economy: a critical analysis of reform strategy in the 1980's., South African Review three;, Ravan Press, Johannesburg.

be legislatively excluded from the labour field.⁶² The name and face of Buthelezi is now frequently to be found making a point that supports the state's new direction, or attacking the enemies of reform in South Africa. In this new definition of a common South Africa, albeit still composed of "minorities", there is certainly a place for Buthelezi. The question is simply where. How can concessions be made without opening the doors to majority rule?

It is in this context that the federal option, advocated by Buthelezi for so long,⁶³ is demanding serious consideration from politicians and academics. It has already been given the stamp of approval by business leaders in Natal, through their participation in deliberations of the Buthelezi Commission and in the discussions for a joint administration and legislature in Natal between the Provincial Council and the KwaZulu Legislative Assembly (known as the "KwaZulu-Natal Indaba" or consultation). Buthelezi and Inkatha are turning the weakness, on an ideological level, into a strength through making the bantustan and its politics a central part of regional and hence national politics. The presence in force of KwaZulu police, armed with automatic weapons, at the 1986 May day launch of Inkatha's trade union (UWUSA) in the heart of "white" Durban is surely a sign of the future.

62. Mare G and Hamilton G., op. cit., p. 44.

63. For a detailed discussion of Buthelezi's own federal option, see Schmahmann B., op. cit., pp. 313-320.

CHAPTER V

THE PRESENT ERA

A. THE FORMATION OF INKATHA IN 1975

(a) Reasons for the formation of Inkatha

Before we look at the kind of organization that was created in 1975, it is necessary to say something about the immediate reasons for the creation of Inkatha. Late in 1973 nearly all the bantustan leaders met in Umtata (Venda and Qwaqwa were not represented). This meeting decided that an interview with Prime Minister B J Voster would be sought early in 1974. It also asked for more money from taxes that were generated in the "white"¹ areas, and the repeal of the influx control legislation. Buthelezi claimed that this meeting showed the solidarity that could be achieved through the state policy.²

The eight existing bantustans (two more were still to be created) met with the Prime Minister in 1974 in a "spirit of goodwill" and it was agreed that further meetings would take place. After a meeting early in 1975 it was reported that Voster had not agreed to any of the major requests made by the bantustan representatives, although minor concessions were made, such as the inclusion of blacks on the boards of bantustan development corporations. Consideration would be given to the return of non-

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1. Survey of Race Relations in South Africa (1973); p. 164-165
 2. Mare, G and Hamilton, G; op. cit; p. 56.

communist exiles, and the recognition of trade unions for Blacks could be discussed with the Minister of Labour. Buthelezi took exception to the suggestion that bantustan leaders meet with officials of the Department of Bantu Administration and Development to discuss the easing of the hardships caused by influx control regulations.³

Langner argues that the last straw before the formation of Inkatha was this "homelands'" leaders conference with Prime Minister Voster in 1975. Eight days after a report-back meeting that was addressed by Buthelezi in Umlazi, Inkatha was formed in Zululand.⁴ This might be stretching the events somewhat, as the process of re-forming Inkatha was already well under way, but, as another example of the frustration of the bantustan leaders that dates back much further, it would have influenced the decision to go ahead with the formation meeting at KwaNzimela.

According to Langner, the motivation for Inkatha lay in attempts, first, to oppose the divisive effects of the apartheid policy, and, second, to stimulate self-reliance. On a political level Buthelezi must have realized that he had reached the end of what the apartheid policy had to offer. Without taking "independence," an act that would have meant political suicide for anyone with sights higher than regional politics, he had to open options beyond the KwaZulu Legislative Assembly. However, Inkatha's potential as a vehicle for achieving national goals

3. Survey of Race Relations in South Africa, 1975, p. 26.

4. Langner, E J: "The founding and development of Inkatha Yenkululeko Yesizwe," unpublished M.A. dissertation, UNISA, 1983; pp. 32-33.

only became clear later. At first the movement was locked into regional and ethnic politics, both in structure and motivation. When Inkatha was discussed in the KwaZulu Legislative Assembly for the first time during April 1975 (shortly after its formation), Buthelezi made the claim that the organization was the "base from which to plan our liberation. ... I said in the past we need liberation even from such things as ignorance, poverty and diseases. It was for this reason that I announced that we were reviving Inkatha," a National Liberation Movement founded by King Solomon kaDinuzulu in 1928."⁵ Not only was it to concentrate, in conception, on issues that would in effect only be re-resolved through participation in the bantustan structures, it was also initially for Zulus only.

When Buthelezi re-emphasized that Inkatha was not a political party he said: "In other words, all members of the Zulu nation are automatically members of Inkatha if they are Zulus. There may be people who are inactive members as no one escapes being a member as long as he or she is a member of the Zulu nation."⁶

Probably Buthelezi never again stated this position as clearly, and would not have done so outside the confines of this ethnic administrative institution, the KwaZulu Legislative Assembly, but these sentiments are of direct relevance to the apparent ambiguities of the Inkatha movement. To oppose Inkatha was to

5. KwaZulu Legislative Assembly Debates (KLAD), 5 p. 134.

6. Loc. cit.

oppose the "Zulu nation," was the message that he gave. To form any other organization was to break the unity that Inkatha gave; to criticize Inkatha and its leadership was to meddle in the Zulu nation. The first national council and general conference meetings of Inkatha, held in July 1975, accepted Buthelezi as the "unchallenged leader of the 4 and a half million Zulus in their struggle..."⁷ and he was empowered to speak on behalf of all Zulus.

The stress on a separate Zulu identity, excluding those outside the "Zulu nation," started very early on in the life of the ethnically defined KwaZulu authority. When the ceremonial mace was received by the chairman of the KwaZulu Legislative Assembly from the Minister of Bantu Administration and Development in 1973, he reassured the Minister that "... it will be kept as a token of the cordial relationship and good neighbourliness between our respective nations in this country."⁸ Buthelezi, proposing that Shaka Day should replace Settlers' Day as a public holiday in KwaZulu, said that "... he (Shaka) united all the tribes which is depicted on those strands of 'inkatha' of our Mace, each strand representing a tribe in the KwaZulu area, and amalgamated these tribes into one nation."⁹

(b) Organizations that existed before the formation of Inkatha

While the name "Inkatha" was in the 1970s already around, and may have had several organizational forms before the formal re-

7. Langner, E J; op. cit; p. 25.

8. KLAD 3; p. 1

9. KLAD 4; pp 334-335

construction of Inkatha in 1975, it is clear that immediately before the official launching of Inkatha in March 1975, there was a group known as "Ubhoko." From my interviews with some members of the now defunct Ubhoko, namely Professor O E H M Nxumalo of the University of Zululand and Professor C L S Nyembezi of a publishing book-firm in Pietermaritzburg, it appears that one cannot in so many words refer to Ubhoko as a "fore-runner" of Inkatha (see Mare, G and Hamilton, G; 1978, p. 55) because members of Ubhoko did not automatically become members of Inkatha, although most of them did join Inkatha. It is amazing, however, to learn that the formation of the Central Committee of Inkatha influenced the decision of the members of Ubhoko to stop meeting since the Central Committee now became the "think-tank" of Inkatha.

Langner wrote that according to the late Dr Alpheus Zulu, a group of "leading Zulus" began meeting during the early 1970s functioning as a "think-tank" to try to work out a strategy for founding a national movement to halt the divisive effects of separate development and at the same time to act as a vehicle for the evolution of Black cultural patterns and self-reliance.¹⁰ This body developed into Ubhoko.

Ubhoko was formally constituted in February 1974, a year before Inkatha was formed.¹¹ In the KwaZulu Legislative Assembly Buthelezi presented Ubhoko as a vehicle for the KwaZulu cabinet for "liaison with the Zulu public and access to all those celebrities to advise us on any matter informally in the interest

10. Langner, E J; op. cit., p. 17.

11. Mare, G and Hamilton, G, op. cit.; p. 55. In an interview Professor Nxumalo of the University of Zululand confirmed this as a possible date for the formation of Ubhoko.

of the Zulu nation." ¹²

Members of Ubhoko, to mention a few, included figures such as the late Bishop Zulu, members of the Zulu royal family such as Prince Gideon Zulu; academics such as Otty Nxumalo (he was secretary of Ubhoko and now bears the designation of Professor) of the University of Zululand and Professor C L S Nyembezi (presently employed by a publishing book firm in Pietermaritzburg); businessmen such as Edward Ngobese and R S Ngobese; and professionals such as Dr Helen Ngobese (physician at Edendale Hospital, Reggie Ngcobo (attorney in Durban) and Dr M V Gumede - physician in Durban.

One of the tasks of Ubhoko was to decide on a constitution for the planned Inkatha and in particular to examine the United Independence Party (UNIP) Constitution of Zambia. Buthelezi had been impressed with this document during a visit in 1973. The UNIP Constitution, with minor changes, was adopted by Ubhoko for Inkatha. ¹³

Buthelezi had also been a member of a "group of leading politicians and academics of all races and parties who meet regularly and who are known as "Synthesis". ¹⁴ This must have been at the time when the idea of Inkatha was first seriously discussed, but whether there was any link is not known.

12. KwaZulu Legislative Assembly Debate, 5; p. 63.

13. This was confirmed in my interviews with Professor Nxumalo and Nyembezi. See also Mare, G and Hamilton, G; op. cit. p. 55.

14. See introduction by ES Munger to Buthelezi, 1972.

"Synthesis" is an exclusive and apparently influential discussion group composed of representatives of, for example, monopoly capital, sympathetic academics and some politicians, who invite speakers from a wide range of perspectives to brief them on contemporary issues that might have bearing on the decisions they have to make. It is not the kind of body that one reads about in the press.

(c) The formation of Inkatha in March 1975

The ANC was formed in 1912, when "several hundred of South Africa's most prominent citizens; professional men, chieftains, ministers, clerks, interpreters, landholders, businessmen, journalists, agents, met in Bloemfontein."¹⁵ In 1975 the formation (or re-formation) meeting of Inkatha was attended, in the words of Chief Buthelezi, by "the cream" of the elite Zulus in this province (Natal) from the Transvaal and the Free State."¹⁶

There is a gap of sixty-three years between the formation of the ANC and Inkatha, but it appears that the two groups were remarkably similar, if not in occupational composition then in class interest and aspiration. What distinguished the two meetings and the immediate concerns of those present was that the 1912 gathering aimed to create a national movement, to work against the exclusion and fragmentation strategies of the State that was formed in 1910 out of the Boer Republics and British colonies (under the slogan of white unity - "ex unitate vires").

15. Lodge, T; Black politics in South Africa since 1945; Ravan Press, Johannesburg, 1983, p. 1.

16. KwaZulu Legislative Assembly Debate, 7; p. 772.

The 1975 gathering (initially) met to form an ethnic organization within a state-created administrative region of an already enormously divided South Africa.

The process during the early 1970s that led to the formation of Inkatha is not all that clear. There are several references to the existence of a body called "Inkatha" predating the official formation in March 1975. So, for example, in 1972 Buthelezi told the KwaZulu Legislative Assembly that the first Inkatha was something that Solomon kaDinuzulu had "dreamed-up" to promote the economic development of the Zulu people.¹⁷ He stressed that what he was talking about was not a political party but a "national movement." he continued: "As Chief Executive Councillor I would like to propose that this "Ibandla" is not a party when we call ourselves "Inkatha kaZulu" so that whosoever has ambitions will be outside this "Inkatha kaZulu." That is something that was bequeathed to us by our late King Solomon kaDinuzulu. I wish to stress that this is not a party. It is a national movement, but I would imagine that we of this government when elections come out we shout "Inkatha" and they will say "KaZulu."¹⁸

A year later, that is in 1973, Buthelezi distributed the 1928 constitution to the members of the KwaZulu Legislative Assembly.¹⁹

17. KwaZulu Legislative Assembly Debate, 1; p. 10.

18. Loc. cit.

19. Bernstein, S A; African nationalism, Black consciousness and the dialectic of Zulu participation in separate development; unpublished B A Honours dissertation, Wits, Johannesburg, 1977, p. 117. See also KwaZulu Legislative Assembly Debate 3, p. 281.

Buthelezi repeated an earlier reason for the revival of Inkatha, namely "economic upliftment." "We should not stop to do anything to improve our economic situation ... Once we have a measure of economic power our battle will be half-won. That is why we should all support movements such as Inkatha KaZulu and the Black Bank."²⁰

Wentzel wrote in the introduction to her interview with Dr S M Nyembezi and John Mavuso, chair and executive member of the Black United Front respectively that: Inkatha had started in Dr Nyembezi's house in 1974 while a public meeting was being organized to receive Gatsha Buthelezi and introduce members of his government to the Soweto public. The organizers of the meeting felt they would like to establish something more permanent and asked Chief Buthelezi for a name. He suggested the name Inkatha be revived..."²¹

Inkatha was formed in 1975 within the KwaZulu bantustan and it is clear that whether as a matter of strategy or less self-consciously, it defined its issues at that stage within the bantustan. It was clearly necessary for gaining membership that an appeal should be made to the most immediate constituency, that

20. KwaZulu Legislative Assembly Debate; p. 174.

21. Wentzel, J; "Black United Front: an interview with Dr Nyembezi and Mavuso; in Reality, 9.3; 1977, p. 6.

over which administrative responsibility had already been accepted. However, there seems to be a similar "inevitability" about the politicization of tribalism that went hand in hand with this mobilization. Inkatha arose as a "Zulu" organization, inextricably tied to the bantustan structures of KwaZulu, and has never been able to escape this past in any significant way. As a "Zulu" body it was able to mobilize readily, and as a bantustan movement it has been protected from state action,²² but these apparent advantages have since become serious hindrances as the general mood in the century has changed.

Langner claims that by the time the first copies of the Inkatha constitution were published, "Inkatha YakwaZulu" had been altered to read "Inkatha YeSizwe" ("Inkatha of the nation," rather than "Inkatha of the Zulu people").²³ This ambiguity of being caught between the "Zulu nation," on the one hand, and national aspirations on the other continues to haunt the movement.

(d) Inkatha's structure

As already pointed out the Inkatha constitution was modelled largely on that of the Zambian National Independence Party (UNIP). KwaZulu interior minister Dr E I Mdlalose commented: "We took several ideas from the 1928 Inkatha structure, but

22. Early this year, i.e. 1988, the S A government under its emergency regulations took drastic action against 18 anti-apartheid organizations and some of their members (e.g. UDF, Cosatu); falling a little bit short of actually banning such organizations. No action was taken against Inkatha and its trade union, UWUSA.

23. Langner, E J; op cit., p. 21.

obviously it was defective in a number of ways," and that is why they turned to the UNIP constitution.²⁴

Inkatha's original constitution stipulated that the Inkatha president also had to be the chief minister of KwaZulu (something as difficult to defend in a national liberation movement as the stipulation about Zulu predominance). Patrick Laurence, writing some years after the change in the constitution in 1979, argued that this clause was put in to "guard against the contingency of an unprincipled opportunist taking over as Chief Minister and concluding an independence agreement with Pretoria."²⁵ This might be true, but it is one of the many features confirming that the Inkatha movement grew out of, and within, the KwaZulu bantustan.

The movement has a "well organized pyramidal structure," leading up from individual members, branches, regions, to the various top decision-making bodies and conferences. The National Council (NC) is the policy making organ. The National Council has 300 members on average, although, as Langner wrote, this body, like the General Conference (GC) differs in actual composition from the provisions of the constitution. It is composed of the Central Committee, the KwaZulu Legislative Assembly members who are also members of Inkatha, four representatives of the regions, members of the brigades' executives, one representative from each affiliated organization, and the organization's administrative

24. Killie Campbell Library Oral History Project (KCAU), University of Natal, pp. 157 and 176.

25. Laurence, P; South African Black Party Politics, in Africa Insight, 13, 4, 1984, p. 271.

officials. Inkatha has "absorbed" the KwaZulu Legislative Assembly through the National Council, so that it can be regarded in practice as "the legislative arm of Inkatha."²⁶ The National Council can, in fact, propose legislation to the KwaZulu Legislative Assembly. Schmahmann, commenting on the "absorption," wrote that "If not elitist, the movement has potential for being authoritarian... The potential for abuse by those who control the movement is ... great. Intermingling the Legislative Assembly with the National Council and the cabinet with the Central Committee precludes the growth of effective opposition political parties."²⁷ The National Council meets at least twice a year and, except for the opening, sessions are held in camera.²⁸

It appears that the General Conference (GC) would consist of all National Council members, along with two or three representatives of every branch. In the early 1980s there could, thus, have been 2300 delegates to the General Council. Langner comments that "provision for the representation of other interest groups on the General Council (and the National Council) is negligible." This provision has been copied from the UNIP constitution. Whatever the reason for its inclusion, in practice "it is an effective preventive measure against the forming of pressure groups by these affiliated organizations."²⁹ It is at this level that

26. Langner, E J; op. cit; p. 71.

27. Schmahmann, B; KwaZulu in Contemporary South Africa : a case study in the interpretation of the policy of separate
Durban, 1978, p. 285.

28. Langner, EJ; op. cit, p. 79.

29. Langner, EJ; op. cit; p. 80.

constitutional provision is made for the representation of trade unions, amongst others. The General Conference can amend the constitution, by a two-thirds majority, and can "consider, review or change" any policy. The General Conference has to meet annually to discuss a programme prepared by the Central Committee (CC), and approved by the National Council. Voting is by secret ballot.

The Central Committee is responsible for the "programming" and implementation of policy. It must have a minimum of 25 members (the president, secretary-general, 20 members elected by the General Conference every five years, and members nominated by the president in consultation with the Central Committee). The number of nominated members has increased dramatically. While in the pre-1979 constitution provision was made for only three such members, a year after the constitution was changed (i.e. in 1980) the president had appointed 20 members, and the Central Committee had 46 members. It has been suggested that these positions serve to co-opt local (community level) strong-men and warlords in KwaZulu whom it would be preferable to have within the organization rather than organize opposition from without. Presidential appointment, with the approval of the Central Committee, also avoids clashes in the National Council and General Committee where some of the appointees might be controversial. One such person, for example, is Mandla Shabalala of the Lindelani "informal settlement" outside Durban, who arose as a powerful person, apparently outside the formal KwaZulu and Inkatha structures. Shabalala has featured prominently in allegations of vigilante involvement in the 1985 unrest in the Durban area and since then.

It may be an acknowledgement that the strategy of co-opting people on to the Central Committee for political reasons has made it unwieldy in terms of its tasks, that an "inner council" (shades of the central state's Security Council) has been formed. For example, in 1980 it was reported that certain decisions had

been taken by the "newly-created inner council of the movement's Central Committee. It has been created to deal with urgent business."³⁰ Langner confirms the existence of the inner council, but says it was only formed in February 1981.³¹

The Central Committee is extremely powerful, both in the movement and also in KwaZulu politics. Internally the Central Committee has overall control of the activities of Inkatha and shall ensure that discipline is maintained in Inkatha. Externally, the Central Committee controls the selection of candidates for "Parliamentary and Local Government Elections." The Central Committee functions through a series of sub-committees, whose members are appointed from the Central Committee and the National Council by the president (See Figure 1).

What is clear even from the constitution, not merely from the practice of Inkatha in KwaZulu, is that at several levels the movement is part and parcel of the bantustan administrative structure. The National Council incorporates the KwaZulu Legislative Assembly, the Central Committee decides on candidates for KwaZulu elections (that is the only "Parliament" and "Local Government" it participates in, at least at this stage), and the president has to qualify "to be Head of Government in any government which the movement, by virtue of having attained a victory at a General Election or for any other reason, is entitled to form." The Inkatha president is also the only candidate which the movement will support for the post of head of government.³²

30. The Star, 24 December 1980.

31. Langner, E J; op. cit; p. 86.

32. Langner, E J: op. cit; p. 82. See also the Constitution of the National Cultural Liberation Movement or Inkatha (with amendments).

Branches

- no branch less than 30 members
- branch executive consists of six members
- membership of R3 annually
R1 for youth
entry fee of R5 for new members
- conference meetings conducted in Zulu, Sotho and English

Annual General Conference

delegates and members from 2 500 branches nationwide; 1,3 million members

Central committee of 103 members

National executive of Inkatha elected every five years. President can appoint members

Sub-committees and chairmen

Defence and security: Brigadier S M Mathe
Political and constitutional: Dr D R B Madide
Economic and finance: M A Nzuzo
Social and cultural: Dr F T Mdlalose
Elections and publicity: H T Madonsela
Appointments and discipline: Rev C J Mtetwa
Community development: B Skosana

President

(Mangosuthu G Buthelezi)
elected every five years at the General Conference

Secretary General

(Dr Oscar D Dhlomo)
elected every five years

Deputy Secretary General

(Chief Simon H Gumede)
appointed by the President after consultation with the Central Committee

National Council

policy making body of Inkatha meets annually
2 000-2 500 delegates
Chairman elected annually
(Dr Frank T Mdlalose 1986)

delegates consist of:

- all national leadership formations
- members of the central committee
- Inkatha members of the KwaZulu legislative assembly
- chairmen of regional committees
- representatives of affiliated trade unions and organisations
- the administrative secretary of Inkatha
- members of the executive committees of the youth and women's brigades

Youth and Women's Brigades

- annual conferences
- Youth 38% membership
Chairman: Keith Musa Zondi
- Women 34% membership
Chairlady: Abby Mchunu

Until Inkatha is drawn into a revised system of government in South Africa it means that, as was the case before the constitution was changed, the president of Inkatha must belong to the Zulu ethnic group. Gibson Ihula, in charge of publicity for Inkatha for a time, said after the 1979 constitutional change, surely with his tongue firmly in his cheek, that it was now possible "for a non-Zulu to become president of Inkatha and thus also chief of the Zulus."³³ This would, of course, make nonsense of the KwaZulu bantustan constitution and Buthelezi's claim to sole legitimacy in the traditional position of prime minister to the Zulu king.

Inkatha is at present, in one of its aspects, simply another bantustan political party. In terms of the distinction drawn by Buthelezi between short-and long-term involvement, Inkatha is firmly located in the former as the ruling party within the KwaZulu bantustan. It was probably wishful thinking that made Temkin write in 1976 that the presentation by Buthelezi of Inkatha as a national liberation movement to overseas audiences, rests on:- "the already overwhelming and enthusiastic response with which it has been met in towns and cities all over the country... Inkatha is above black suspicions. It is not a government institution nor is it an institution arising even indirectly from official policy. There is no taint of apartheid attaching to it."³⁴

It is important to look at the spread of branches and membership because it is on the basis of these that Inkatha claims to be a national, cross-ethnic movement, going beyond the state's policy of fragmentation. "Non-Zulu" allegiance to Inkatha and Chief Buthelezi has been a very sensitive issue with the Inkatha leaders, and maybe even more so with politicians and academics

33. Frontline Magazine 1, 1, 1979.

34. Temkin, B; op. cit; p. 334.

who favour the solution that the movement is said to hold for South Africa.

Inkatha's branches have to have a minimum of 30 members, a committee of eight members, and a "branch executive committee" of 14 members. A month after the formation of Inkatha in 1975 it was reported that ten branches had already been formed in townships around Durban. Nomathemba Sithole (secretary with the United States Information Service in Durban), was elected organizing secretary of the interim committee. Buthelezi said that branches had to be formed in consultation with the KwaZulu urban representative, a civil servant³⁵ ... no time had been lost in making use of the facilities offered by the bantustan. Early in 1977 there were 300 branches (200 rural and 100 urban) in existence, 18 of these outside Natal.³⁶ Professor Schlemmer, academic and Inkatha spokesman, said on SABC-TV (3 December 1984) that nearly a third of the branches were in the Transvaal urban areas in 1984. Schmähmann made an early claim for Inkatha branches in the Western Cape, where the Black population comes mainly from regions inhabited by Xhosa-speaking people (the eastern Cape). Reference to these western Cape branches, placed specifically in the townships of Langa, Nyanga and Gugulethu, have been made uncritically since then.³⁷ However, researchers in Cape Town have not been able to discover these branches.

A thesis submitted in 1983 mentioned 1000 branches of the movement in 20 regions - more than 90% of them in Natal

35. The Daily News Newspaper, 26 April 1975.

36. Schmähmann; op. cit.; pp. 277-278.

37. See for example Frontline 1, 1, 1979; The Natal Mercury, 21 February 1980; Langner, E J; op. cit.; p. 71.

(including KwaZulu).³⁸ However, Kane-Berman, writing a year earlier, claimed 1200 branches and placed 30 of these in Soweto.³⁹ Despite the contradictory figures, and despite the primary reason for quoting branch numbers and location - to show national membership - observers accept that Inkatha is predominantly a Natal and Zulu organization. Schlemmer admitted that branches outside the province reflected a Zulu-speaking presence in those areas, that even though ethnic affiliation does not appear on membership forms, the mass of its members are Zulu-speaking (over 95 percent), and that it is basically rurally based.⁴⁰

This Zulu and rural bias correlates very well with organizational patterns of Inkatha, at least during the first five years or so of its existence. In rural areas constituencies coincide with chiefs' areas of authority,⁴¹ and Inkatha regions take the same boundaries as the regional authorities in Natal established in terms of the 1951 Bantu Authorities Act. It comes as no surprise then that the movement's "spectacular growth" can "in large measure" be ascribed to the "active co-operation of tribal chiefs."⁴² John Kane-Berman, ex-journalist, director of the

38. Langner, E J; op. cit., p. 71.

39. Kane-Berman, J; Inkatha, the paradox of South African politics; in Optima, 30, 3; 1982, p. 155.

40. Schlemmer, L; The Stirring Giant : observations on the Inkatha and other black political movements in South Africa; in Robert M Price and Carl G Rosberg (eds); - The Apartheid Regime : political power and racial domination Cape Town: David Philip; 1980, p. 115.

41. Loc. cit

42. Ibid; p. 116.

South African Institute of Race Relations and also vice-chairman of the KwaZulu/Natal Indaba, wrote that Buthelezi confirmed this in that he "has insisted that traditional authority be respected and that chiefs, as patrons, should exercise a watching brief over local branches."⁴³ As far as could be established Inkatha has never claimed branches in any other bantustan.

Lastly, as far as the structure of Inkatha is concerned, some reference should be made to Inkatha's brigades. While membership of Inkatha proper is restricted to "persons" over the age of 18, "female persons of not less than eighteen years of age" enroll in the Women's Brigade, while "persons" who are under the age of eighteen and "those people who are accepted by the Youth Population as Youth" join the Youth Brigade. The latter provision regarding Youth Brigade membership was one of the additions to the constitution in 1979, while an amendment removed the Youth Brigade from the jurisdiction of the Central Committee and placed it directly under the president (the Women's Brigade remained under Central Committee control).

The Women's Brigade functions in parallel with the "main constituences, branches and other units" of Inkatha. It is supposed to play an "instructive role in the mobilization of the womenfolk and upbringing of children towards the objectives of the movement." The Youth Brigade is allocated a less supportive role. It is to function as the "reserve of the movement and shall play the vanguard role of upholding and consolidating gains of the movement." It too exists side-by-side with the main structures. The chairs of both brigades are appointed by the president in consultation with the national women's council in the one case, and with the Central Committee in the case of the Youth Brigade.

43. Kane-Bermann, J; op. cit; p. 154.

(e) The policy, strategy and tactics of Inkatha

In 1983, Inkatha Secretary General Oscar Dhlomo published an article entitled "The Strategy of Inkatha and its critics."⁴⁴ Dhlomo's presentation of the Inkatha strategy forms the basis of what Inkatha offers its members as policy. Firstly, he distinguishes between a "strategy of survival" and an "organizational strategy."

The strategy of survival is justified with Mao Tse Tung's dictum: "The basic principle of war is to preserve oneself and destroy the enemy," and that the wise general will let his soldiers die only "at that moment when there is nothing else left for them to do."⁴⁵ This survivalist approach dictates that Inkatha participates openly in politics in South Africa, hiding nothing from the security police, quoting banned leaders and meeting with the ANC (at least until 1979). It also demands constituency politics, in which various interests (constituencies) such as workers, professionals, youth, are brought together under a "basic common goal," this goal being "the total liberation of black people in South Africa."⁴⁶ Each constituency "at a particular point in time, is in a position to become effective in opposing any version of apartheid, provided the opposition is

44. Dhlomo, O; The strategy of Inkatha and its critics: a comparative assessment in Journal of Asian and African studies, XVII, 1-2, 1983; a mimeographed version dated April 1983 is also available.

45. Dhlomo, O; op. cit.; p. 49.

46. Dhlomo, O; op. cit. p. 51.

properly organized and appropriately conscientized."⁴⁷

The organizational strategy has several elements: the first is black unity, which, according to Dhlomo, is a unity that recognizes diversity and is based on a respect for "the right of everyone to present his views to the masses and to attempt to establish a movement with aims and objectives in support of his views."⁴⁸ To support his contention, Dhlomo referred to the Black Unity Front (BUF) and South African Black Alliance (SABA), as well as informal contact with the ANC and black consciousness organizations during the 1970s. He said that Inkatha calls for black unity from a "position of immense strength," and that any political solution in South Africa would have to include Inkatha.

Secondly, the strategy of non-violence is probably the most often repeated element of what Inkatha stands for. Dhlomo wrote that "Inkatha's strategy of pursuing non-violence... is pragmatic..." and then listed the reasons why it had been adopted:-

- (a) because violence has never been propagated by a movement operating inside the country, for which the example of the ANC is given. This argument rests firmly on Inkatha's views that the ANC is purely a "Mission in Exile," and that the policy of an armed struggle does not carry the support of the majority, or even a large number, of black people;
- (b) no country bordering South Africa is willing to make its territory available for bases from which to launch attacks. Logistically violence is, therefore, "not

47. Loc. cit.

48. Ibid., p. 52.

feasible," as a secure base would be essential for effective armed struggle;

- (c) armed struggles have "partly" contributed to the liberation of countries such as Mozambique, Angola and Zimbabwe, but these have been exceptions on the African continent. This view equates independence with liberation, and, regardless of history, levels the experiences of a continent, both before and since independence;
- (d) South Africa is exceptional in that the white ruling population is larger and more entrenched than anywhere else in Africa ("a determined tribe"), oppressors who "command the most lethal military machine and the most vibrant economy in the Southern hemisphere."
- (e) Inkatha cannot allow Africans to be "lured" into a position where they will have to fight from weakness, being unarmed;
- (f) Inkatha is convinced "that there are effective non-violent means of crippling the South African government and that these are preferable to armed struggle."⁴⁹ Dhlomo then referred to the "soft underbelly" of the economy and worker and consumer power that could be used to force the South African government "to capitulate." This is what Buthelezi himself has referred to as "active non-violence, whereby for instance we disrupt services, etc, and show disobedience."⁵⁰ However, Buthelezi's present stand on

49. Ibid., p. 55

50. KwaZulu Legislative Assembly Debate, 5; p. 84.

economic sanctions, consumer boycotts, and stay-aways from work does not tally with active non-violence as, inter alia, disruption of services nor with Dhlomo's reference to the "soft underbelly of the economy and worker and consumer power that could be used to force the South African government to capitulate."

As far as this non-violent strategy is concerned, Buthelezi, in his presidential address to the 1979 Inkatha Conference said: "If the time ever came when I was forced at the point of a gun to take Transkeian-type independence, non-violence for me would cease to be noble;"⁵¹ again in 1979 he told the Women's Brigade that Inkatha might have to turn to violence at some point as the ANC had done;⁵² in 1980, speaking at the unveiling of King Cetshwayo's tombstone, Buthelezi told about 5000 applauding people that the "Zulu people had to spill a lot of blood in defence of their heritage and their country and were prepared to do so again if necessary;"⁵³ in 1983 Buthelezi warned that in the "new political dispensation, I will be answerable almost exclusively to my black constituency in which there will be hardening attitudes and an ever increasing demand for the kind of politics in which I have not yet been involved."⁵⁴ "Inkatha will review its attitude to violence at the end of this decade" was the message of an Inkatha position paper in 1983.⁵⁵

The strategy to threaten is valid, argues Buthelezi

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- 51. Tha Natal Mercury, 2 July, 1979.
 - 52. The Rand Daily Mail, and The Star, 18 December 1979.
 - 53. The Daily News, 29 September 1980.
 - 54. The Star, 28 March 1983.
 - 55. Inkatha: Its viewpoints on change and liberation in South Africa, 1983.

because he is both led by "the people" and a leader of "people." The use of worker and consumer power would remain a threat, he argued, until it became an "articulation of what is in the hearts and minds of black people." Added to that, according to Inkatha, is the need to mobilize a constituency, to "have prepared the people for the hardships which are entailed in using these strategies."⁵⁶ However, when Kane-Berman asking Buthelezi in an interview whether Inkatha was not powerful enough already "to paralyse Durban by a strike," he replied: "Of course. Definitely. One might say we should have a show of strength. But we must have an issue to hang it on, something that affects workers directly."⁵⁷ The contradictions mount, because this does not square with Inkatha's frequent rejection of strike action, even around issues that affect workers directly, nor with the movement's response to worker stayaways. The strategy is the threat.

(f) Membership of Inkatha

Empirical analysis of Inkatha's membership suggests that its major support-base lies in rural KwaZulu.⁵⁸ Schlemmer has

56. The Sunday Tribune, 6 November 1983.

57. Frontline, October 1980.

58. Brewer, J D; After Soweto; The Clarendon Press, Oxford; 1986; 360.

has estimated that in mid - 1978, 95 percent of its membership was Zulu and that of nearly 1000 branches only 36 were outside Natal, with 203 in urban areas.⁵⁹ In 1982 Kane-Berman updated Schlemmer's figures, pointing out that there were 1200 branches by this time. Although 30 branches were in Soweto alone, the majority were still in rural KwaZulu.⁶⁰

The fact that membership is structurally located in the rural areas of KwaZulu explains many other observations which Schlemmer made about membership. It accounts for the disproportionate number of females, who are members, since a vast number of the economically active males are absent as migrant workers. This also explains the high number of members drawn from particular economic groups and occupations. Support is especially evident among the economically inactive sectors of KwaZulu, particularly from school children, among those economically active sectors which either administer or work within the KwaZulu bureaucracy, such as teachers and civil servants, and among members of the professions and business who service their own community in KwaZulu. It is the migrant workers who are seen as providing Inkatha's tenuous link with the urban areas.⁶¹ Southall thinks that Inkatha has little support among either the stable Black working class or among trade unionists.⁶²

59. Schlemmer, L; "The Stirring Giant," p. 115.

60. Kane-Berman, J; "Inkatha" p. 155.

61. Kane-Berman, op. cit., p. 154.

62. Southall, R; "Buthelezi, Inkatha and the Politics of Compromise"; pp. 455-457; "Consociationalism in South Africa; pp. 110, 111-112.

Migrant workers constitute approximately 60 percent of the urban male work-force and their ratio has been growing. Since migrants legally remain outsiders from the urban labour market and are liable to be sent back periodically, their political militancy is tempered by severe material insecurity. Many migrants resort to political escapism in religious cults, drugs, and alcohol. Since they depend on the chiefs for land allocation and old-age security, they cannot afford to show their frustration in the homeland. The small amount of empirical analysis of the attitudes of migrants and illegal squatters which is available shows them to be politically moderate.

Schlemmer and Möller found that 80 percent of migrants adapted to stress through acquiescence. They resigned themselves to their bleak and impoverished circumstances through one of three responses: conformists rationalized their situation by either progress; retreatists coped by engaging in rural fantasies; and the alienated overcame initial intense dissatisfaction by escaping into a sense of despair and passivity.⁶³ Inkatha's political moderacy can be seen as both cause and effect of the fact that its main constituency lies among these groups. Indeed, Buthelezi's supporters often under-emphasize the degree of radicalism which other groups possess and amongst whom Inkatha has little support.⁶⁴

63. See Schlemmer, L and Möller, V; Migrant Labour in South Africa"; centre for Applied Social Science, University of Natal, 1982. See also Adam, H; "Ethnic Politics, and Conflict Management : A Comparative Exploration" Consortium for Political Research, Freiburg, 20-5 March 1983, pp. 14-16

64. For example see Kane-Berman, J; op. cit., p. 159.

It is wrong to suggest that Inkatha has no support among the stable urban proletariat. In a sample of members from the urban townships of KwaMashu, it was found that the movement was successful to some degree in mobilizing support among the Black working class and highly educated groups.⁶⁵ Given the socio-demographic structure of Black townships, urban workers and the young will naturally predominate in any sample. The sample of Inkatha members from the KwaMashu reflects this age and class structure, irrespective of whether socio-economic class position was determined by occupation, level of education, or income. But while in absolute frequencies urban workers and the young do dominate the sample, it is clear from the socio-demographic breakdown of the Inkatha respondents that the organization does have some limited appeal to all socio-economic classes and age-groups. In this sense it is very broadly based: there is no strong statistical over-representation of any one group. In the KwaMashu study it was possible to establish the socio-demographic character of a wider sample of non-members, which acted as a control against which to measure the Inkatha respondents. In this regard, by comparing the two samples, a tendency was discernible for the Inkatha respondents to be younger and more working class.

65. The following analysis is based on J Brewer's "The Membership of Inkatha in KwaMashu." This analysis also makes reference to research conducted by Y Meer and M Mlaba, which used questions from the KwaMashu questionnaire and applied them to migrant workers and rural women. For Y Meer and M Mlaba's work see "Apartheid - our picture," Durban, IBR, 1982.

Table 1: Occupation of Respondents from KwaMashu

Occupation	Inkatha members		Non-members	
	No.	%	No.	%
Retired	2	1.9	4	2.7
Students	25	23.8	7	4.7
Farming/Agriculture	-	- -	1	0.6
Construction/Building	10	9.5	20	13.3
Factory, unskilled	31	29.5	48	32.0
Factory, skilled	15	14.3	21	14.0
Clerical/Office	9	8.6	18	12.0
Professional	13	12.4	31	20.7
Total	105	100	150	100

Table 1 shows the occupations of the two samples. Significantly fewer Inkatha respondents come from the higher occupational grades than in the larger group of non-members. This reflects Inkatha's tendency in KwaMashu to appeal more to the urban proletariat. Nor was there any tendency for the Inkatha members in the sample to be more upwardly mobile occupationally than their counterparts who were not Inkatha members. If anything, there was a slight tendency for the reverse to be the case.

This support amongst the urban proletariat needs to be kept in proportion. While the sample of Inkatha members did reveal this tendency, the respondents were still a minority of all those who worked in the urban proletariat. The only occupational grade in which there was a majority who were members of Inkatha was students. Elsewhere the proportion of Inkatha respondents was

around one-third. It reached 39.2 percent for all unskilled factory workers, and 41.6 percent for all skilled factory workers. This confirms Inkatha's appeal to the urban proletariat. As a consequence, there was a marked tendency for Inkatha respondents to be unemployed or to have experienced unemployment within the last year: 33.3 percent of non-members were currently unemployed and 58.7 percent had been unemployed in the last year, whereas the figures for Inkatha respondents were 44.2 percent and 70.5 percent respectively. This is certainly a high level of unemployment for both sets of respondents (not brought about by the biasing effect of the fieldwork because the interviewing was carried out at times when unemployed workers were at home). Inkatha's support among these subjects to bouts of unemployment is a very significant factor in reducing the extremism of such workers.

(g) Conclusion and evaluation: Inkatha's ambiguity

Inkatha's role as a political party manipulates a Zulu ethnic social base, while its role as a national movement needs to rid itself of ethnicity. Zulu ethnicity is built into the very name of the organization. Zulu women carrying water pails and other burdens on their heads use a soft pad or grass coil to ease the discomfort. The pad is called an inkatha and it symbolized the purpose of Inkatha yakwaZulu when King Solomon founded it in 1928 - literally, the grass coil of the Zulu nation. In 1975 Solomon's nephew, Chief Buthelezi, renamed it Inkatha Yenkululeko yeSizwe no longer "of the Zulu" but "for the freedom of the nation."

The deliberate manipulation of tradition and ethnicity is manifest in another way. For instance, the preamble to the 1975 constitution reads: "our national unity and models for development should be based on values extrapolated from our culture." It defined a number of aims: "to foster the spirit of

unity among the people of KwaZulu throughout South Africa... and to keep alive and foster the tradition of the people. To help promote and encourage the development of the people of KwaZulu. To promote and support, worthy indigenous custom and culture." This is an unambiguous manipulation of Zulu ethnicity.

The ambiguity comes in the very clear statements that Inkatha would abolish all forms of discrimination based on tribe, clan, sex, colour, and creed, and ensure the acceptance of the principles of equal opportunity, justice, liberty, solidarity, and peace. It also listed other aims: To establish contact and liaise with other cultural groups in South Africa. To co-operate with all progressive African movements which work for the complete eradication of all forms of colonialism, racialism, neo-colonialism, injustice and discrimination, and to strive for the attainment of African unity."

In a more recent "Statement of Inkatha Principles,"⁶⁶ Buthelezi lists seventeen commandments which have significant differences and emphases. The references to KwaZulu are deleted. Explicit references are made to the "poor" and "under-privileged," implying not so much a Zulu liberation as a liberation of all the oppressed. There is an increasing political shift, reflected in the listing of specific demands on the South African government. It reads less like a statement of ethical principles and more like a political manifesto. In this way, Inkatha shows the same long-term shift from a cultural liberation movement to a political liberation movement evident in the Ossebrandwag, the Afrikaner organization four decades earlier which came to offer a peculiarly Boer type of German National Socialism. In July 1979 Inkatha scrapped nineteen of the twenty references in its

66. Printed in Race Relations News, January-February, 1978, p. 5.

constitution to KwaZulu, its peoples, institutions, and King. Both "Zulu" and "African" were replaced by "Black." No longer are only the Zulus eligible for membership of the Central Committee and the King is not automatically patron-in-chief. There is no racial restriction of any sort on membership.⁶⁷

There has obviously been intense debate within Inkatha on this issue, but the ambiguity has not been resolved. As with the Ossebrandwag, ethnicity has not been successfully purged. In Soweto's Jabulani Amphitheatre, amidst a surge of urban Zulus on the Witwatersrand, Buthelezi committed Inkatha to paying homage to great Black warriors - not just Zulus, but Xhosas, Tswanas, Sothos and Shangaans as well. In 1978 he said that KwaZulu meant no more to Inkatha than "just a local regional administration."⁶⁸ But ten months later, at King Shaka celebrations in KwaZulu, he answered those who criticized him for advocating a Zulu empire by rhetorically asking whether the whites had abandoned their cultural heritage? To masses of Zulus celebrating this historic Zulu figure, Buthelezi warned, "the amaZulu must not abandon their cultural heritage simply because their ethnicity was being exploited by their political enemies."⁶⁹ To a crowd at KwaZulu's

67. With this change Inkatha's President is no longer required to be Chief Minister of KwaZulu and hence a Zulu chief. To qualify, the President has to be Head of Government in any government which Inkatha is entitled to form -which means, for the foreseeable future, the Chief Minister of KwaZulu. So the wording has changed, but not the effect. If Buthelezi resigns as Chief Minister he must forfeit his presidency of Inkatha.

68. The Daily News, 30 January 1978.

69. The Voice, 9 October 1978.

Umlazi township in March 1980, Buthelezi said he would apologize to no one for being Zulu - history had decreed that he serve the Zulus.⁷⁰ Certainly in these instances Inkatha was reserving one image for KwaZulu audiences and quite another for urban Zulus, and even after the constitutional changes in 1979 the ambiguity had not been resolved.

There is evidence of this in many acts. The flag of Inkatha is KwaZulu's flag. Its newspaper, The Nation, after being published partly in Zulu and partly in English, then all in English, has now reverted to Zulu alone, restricting its propaganda to Zulu speakers. It was printed in Johannesburg and Natal, but the employees on the Rand were made redundant when they refused to move nearer to KwaZulu after the closing of the printing works in Johannesburg. Were sales in this urban area too few to justify the cost? Inkatha was once very critical of the Makgotla - tribal movements like community guards to prevent crime in the townships by imposing tribal punishment and discipline codes. It referred to them as "outmodish tribal courts."⁷¹ But Inkatha has co-operated with the Makgotla in fighting the Soweto Community Council elections.⁷² Inkatha expressed its opposition to tribal dancing, which it described as a homeland circus, containing "everything that smatters of apartheid" and the "promotion of ethnicity."⁷³ Yet at all Inkatha meetings bands of Zulu impis, in full tribal dress, chant in the speakers. Buthelezi has often

70. The Daily News, 24 March 1980.

71. The Nation, 2, No. 19, July 1978.

72. The Sunday Tribune, 2 April 1978.

73. The Nation, 2, No.19, July 1978.

danced a Zulu Royal Salute to guests sharing his platform; and within two months of printing this description of tribal dancing The Nation eulogized it on King Shaka Day, when it also described this Zulu king as the greatest South African statesman.⁷⁴ Symbolic aspects of a national movement are important in developing loyalty to it. A movement needs values, standards, and symbols. Despite what it says about tribalism, the authentic symbols which Inkatha utilizes are predominantly Zulu - its flag, tribal dancing, impis, and so on. Yet, as if to emphasize its ambiguity, its uniform is in the old colours of the ANC, an organization which epitomizes modernity in Black politics. This ethnic ambiguity has a symbolistic relationship with Inkatha's membership base and Buthelezi's style of leadership - they both reflect this ambiguity and in some part determine it.

B THE BUTHELEZI COMMISSION AND THE PROPOSED MERGER BETWEEN KWAZULU AND NATAL, i.e. THE KWAZULU/NATAL INDABA

(a) Background Information to the Buthelezi Commission (BC)

The Buthelezi Commission (BC) was formed in the climate of political change and ferment that characterized the last years of Voster's government, the "Information Department Scandal," and the first years of P W Botha's initiatives for increased concentration of power and constitutional "reform." To a large extent resistance politics was still concentrated in the schools. In 1979 the Schlebusch Commission had been appointed to examine the introduction of a new constitution for South Africa. Inkatha submitted recommendations to the Commission and presented a series of "non-negotiables,"⁷⁵ for example, that "South Africa is one state and should remain as such," but that "regionality

74. Ibid. 2, No. 21, September 1978.

75. Inkatha Publication, 1979

without ethnicity" would be acceptable if the existing "homelands" were to be consolidated, given regional responsibility and provincial status: that ethnic realities should not be the basis for political rights (i.e. one citizenship, nationality, passport, economy, etc), and that discriminatory laws should be repealed as a first step; it also included a bill of rights. A reading of this document makes it clear how much easier P W Botha, with his rhetorical commitment to implementing many of these demands, has made it for Buthelezi to be a participant in this initiative.

However, by May 1980 there was less pressure to co-opt Inkatha and Schlebusch recommended that a President's Council be established that would exclude Blacks, and that a Black Advisory Council (BAC) would compensate for this exclusion. Inkatha rejected this sop and the Council never took off. 1980 was also the year, it must be remembered, in which Buthelezi made his strongest arguments for participation in local state structures such as community councils.

The establishment of the Buthelezi Commission was preceeded by the formation and report of the Lombard Commission (LC) in which Professor Jan Lombard and three other Afrikaner intellectuals deliberated on an "Alternative to the Consolidation of KwaZulu."⁷⁶ Professor Lombard was himself a member of the state's Central Consolidation Committee. The —

76. Lombard, Professor J A; Professor du Pisani, J A; Olivier, G C and Vosloo, W B; "Alternatives to the Consolidation of KwaZulu : progress report." University of Pretoria, Bureau for Economic Policy and Analysis, 1980.

Lombard Commission was formed at the request of Natal business, notably the South African Sugar Association (SASA), which would be affected by any consolidation plans. Consolidation would either effect production directly, if more actual or potential sugar growing land was to be brought into KwaZulu, or indirectly, in terms of the continued administrative separation of Natal and KwaZulu. Lombard had said Natal lent itself to an "eiesoortige" (unique) solution because of the relative ethnic homogeneity (of Blacks) in the region, the adherence by the three main political parties in Natal/KwaZulu to a recognition of plurality, a commitment to free enterprise, and federalism.⁷⁷

In the late 1970s and the early 1980s there had been a series of papers, theses and reports on an approach to South Africa's political ills that would take as a starting point "economic realities" and not further ethnic division. These included Lombard Commission member Professor du Pisani's PhD thesis "Streeksekonomiese Beleid in die RSA," a Mercabank report published by the University of Pretoria's Bureau of Economic Planning and Analysis, the Lombard Commission Report, the Buthelezi Commission Report, and the proposals submitted by business to the Carlton and Good Hope Conferences.⁷⁸

When the Lombard Commission report was leaked in July 1980 it was rejected by the National Party (NP) in Natal on the basis that a single political authority for the region was not desirable (the report had suggested three regions - "mixed" metropolitan, white rural, and KwaZulu - which would come

77. Rapport, 27 April 1980; The Rand Daily Mail, 2 Aug. 1980.

78. For a discussion of some of these developments and their implications see Cobbet, et al, 1985.

together in one authority).⁷⁹ It was welcomed by the South African Sugar Association (SASA) in that it provided "constructive alternatives" to the consolidation of KwaZulu and did not have adverse economic implications for the sugar industry - hardly surprising as that was its brief.⁸⁰

Lombard and other commentators stressed that this was not a plan for secession, but rather a vision that could be extended to the rest of South Africa. The same insistence on national replication was to be the case with the Buthelezi Commission report and with the 1986 KwaZulu-Natal "option." The Star editorialized on the Lombard Commission report under the heading "Forget Politics and Think Economics."⁸¹ The PFP's van Zyl Slabbert used language that would become a catchword of the Buthelezi Commission report and the KwaZulu-Natal moves when he asked the government not to reject the report submitted by Lombard and his team out of hand, as Natal could be a "political laboratory" for the rest of the country.⁸² Chris Saunders, prominent Natal industrialist, sugar industry leader and co-director with Lombard of Standard Bank, said the Lombard Commission had arisen out of a suggestion by Dr Piet Koornhof, then Minister of Co-operation and Development, that alternative plans to the state's much criticised consolidation proposals be submitted. Saunders denied a "Natal plan," but did ask for political flexibility. It was suggested that he had asked "his

79. Mare, G and Hamilton, G; op. cit; p. 164.

80. The Star, 6 August 1980.

81. The Star, 1 August 1980.

82. The Sunday Express, 3 August 1980.

friend" Buthelezi to apply "Black pressure" through the subsequent Buthelezi Commission, as business had done directly through the Lombard Commission and its proposals.⁸³

(b) The establishment of the Buthelezi Commission (BC)

The Buthelezi Commission was established through an Inkatha Central Committee decision in March 1980, in a province "in which experimentation on racial harmony and power-sharing (could) start," as Buthelezi put it.⁸⁴ In April Buthelezi announced the establishment of the Buthelezi Commission to the KwaZulu Legislative Assembly (KLA), which would fund the commission and its secretariat the Inkatha Institute.⁸⁵

The Buthelezi Commission invited representatives of various interest groups under the chairmanship of Natal University's Professor Deneys Schreiner, to deliberate on the region. The Buthelezi Commission involved interests, such as Natal-based industry and agriculture, that could either not afford to be associated with the state's constitutional initiatives, or believed these initiatives did not promise the long-term stability essential to profits and "development" in the region. The Buthelezi Commission chose Natal-KwaZulu as the area for its investigation and recommendations, but did not exclude - in fact it hoped for and suggested - national relevance. The Inkatha Institute, formed in July under Professor Lawrence Schlemmer, functioned as a secretariat, undertaking and commissioning

83. Martin Schreiner in "The Rand Daily Mail," 9 August 1980.

84. The Daily News, 31 March 1980.

85. Ibid., 23 March 1980.

research for the Buthelezi Commission.

The Buthelezi Commission started formal deliberations in October 1980.⁸⁶ It was composed of 46 members and alternate members; a third of the membership was from the business world and a quarter from universities. Noticeable by their absence were representatives of the ANC and the NP, although both were invited. Also absent were representatives of extra-parliamentary opposition organizations, although 11 commissioners represented White, Black, Coloured and Indian political parties were drawn from the professions or non-academic professional organizations and there were two religious personalities. Trade unions were not represented.

Professor Schlemmer said that the Buthelezi Commission investigation would give content to P W Botha's "constellation of states" idea.⁸⁷ He continued: "The rational conservative thing to do is look intelligently for a plan that is going to create the greatest stability for the future. I think this lies with Chief Buthelezi's proposals."⁸⁸ He felt that while conservatives were likely to consider the Buthelezi Commission proposals they would be rejected by the "radical left." It turned that initially they were rejected by both.⁸⁹ The Natal Provincial Council (NPC) and the party that dominated it, the New Republic Party (NRP), welcomed the formation of the Buthelezi Commission and so did the PFP, which had helped to get it started. The National Party said the Buthelezi Commission's terms of reference went beyond the

86. Mare, G and Hamilton, G, op. cit., p. 165.

87. The Sunday Times, 27 April 1980.

88. Loc. cit.

89. Mare, G and Hamilton, G, op. cit., p. 166.

area of jurisdiction (i.e. KwaZulu) and would not take part, although Dr Koornhof took a relatively mild line, reprimanding a National Party backbencher who had attacked Inkatha, reminding him that Inkatha had acted against school boycotters⁹⁰ and bus boycotts and that Natal had been trouble free in 1976. In September, however, P W Botha finally rejected National Party participation in the Buthelezi Commission.

When the Buthelezi Commission got off the ground the Natal-based Sunday Tribune greeted it with the headline "IT'S ON! BLACK AND WHITE ELITE LAUNCH THE PUSH FOR PEACE."⁹¹ The launch was attended by the United States Consul General in Durban, the sole diplomatic representative. Extensive publicity was given to the Buthelezi Commission during its deliberations in 1981, both because of the close contacts Buthelezi personally had built up with a sympathetic press, and because the participants and supporters of the commission had ready access to publicity. Buthelezi regularly assured people that this was a "black initiative" (probably to give it greater credibility). Schlemmer said that "many overseas" leaders considered the Buthelezi Commission "the most important development in South Africa today," while the chief, in character, warned of possible violence if the report should not be accepted. Professor Giliomee said violence would come from the ANC if the Buthelezi Commission recommendations were not accepted,⁹² while the Afrikaans language press pressed for a sympathetic hearing from the state for the Buthelezi Commission deliberations.

To prepare the way for the major compromise away from majority rule that the Buthelezi Commission report would contain,

90. The Star, 9 May 1980.

91. The Sunday Tribune, 2 November 1980.

92. Giliomee, H; The Parting of the Ways: South African politics 1976-1982; Cape Town, David Phillip, 1982.

Buthlezi said before its release that "Black majority rule ... would probably lead to civil war between blacks and whites."⁹³ When the NRP refused to sign the main report Buthelezi threatened to withdraw from the Joint Consultative Committee that had been established in 1975 between the Natal administration and that of KwaZulu, and to end negotiations to extend the areas of joint activity between the provincial and bantustan authorities. He went overboard, using such terms as "dinosaurs" "jackals" and "scavengers" to describe the NRP (this might also have encouraged the support Natal's conservative white voters gave the "yes" option in the constitutional referendum at the end of 1983). Dr Dhlomo warned of youth violence if the report should be rejected.⁹⁴ However, the Minister of Finance and NP leader in Natal, Owen Horwood, rejected the Buthelezi Commission report, but Professor Schreiner suggested that the government be given a year to reconsider.

(c) The report of the Buthelezi Commission

The Buthelezi Commission report, entitled: "The Requirements for Stability and development in KwaZulu and Natal," compromised on the issue of majority rule in a unitary state, and for political reasons this was presented as a change in Buthelezi's standpoint. However, this "compromise" had been there for at least seven years. In the mid-1970s Buthelezi had said: "We see the autonomy of such a state (of KwaZulu) as a unit in one federal multi-national state of South Africa. This is a compromise solution and an interim measure, before we can expect a one-man-one vote situation which is an ultimate inevitability."⁹⁵ Dr

93. The Star, 4 February 1982.

94. Mare, G and Hamilton, G; op. cit., p. 166.

95. Temkin, B; op. cit., p. 336.

Dhlomo suggested that government rejection of the Buthelezi Commission report did not really matter to Inkatha's following as there "is no question of a liberation movement losing credibility if the oppressor rejects demands for the liberation of the masses." 96

The Buthelezi Commission proposals were widely publicized, not only by the participants, but also by a range of academics who had been directly or indirectly linked with the report, by newspapers, and by the PFP, which held joint meetings with Inkatha on the issue. On 28 May 1982, the Graphic, a newspaper directed mainly at Natal Indian people, pointed out that while Whites and Blacks were catered for in the Buthelezi Commission report, Indians who outnumbered whites in the province, had received minimal attention - a remarkable omission, since Inkatha had set so much store by the South African Black Alliance.

Later in the year KwaZulu Legislative Assembly (KLA) accepted the Buthelezi Commission report, while stating that it did not abandon its ideal of "universal suffrage and open democracy."⁹⁷

The Buthelezi Commission report recommended geographically based federalism and a system of consociationalism, not necessarily based on race or ethnic definitions, which would take groups as the starting point and then bring the leadership of these groups together.

(d) The KwaZulu/Natal Indaba

A mixed bag of organizations was invited to the Indaba - 37 initially; then more after nine of those originally invited had

96. The Voice, 12 March 1982.

97. The Sunday Tribune, 5 December 1982.

refused. There appears to be no real pattern to the invitations: certain organizations could not but have refused and this must have been known to the organizers, Dr Dhlomo of Inkatha and Frank Martin of the now abolished Natal Provincial Council. However, nine of the participating organizations had taken part in the Buthelezi Commission, and another four had taken part under a different name. In other words, 13 groups had already endorsed the Buthelezi Commission proposals.

Eight of the participating bodies represented business, while seven were from local and second tier government - not surprising as these groups, especially the business groups, and their political representatives, of whom there were eight, had been the major forces behind previous attempts at formulating regional or federal options, such as the Lombard Commission, the Buthelezi Commission, and the many structures of administrative cooperation that already exist between the province and KwaZulu. Thus, in the Indaba, in true consociational style with decisions being reached between elites in secrecy, the same interests that have dominated Natal economically and politically for decades were again trying to resolve the national crisis of profitability (accumulation) and stability or governability (reproduction) at a regional level.

As some commentators have written: "The doors closed, the pre-selection of participants, many of whom are not responsible to a constituency, and the unstated agenda do not augur well for a democratic future for Natal."⁹⁸

98. Beall, Jo, Grest, J; Hughes, H and Mare, G; The Natal Option : regional distinctiveness within the National reform process," (a paper presented at the 17th annual Congress of the Association for Sociology i Southern Africa, University of Natal Durban); 1986, p. 46.

It is notable that, although the "state of emergency" has taken its toll of individuals and organizations in South Africa through state action, the participants in the Indaba have been left remarkably unscathed, while the only meetings (during this protracted period of emergency) that have been allowed in the region, ostensibly to oppose state policy, have been those addressed by Buthelezi and the King Zwelithini. It is an ironical replay of the 1920s Inkatha that sugar interests, the Black petty bourgeoisie in Inkatha and Zulu ethnicity are coming together again. Already there is a talk of a political party to join together the various interests that have been involved in the Indaba. The model being offered is that of the Democratic Turnhalle Alliance (DTA) in Namibia. Following previous claims that SABA would force Voster to the conference table in the same way Ian Smith had met Muzorewa, Chirau and Sithole, the Turnhalle Conference was once again a singularly inappropriate choice for a "liberation" movement like Inkatha. The Turnhalle conference was an attempt by Vorster to stabilise Namibia in the wake of independence in the Portuguese territories, at the same time that Rhodesia was trying its hand at the facade of multi-racialism with Muzorewa. The Turnhalle conference, in September 1975, had been described as "a motley gathering of largely South African - selected tribal delegates," and gave rise to the Democratic Turnhalle Alliance.⁹⁹ This is where the Indaba and Inkatha found their historical precedents.

(e) Conclusion and evaluation of the Buthelezi Commission and the KwaZulu/Natal Indaba

The Buthelezi Commission report's analysis of the economic sphere was largely directed towards acknowledging the clear

99. Catholic Institute for International Relations, 1986, pp. 19-20.

interdependence of the region, and most attention has been directed to its political recommendations, which took as their starting point this "economic interdependence," and the view that South Africa is a complex "plural society." From here, accepting that KwaZulu/Natal needed a single democratic government to avoid conflict (or rather to create stability), to cut costs, and to improve administrative efficiency, it recommended that the region should have a form of consociational government.¹⁰⁰

Consociationalism is geared to achieving elite consensus and to engineering mass acceptance. Southall notes that consociationalism "emphasizing coalition between segmental elites (rather than mass based rule), ... seeks to manage the problem of pacifying the economically disprivileged populace."¹⁰¹

Even arch-conservatives such as Professor Samuel Huntington have admitted to the anti-democratic nature of consociationalism: "What the theorist have labelled "consociational democracy" is ... nothing of the sort; it is more appropriately designated "consociational oligarchy." ... In the essence it is an elite conspiracy to restrain political competition within and among communal groups. In many societies, this may be desirable, but

100. For a critical essay on the "thought process" behind the Buthelezi Commission Report, see Pretorius, L "Plans for the reorganization of society: the reports of the Buthelezi Commission and the Constitutional Committee of the President's Council." 1981.

101. Southall, R; "The Buthelezi Commission Report: consolidation, consociationalism - collaboration?" (a paper for the conference on South Africa in the Comparative study of Class, Race and Nationalism), New York, 1982, p. 23.

CHAPTER VI

CONCLUSION AND EVALUATION

A. THE INFLUENCE OF ZULU POLITICAL AWARENESS ON OTHER POPULATION AND POLITICAL GROUPS

(a) Contact with the Coloured population group in Zululand

In 1975 Buthelezi announced in the KLA that he had been in contact with some Coloured people from Zululand. This was a delegation led by Reginald Apollos, on their way to a Labour Party (LP) conference (the "Coloured" political party that took part in elections to the Coloured Persons Representative Council - the CRC - but boycotted it once elected). It was suggested that a Zululand Coloured People's Committee be formed which would help Blacks and work with Inkatha.¹

(b) Contact with other homeland leaders and the formation of the Black Unity Front (BUF)

In 1976 leaders of all homelands except for the Transkei, met Prime Minister Vorster to discuss a range of issues. It was for these leaders a most frustrating meeting. Immediately afterwards Buthelezi Professor Ntswanisi (Gazankulu), Dr Phatudi (Lebowa) and several other community and political leaders met to form a Black Unity Front (BUF).²

Inkatha Central Committee member Dr S M Nyembezi chaired the steering committee of the BUF, which planned to bring together a

1. KwaZulu Legislative Assembly Debates (KLAD), 7:679.

2. Mare, G and Hamilton, G., op. cit. p. 157.

cross-section of black organizations, bridge the urban-rural "gap," and establish a disciplined community and black leadership.³

It was envisaged that the BUF "should be a united Black front with which the OAU, for instance, could liaise."⁴ Wentzel wrote that Dr Nyembezi reassured Whites about the intentions of the BUF, stating that "we don't want communism, that is certain."⁵ It appears that the BUF did little during its brief existence other than to show confidence in its own importance. During February 1977 it held a conference in Lebowa where the aim of "national unity" was proclaimed, and in April Dr Nyembezi announced that the BUF "had set itself a five-year target for majority rule in South Africa."⁶

(c) Contact with other population and political groupings through the South African Black Alliance (SABA)

In December 1977 Buthelezi was having talks with Yellani S Chinsamy, and this added fuel to the rumours of an alliance of the Reform Party (which Chinsamy led), the Labour Party and Inkatha.⁷ The Reform Party (RP) had been formed after it was announced that the state-created South African Indian Council (SAIC) was to become fully elected, and that an inter-cabinet council was to be formed involving SAIC, CRC, and the white

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3. Survey of Race Relations in South Africa, 1976, p. 28.
 4. Langner, E. J., "The founding and development of Inkatha Yenkululeko Yesizwe" (Unpublished MA dissertation, UNISA), 1983, p. 207.
 5. Wentzel, op. cit., p. 6.
 6. Survey of Race Relations in South Africa, 1977, p. 37.
 7. The Sunday Tribune, 11 December 1977.

parliament - a forerunner to the tricameral parliament. In 1978 the RP had a reported membership of 3000.⁸ Despite its lack of size it became a partner of Inkatha and the LP in the South African Black Alliance (SABA), which was formed in Ulundi on 11 January 1978 after the Inkatha secretary-general Professor S M E Bhengu had suggested at an LP conference in December 1977 that the organizations join forces.⁹

Professor Ntswanisi of Gazankulu reacted coolly to the formation of SABA, while Mopeli of Qwa-Qwa gushed enthusiasm at first. Mopeli's Dikwankwetla party and the Inyandza movement of KaNgwane (under Enos Mabuza) joined SABA in mid-1978, but Mopeli's party remained inactive and left in 1981.¹⁰

In the euphoria, similar to that surrounding the formation of the BUF, contradictory statements were made about white membership and about a proposed national convention that was said to be SABA's initial goal. After its first meeting in Cape Town Buthelezi said Vorster would have to talk to SABA as Ian Smith had been forced to talk to Black leaders in Rhodesia, a reference to the ill-fated attempt to involve Bishop Muzorewa, Ndabaningi Sithole and Chief Chirau in a long-term "internal settlement." Buthelezi said "he did not want to 'talk big' but he believed SABA could well be the group with which Mr Voster would have to negotiate."¹¹ Strange enough, P W Botha did finally negotiate with individuals and a party (the LP) from the SABA, but only after they had left the organization, making the term "Alliance" something of a misnomer.

8. The Financial Mail, 17 March 1988.

9. Mare, G and Hamilton, G., op. cit. p. 158.

10. Loc. cit.

11. The Rand Daily Mail, 14 March 1978.

SABA's first public meeting had to be cut short by the LP's Allan Hendrickse because of disruption by young people. The Natal Indian Congress (NIC) rejected suggestions that it would join SABA; it was in any case mobilizing opposition to the proposed SAIC elections through the body that would become Anti-SAIC.

SABA announced that it would monitor codes of conduct, that it would work towards a national convention, and that it would call a Southern African Treaty Conference. The potential for tension was clear as the LP had decided, at the conference that accepted the idea of SABA, to support "the decision of Chief Gatsha Buthelezi ... to campaign for economic sanctions and pressures against South Africa."¹² This had been LP policy but had certainly never been part of Buthelezi's strategy except for his meek statement with Beyers Naude to the effect that if foreign investment was there to benefit the central economy and an elite, then it was "devoid of all morality."¹³

The Afrikaans-language press responded to SABA by playing on possible Coloured fears of racial domination by Blacks in an attempt to keep the LP out. It must be remembered that SABA was formed shortly after the parliamentary elections for whites, in which the water was tested for an ethnically and racially fragmented parliament for Whites, Coloureds and Indians. Partners for the tricameral system had to be found among the ethnic categories who were to constitute it. An alternative formulation and political alliance through SABA could thwart the state, and had to be broken. The term "imperialism" was used frequently, and Die Vaderland even said the formation of SABA was the first step towards a "Zulu-dominated unitary state."¹⁴

12. The Star, 3 January 1978.

13. KLAD, 8, p. 122.

14. Die Vaderland, 13 January 1978.

The next tension point also came from within the Labour Party, this time in a hint from Sonny Leon, one of its leaders, that Coloured people might participate in the new constitution, just as Buthelezi had participated in KwaZulu homeland politics. Buthelezi denied any analogy, claiming that his role pre-dated the "homeland" system by 16 years.¹⁵ There were fervent declarations in repudiation of Leon by several LP leaders that the party would not abandon their Black fellow citizens over the coming years. Allan Hendrickse told a SABA prayer meeting in KwaMashu in 1980:- "Coloureds and Africans have found each other and were going to stay together ... No amount of buying us off will succeed."¹⁶ However, there were also reports of dissatisfaction in the LP from left and right about the alliance with Inkatha - either because of Inkatha's antagonism to school boycotts and the disinvestment campaign or because the alliance would jeopardise LP involvement in central politics under the new constitution.

The Reform Party had similar problems and probably only remained in SABA because it was not strong enough to hold any political claim outside an alliance. It suffered from the same political dilettantism and opportunism as the LP. For example, J N Reddy, Baldeo Dookie and Amichand Rajbansi, who later participated in the House of Delegates of the tricameral parliament, had been members of the RP, and hence linked to Inkatha.

The fact that the Inyandza movement in KaNgwane, the only equivalent of Inkatha in South Africa and itself arising out of the "homeland" structure, has been the only participant with a level of political consistency and reasonable support, probably says as

15. The Rand Daily Mail, 1 September 1978.

16. The Natal Mercury, 9 June 1980.

much as anything about Inkatha's isolation and the limits to Buthelezi's political attraction in South Africa.

Because of SABA's composition it was forced to reject participation in the national "reform" process, which excluded Blacks at that stage, because participation would have sidelined Buthelezi, the most prominent member, in an arena in which he wanted to participate. At the same time, however, SABA had to decry the Anti-SAIC campaign. Buthelezi told the KLA in 1979 that while he did not want to interfere in "Indian politics" he did feel it was his "duty" to issue a warning to the growing Anti-SAIC campaign.¹⁷ He argued that the campaign also constituted an attack on SABA and, altogether inappropriately, he placed his Alliance in the tradition of the Congress Alliance of the 1950s, in which the ANC, the Congress of Democrats, the Coloured People's Congress, the South African Indian Congress, and the South African Congress of Trade Unions had served. SABA was, in the sense that all its participants were involved in state structures, far removed from the Congress Alliance tradition. The RP was at one stage the only obvious party to contest the elections for the South African Indian Council, and Chinsamy used the new legitimacy and power that he had gained through being associated with the Inkatha movement to repeat the general warning to boycotts. It must be remembered that an alliance of Indian and Zulu ethnic politics makes sense to the extent that numerically they dominate the Natal region.

SABA's Transvaal rally and conference in 1979, at which the Anti-SAIC campaign was attacked, was attended by several RP personalities, including J N Reddy and S Abram-Mayet (participants a few years later in the House of Delegates). Buthelezi welcomed Reddy and said he was impressed with his

17. The Post, 7 June 1979.

political contribution. If we remember that the assault on the person mistaken for Dr Nthato Motlana occurred at an Anti-SAIC meeting, and that the Anti-SAIC campaign and political grouping was a forerunner of the UDF, it becomes clear why Inkatha greeted the UDF with hostility when it was formed four years later. The elections for the South African Indian Council, postponed to 1981, should have been a warning to Inkatha in its strategy of supporting discredited bodies. The poll was in almost all places less than 20%. The Reform Party won one of the 40 seats.¹⁸

In 1980 SABA was still confident enough of its strength to say that its members were to prepare "for a mass conference of regional and branch units as a preliminary step towards the calling of a national convention in South Africa."¹⁹ Buthelezi said SABA was "representing the real black solidarity which is crucial and which will be decisive in the liberation struggle."²⁰ Dhlomo, on the other hand, had spoken of SABA as "one of the most powerful black political alliances ever to be witnessed in South Africa... The enormous power wielded by the (SABA) keeps on increasing each year as more political groupings join in large numbers."²¹

In 1981 SABA found a new area of joint opposition (other than the Republic Day celebrations, which were in any case not an issue for the vast majority of black people in South Africa), namely opposition to the President's Council (PC) that was to draw up a refinement of the constitutional proposals Prime Minister Vorster had been working on. Allan Hendrickse said LP members, as well as other SABA allies, would defy subpoenas to give evidence

18. Survey of Race Relations in S.A., 1981, p. 20.

19. The Star, 21 January 1980.

20. The Rand Daily Mail, 24 December 1980.

21. Survey of Race Relations in S.A., 1979, p. 19.

before the President's Council.²²

A few months later, early in 1982, things were a lot less clear for the politics of opportunism that characterizes the loyal resisters in state institutions. In October Hendrickse told the SABA prayer meeting in Soweto that the alliance "is moving in a direction where the black man's dream will become a reality." But the writing was on the wall, and a month later LP participation in the new constitution was being discussed openly. It was admitted that without a platform from which to function the LP would probably die. The CRC, in which it had participated in order to prevent it from working, was dissolved in 1980 by the state.²³ The LP was in a quandry as the CRC had served as its paradoxical platform (in the same way that the SAIC had for the RP and the KwaZulu homeland does for Inkatha). The LP and some of the ex-SAIC politicians may also have been taken in by a survey undertaken by Professor Schlemmer which showed that 47% of Indians and 37% of Coloured people were willing to give the new constitution a chance.²⁴

The fact that LP conference early in 1983 decided to accept participation in the tricameral constitution ran completely counter to Buthelezi's rejection of such a strategy and his increasing threats against Indians and Coloureds if they should vote. His sensitivity to criticism did not allow him to spare others, such as Minister Chris Heunis, who was told to go and see a psychiatrist and called a "clown in the cabinet," Botha's blue

22. The Star, 24 September 1981.

23. See John Battersby in the Rand Daily Mail, 29 December 1982.

24. See columnist Gus Adams in "Die Rapport" 22 August 1982.

eyed boy" and a "tin god," and Law and Order Minister Louis Le Grange, who had warned Buthelezi about his threats to Indian and Coloured participants and drawn attention to Buthelezi's own participation in state institutions.²⁵

The 1983 LP conference, held in Eshowe in northern Natal - "Inkatha territory" - was opened by Buthelezi. The late Bishop Zulu, of the KLA, prominent Inkatha member and former chairman of KFC, started the proceedings with prayer after Buthelezi had led in what was described as an "impi." This "show of strength" was proceeded by drum majorettes and the singing of "We Shall Overcome." Buthelezi's speech asked that Indians and Coloureds should not become "second class enemies" of Blacks and that the LP and other SABA members establish a "group experts" to formulate a joint response to the new constitution. All to no avail, however.

What became clear at the conference was that Buthelezi and the LP had different ideas as to what was meant by the term "Black." Buthelezi has always used it to refer predominantly to African (Black) people, whereas black consciousness organizations had deliberately expanded it to include all people not part of the white group in South Africa. The state, in a clever move several years ago, changed the official terminology to allocate "black" to the African (Black) population. When the LP voted to enter parliament they justified it in terms of gaining a foothold for a section of black population from which the interests of all black people could be advanced. David Curry said, for example, "We are adding to the liberation struggle in the long run by making black people more powerful so they can crush the system!"²⁶

25. The Rand Daily Mail, 16 October 1982.

26. The Star, 5 January 1983.

An angry Buthelezi said the new constitution was becoming a federation of Indians, Coloureds and Whites against Blacks. The remains of SABA (without the LP, despite Hendrickse's statement that he felt participation need not affect the LP's SABA membership) met at Currie's Fountain in Durban in February. In defiance of a magisterial ban on the meeting about 8000 people attended. Hendrickse had said at a meeting in the Cape that he did not need Buthelezi to tell him what he had to do, and that it must have been Norman Middleton, Natal trade unionist and a founder member of the LP, who had placed Buthelezi under the false impression that the LP would not enter parliament (Middleton had resigned from the LP after the Eshowe conference).²⁷

The LP was expelled and a depleted SABA entered the historic year, 1983. It was announced that a township organization in Mamelodi, outside Pretoria, the Vulamehlo Vukani People's Party under Bennet Ndlazi, might apply for SABA membership,²⁸ but nothing further was heard of this. Buthelezi went on another trip to the USA where, among other tactics, he placed a large advertisement in the Wall Street Journal in which he called upon "progressive forces in the East and West" to help in the resistance to the new constitution, and hence to his old allies the LP.²⁹ This advertisement also appeared in British newspapers while Buthelezi was there meeting such people as Cranley Onslow (Minister of the Foreign Office responsible for Southern Africa), David Owen (SDP - Liberal Alliance), and Denis Healey (Labour shadow Foreign Secretary).

The LP resigned from SABA in April 1983, claiming that they had not been told of their expulsion, and lost no opportunity during

27. The Eastern Province Herald, 26 January 1983.

28. The Star, 5 January 1983.

29. Die Beeld, 4 February 1983.

the year to point to Buthelezi's inconsistency in condemning their participation, while approving of his own in KwaZulu and that of the RP in the old SAIC.³⁰ Buthelezi entered the white voters' referendum fray on the side of the PFP in advocating rejection of P W Botha's ethnic constitution, while commentators asked whether his threats to Coloureds, Indians, and Whites were not having more success in driving people into the "yes" camp than in giving people hope in the long-term future under Inkatha with a "no" vote.

In the oblique style that Buthelezi has made his own when threatening something that he claims he is not actually threatening, he warned White voters that strikes "would break out in Natal if most Whites voted "yes," but assured them that "I'm just mentioning something that might happen. We are mature enough to stage successful stay-aways to show our feelings."³¹ He campaigned country-wide but Whites voted in favour of the constitution and if strikes broke out in response they had little to do with Inkatha.

Buthelezi had made frequent threats to "existing good relations" between Indians and Blacks,³² and re-evaluated his position on sanctions and violence. P W Botha took him at his word and told the Cape congress of the NP that his own "experience in public life taught him (that) those who talked about violence seldom did it."³³ The Natal-based Sunday Tribune commented after the referendum that the threats of violence and then the killing of

30. Mare, G and Hamilton, G., op. cit. p. 162.

31. The Rand Daily Mail, 26 September 1983.

32. The Sunday Tribune, 18 September 1983; The Ilanga, 23 September 1983.

33. The Star, 27 September 1983.

five students at the University of Zululand, in which Inkatha was centrally involved, on the weekend before the referendum, had caused many Whites to vote in rejection of the Inkatha tactics.³⁴ The highest vote in favour of the new constitution was in Natal and the border region of the eastern Cape.

In 1984 Buthelezi committed "Black South Africa" to the "common task of rendering the new constitution unworkable."³⁵ Much time was spent in reviving the Buthelezi Commission Report, and he visited Britain where he saw MPs and the business community, including Lonrho's Tiny Rowlands, and addressed the Wilton Park Conference on "Federal and Confederal Futures for South Africa." Buthelezi suggested a feasibility study, of which nothing more was heard, on how best to "isolate" those elected to the Indian House of Delegates.

During 1985 very little was said or written about SABA. A meeting did take place between Inkatha and the LP but Buthelezi strongly denied that this could be seen as evidence of a relaxation in the conflict. Ironically, the LP has in many ways moved closer to Inkatha since it became part of the state. The LP position on school boycotts, the UDF, the ANC and foreign investment is at present similar to those held by Inkatha, probably as a result of its own less qualified participation in state structures than when it was a member of SABA and engaged in boycotting the CRC.

(d) Achievements of SABA

What had SABA achieved? Its initial grandiose claims - a national convention, majority rule in a few years, forcing the

34. The Sunday Tribune, 6 November 1983; The Star, 12 November 1983.

35. The Sowetan, 28 March 1984.

state to come to the conference table - came to nothing. Nor were the high hopes realized that it was a rejection of the state's ethnic fragmentation policy. Allan Boesak, in a perceptive commentary on SABA immediately after it was formed, wrote that he was sceptical about the basis of the alliance - there was too little ground for unity and a wide appeal. Furthermore, Inkatha was too much Buthelezi - "With Inkatha Chief Buthelezi gave in to the temptation to link a political movement to a personal cult (such as that around Peron in Argentina)." Finally, he said SABA was an organization whose members would never leave government institutions if called upon to do so.³⁶

In retrospect the harm SABA did to Inkatha and its politics of "black unity" probably outweighed anything gained from alliance activities. Dr Dhlomo claimed SABA had brought back "inter-ethnic" politics after the banning of the ANC, but the various black consciousness organizations achieved this with much greater success, because people were united around a positive political position rather than the vague and opportunist opposition to apartheid that characterized the participants in SABA. Dhlomo also pointed out that SABA had organized opposition to the handing over of KaNgwane and Ingwavuma to Swaziland by the state, but this had involved two members of the Alliance (Inkatha and Inyandza) and a non-member (the PFP), and the most successful action was fought out in courts of law and not in the arena of mass politics. Finally, Dhlomo referred to successful boycotts of white bread after a price increase, and of Fatti's and Moni's products after a strike at the company. The latter involved many other organizations, especially trade unions, who could legitimately claim credit for the boycott.³⁷ This does not leave much of a positive evaluation of the alliance after its

36. Die Deurbraak, April 1978.

37. Die Beeld, 26 April 1983.

five years of existence. However, in 1986, with only the Reform Party (if it still exists beyond a leader) as a clear member, Buthelezi continued to head his speeches with the title of inter alia, "Chairman, the South African Black Alliance."

B. THE EFFECTS OF ZULU POLITICAL AWARENESS ON THE RACIAL POLICIES OF SOUTH AFRICA

(a) Contact with White political parties, leaders and organizations

The most striking aspect of the contact between Buthelezi or the Inkatha leadership with white political parties and personalities is its contrast with their clashes with most black and non-racial opposition groups.

The "Mahlabathini Declaration" signed by Buthelezi and Harry Schwarz³⁸ contained five "principles" of peaceful change: material and educational advancement, consultation in constitutional planning, a federal system and the safeguarding of cultures through a bill of rights.³⁹ Harry Schwarz was then in the United Party (UP), which became the New Republic Party (NRP). Schwarz later led a breakaway party which later joined with the Progressive Party to become the PFP. For many years Buthelezi has had close contact with the PFP and its forerunners, especially with the Natal members of this party. In mid-1976 he

38. The document committed the two signatories to a federation and the safeguarding of the "identity and culture of the various groups constituting the people of South Africa." See The Survey of Race Relations in S.A., 1974, p. 3; The Sunday Times; 6 January 1974, KLAD, 4 p. 139.

39. KLAD, 4, p. 139; The Sunday Times, 6 January 1974.

called for a "shadow" body to consist of the Progressive Reform Party (PRP, now the PFP), the UP and Inkatha.⁴⁰ This was presented as defiance of the Improper Interference Act which prohibited joint political action between races, and which has now been withdrawn.

IN 1977 Inkatha issued a memorandum entitled "People's Movement for Radical Peaceful Change," to form the basis of discussion with the PRP. Its 17 points were said to be in line with PRP thinking except for the last point which went further in its advocacy of "the greatest possible redistribution of wealth commensurate with maximizing the productivity of commerce, trade and industry whether state or privately-owned."⁴¹ This document expressed belief in a non-racialist future for South Africa. From then on contact between the PRP/PFP and Inkatha increased until it was formalized with a standing steering committee formed in 1980.⁴² This was a confirmation of repeated assurances that the two parties agreed on most matters of principle.⁴³ Hackland has commented that from the PFP's side: "... the party was forced to rely almost exclusively on its contact with Inkatha, the personal political vehicle of M G Buthelezi, to demonstrate the compatibility of its policies with black aspiration..."⁴⁴

40. The Star, 4 December 1976; Langner, E J op. cit., p. 218.

41. The Rand Daily Mail, 14 January 1977.

42. Langner, E J; op. cit., The Natal Mercury, 20 November 1980.

43. See for example The Rand Daily Mail, 21 August 1978; The Sunday Times, 24 August 1978.

44. Hackland, B; "The Progressive Party, 1960-1980: class agents in capitalist society" (paper presented at the conference on South Africa in the Comparative Study of Class, Race and Nationalism, New York), 1982 p. 23.

Inkatha, with its politics of realism, has maintained contact with the National Party, since it is after all the governing party in the country. Initially, during the 1950s, 1960s and early 1970s, the state would have preferred a more pliable homeland leader in the numerically dominant "Zulu" territory, but by 1978 they had come round sufficiently to hold formal discussions. In November that year an Inkatha "think tank" met Dr Gerrit Viljoen, Rector of the ~~Randse~~ Afrikaanse Universiteit, Chairman of the Broederbond and now Minister of Education and Development Aid, and other prominent NP members.⁴⁵ Buthelezi suggested in an interview early the next year that the Broederbond was now meeting Inkatha because it had become a force to be reckoned with.⁴⁶

Since then there have been many contacts, both formal and informal. Buthelezi has addressed students at Afrikaans campuses, and youth alliances between the Inkatha Youth Brigade and (conservative) Afrikaner youth bodies were established.⁴⁷ Even

45. The Rand Daily Mail, 10 November 1978.

46. Interviewed by Dick Usher in The Sunday Tribune, 2 April 1979.

47. For example, he addressed the Afrikaanse Studentebond (ASB), an arch-conservative student organization. University of Stellenbosch SRC members and Inkatha members had discussions on several occasions before the links were formalized through the establishment of the South African Youth Foundation in 1981 - a "think tank." The ideological affinity and cooperation of the various youth groups, such as the recently formed Jeugkrag SA (Youth Power SA - "aimed at countering radicalism from left to right") which was to hold a joint conference with Inkatha's Youth Brigade, no doubt facilitates other levels of contact between Inkatha leaders and Afrikaner leaders (political, cultural and economic).

the Unification Church (the Moonies), through the International Cultural Foundation and the Professors World Peace Academy, has been instrumental in arranging contact between Inkatha leaders and NP academics and politicians. In 1981 a meeting in Greece brought together 22 South Africans "from a wide range of political backgrounds," including Inkatha representatives, the Rev Allan Hendrickse of the Labour Party, and NP figures such as MP Dr Stoffel van der Merwe.⁴⁸

(b) Achievement of Inkatha/Zulu political awareness

Inkatha is left with few of its allies of earlier days. The South African Black Alliance exists in little more than name while even such staunch friends as PFP members have had to distance themselves from Inkatha on certain issues, as they did, for example, during the national convention movement debate. This is certainly not to say that Inkatha has not, and will not, pick up conservative support. The KwaZulu/Natal Indaba is a clear example of the cementing of new alliances, both with business and with even more conservative political interests than in the past. Internationally this is also the case, as the governments of Britain, the USA and West Germany search for black faces to undertake the task of post-apartheid collaboration. These governments see the abolition of apartheid in a similar way to the achievement of political independence in colonial Africa in the 1950s and 1960s. The hope of finding the local equivalent of a neo-colonial solution is what informs their approaches to Buthelezi and others like him.

If Inkatha is examined through the presentation and direction of the leadership, we find a picture apparently far removed from en-

48. The Star, 1 June 1981.

forced membership and internal dissent. Here we have Inkatha presented as "a national cultural liberation movement," which reflects the unity of the "black" oppressed. This picture has been scrutinized and found to be full of flaws. Despite the absence of "black" unity, the concept of "populism" is an analytical thread in Buthelezi's Inkatha. The rhetoric of mobilization he employs is that of populism. In the words of John Saul, the "political rallying cries" of populism are those "that stress ... solidarity and the unity of sections of the populace." He continued: "In very many cases the stress upon solidarity will present neither the real situation of the mass of the people, nor their views of that situation ... Rather it will represent an aspiration to make a particular view as to the characteristics that unite people prevail over any continuing awareness of the elements that divide (emphasis added).⁴⁹

Of the few critical analytical evaluations of the Inkatha movement that have been published, those by Southall (1981) and by McCaul (1983) have both concluded that Inkatha is "a populist movement making petty bourgeois demands and neutralizing class antagonisms," and that if it "represents a class alliance, it is increasingly that between the African petty bourgeoisie and the reform-minded elements of the South African bourgeoisie."⁵⁰ However, McCaul concurs with Southall's ironic earlier conclusion that:- "It seems unlikely that Buthelezi ... will play anything but a divisive role, and that the only politics of compromise in which he will be likely to engage effectively will be those which serve to compromise the course of future South African Liberation

49. Saul, J S; On African Populism in Giovanni Arrighi and John S Saul - Essays on the Political Economy of Africa. (New York: Monthly Review Press), 1973 p. 173.

50. McCaul, C., Towards an Understanding of Inkatha Yesizwe, (Johannesburg: SARS/DGS, dissertation series 2); 1983, pp. 89-90.

(emphasis added)."⁵¹

Buthelezi's own representation of his position comes across clearly:- "Inkatha is Black South Africa undivided, standing together, pursuing the time honoured traditions of Black South Africa. For us, Black South African political traditions go back to 1912 when the African National Congress was formed. I stand boldly before you and say that those are traditions which Black South Africa serves. Those are the traditions which Inkatha serves. The struggle for liberation in our country started with history itself (sic). It is tragic that so many new organizations arise to pretend that they only have now discovered (sic) the struggle for liberation. The struggle has endured for generations... I am rooted in this tradition. Dr Pixley kaIsaka Seme was my uncle. He was one of the founding fathers of the ANC. I grew up at my mother's knee learning what he and others did. When I became older, I joined the ANC... I knew people like Nelson Mandela, Robert Sobukwe and Oliver Tambo personally. I knew what their faces looked like. I know what their voices sound like and I know what the feel of their hands in my hands feels like. My own ambitions were to become a lawyer, but it was Chief Luthuli himself who said that my duty lay with the people and that I should not indulge in the luxury of doing what I wanted to do... The great leaders of South Africa when I was a young man recognized that I was destined to do what I am now doing. My father and his father before him served successive Zulu Kings as Prime Ministers and for me there was no escape from this hereditary role unless I was to betray my people and seek my own selfish ends away from them. Thus, comrades when I say that I serve Black South Africa's political traditions, I say that with sureness and with power. These

51. Southall, R; "Buthelezi, Inkatha and the politics of compromise" in African Affairs, 80, 321;1981 p. 481; quoted McCaul, op. cit; p. 90.

traditions run in my blood and I did not create my own blood. I was born into this world with the blood coursing through my veins carrying the traditions of the People."⁵²

The Inkatha leadership has shown a firm commitment to the principles and ideology of capitalism (the "free enterprise system") as a motor of development, guarantor of democratic rights, provider of employment, and agent of desirable change for all in the country. Inkatha's economic practice has ensured the structural integration of the movement itself into capitalist enterprise (the party as capitalist), and the advancement of the direct interests of members of the Black ("Zulu") petty bourgeoisie. Its economic links have to a large extent been created in cooperation with and nurtured by monopoly capital. Similarly the movement's political practice has been to work closely with individuals from the monopoly sector or with the political representatives of that sector.⁵³

Inkatha has, in effect, drawn a distinction between the apartheid state and the capitalist state, in a manner similar to the Thatcher and Reagan administrations. While clearly antagonistic towards the apartheid system and working towards its abolition, Inkatha has become an integral part of the system of ensuring the survival of capitalism in South Africa.⁵⁴ The latter course of action has meant cooperation with state agencies, the homeland administration being one. In this sense Inkatha's resistance has been loyal to politicized ethnicity, to reformism and compromise, to capitalism, to anti-communism and anti-socialism, to foreign capitalism. Inkatha's political practice clearly serves to

52. Buthelezi Speech, 13 May 1984, pp. 5-6.; also Buthelezi Speech, 29 June 1985, pp. 10-12.

53. Mare, G and Hamilton, G; op. cit.; p. 221.

54. Loc. cit.

maintain capitalist relations of production through disciplining the working class, through the creation in May 1986 of UWUSA, with its pro-capitalist, anti-strike, anti-boycott, anti-sanctions and anti-disinvestment line.

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APPENDIX A

THE ROAD TO FREEDOM IS VIA THE CROSS

A public Statement made by Albert Luthuli immediately after he was dismissed from his position as Chief by the Government in November, 1952. It was issued jointly by the African National Congress and the Natal Indian Congress

I have been dismissed from the Chieftainship of the Abase-Makholweni Tribe in the Groutville Mission Reserve. I presume that this has been done by the Governor-General in his capacity as Supreme Chief of the "Native" people of the Union of South Africa save those of the Cape Province. I was democratically elected to this position in 1935 by the people of Groutville Mission Reserve and was duly approved and appointed by the Governor-General.

PATH OF MODERATION

Previous to being a chief I was a school teacher for about seventeen years. In these past thirty years or so I have striven with tremendous zeal and patience to work for the progress and welfare of my people and for their harmonious relations with other sections of our multi-racial society in the Union of South Africa. In this effort I always pursued what liberal-minded people rightly regarded as the path of moderation. Over this great length of time I have, year after year, gladly spent hours of my time with such organizations as the Church and its various agencies such as the Christian Council of South Africa, the Joint Council of Europeans and Africans and the now defunct Native Representative Council.

In so far as gaining citizenship rights and opportunities for the unfettered development of the African people, who will deny that

thirty years of my life have been spent knocking in vain, patiently, moderately and modestly at a closed and barred door?

What have been the fruits of my many years of moderation? Has there been any reciprocal tolerance or moderation from the Government, be it Nationalist or United Party? No. On the contrary, the past thirty years have seen the greatest number of Laws restricting our rights and progress until to-day we have reached a stage where we have almost no rights at all: no adequate land for our occupation, our only asset, cattle, dwindling, no security of homes, no decent and remunerative employment, more restrictions to freedom of movement through passes, curfew regulations, influx control measures; in short we have witnessed in these years an intensification of our subjection to ensure and protect white supremacy.

A NEW SPIRIT

It is with this background and with a full sense of responsibility that, under the auspices of the African National Congress (Natal), I have joined my people in the new spirit that moves them to-day, the spirit that revolts openly and boldly against injustice and expresses itself in a determined and non-violent manner. Because of my association with the African National Congress in this new spirit which has found an effective and legitimate way of expression in the Non-Violent Passive Resistance Campaign, I was given a two-week limit ultimatum by the Secretary for Native Affairs calling upon me to choose between the African National Congress and the chieftainship of the Grootville Mission Reserve. He alleged that my association with Congress in its non-violent Passive Resistance Campaign was an act of disloyalty to the State. I did not, and do not, agree with this view. Viewing non-Violent Passive Resistance as a non-revolutionary and, therefore, a most legitimate and humane

political pressure technique for a people denied all effective forms of constitutional striving, I saw no real conflict in my dual leadership of my people: leader of this tribe as chief and political leader in Congress.

SERVANT OF PEOPLE

I saw no cause to resign from either. This stand of mine which resulted in my being sacked from the chieftainship might seem foolish and disappointing to some liberal and moderate Europeans and non-Europeans with whom I have worked these many years and with whom I still hope to work. This is no parting of the ways but "a launching farther into the deep." I invite them to join us in our unequivocal pronouncement of all legitimate African aspirations and our firm stand against injustice and oppression.

I do not wish to challenge my dismissal, but I would like to suggest that in the interest of the institution of chieftainship in these modern times of democracy, the Government should define more precisely and make more widely known the status, functions and privileges of chiefs.

My view has been, and still is, that a chief is primarily a servant of his people. He is the voice of his people. He is the voice of his people in local affairs. Unlike a Native Commissioner, he is part and parcel of the Tribe, and not a local agent of the Government. Within the bounds of loyalty it is conceivable that he may vote and press the claims of his people even if they should be unpalatable to the Government of the day. He may use all legitimate modern techniques to get these demands satisfied. It is inconceivable how chiefs could effectively serve the wider and common interest of their own tribe without co-operating with other leaders of the people, both the natural leaders (chiefs) and leaders elected democratically by the people themselves.

MUST FIGHT FEARLESSLY

It was to allow for these wider associations intended to promote the common national interests of the people as against purely local interests that the Government in making rules governing chiefs did not debar them from joining political associations so long as those associations had not been declared "by the Minister to be subversive of or prejudicial to constituted Government." The African National Congress, its non-Violent Passive Resistance Campaign, may be of nuisance value to the Government but it is not subversive since it does not seek to overthrow the form and the machinery of the State but only urges for the inclusion of all sections of the community in a partnership in the Government of the country on the basis of equality.

Laws and conditions that tend to debase human personality - a God-given force - be they brought about by the State or other individuals, must be relentlessly opposed in the spirit of defiance shown by St Peter when he said to the rulers of his day: "Shall we obey God or man?" No one can deny that in so far as non-Whites are concerned in the Union of South Africa, laws and conditions that debase human personality abound. Any chief worthy of his position must fight fearlessly against such debasing conditions and laws. If the Government should resort to dismissing such chiefs, it may find itself dismissing many chiefs or causing people to dismiss from their hearts chiefs who are indifferent to the needs of the people through fear of dismissal by the Government. Surely the Government cannot place chiefs in such an uncomfortable and invidious position.

EVEN DEATH

As for myself, with a full sense of responsibility and a clear conviction, I decide to remain in the struggle for extending democratic rights and responsibilities to all sections of the South African community. I have embraced the non-Violent Passive

Resistance technique in fighting for freedom because I am convinced it is the only non-revolutionary, legitimate and humane way that could be used by people denied, as we are, effective constitutional means to further aspirations.

The wisdom or foolishness of this decision I place in the hands of the Almighty.

What the future has in store for me I do not know, It might be ridicule, imprisonment, concentration camp, flogging, banishment and even death. I only pray to the Almighty to strengthen my resolve so that none of these grim possibilities may deter me from striving for the sake of the good name of our beloved country, the Union of South Africa, to make it a true democracy and a true union in form and spirit of all the communities in the land.

My only painful concern at times is that of the welfare of my family but I try even in this regard, in a spirit of trust and surrender to God's will as I see it, to say: "God will provide."

It is inevitable that in working for Freedom some individuals and some families must take the lead and suffer: "The Road to Freedom is via the C R O S S.

M A Y I B U Y E!

AFRIKA! AFRIKA! AFRIKA!

APPENDIX B

POLITICAL REPRESENTATION OF AFRICANS IN THE UNION

REPRESENTATION OF NATIVES ACT, ACT NO. 2 OF 1936

SOME CRITICISMS OF THE ACT AND ITS RESULTS

Professor D D T Jabavu

- (1) The method of election is extremely unsatisfactory.
- (a) In the case of Members of Parliament and Members of the Provincial Council, the constituencies, being limited to one Province, do not reflect the choice of the Africans in the Union as a whole, whereas these representatives plead the cause of the Africans throughout the Union without any distinction. Of course, even if the three M P s were elected by the Africans of the whole Union, one cannot imagine a better trio, especially as one of them is openly admitted to be among the two best speakers in the House of Assembly; but the satisfaction among the electors would have been greater had they been selected from the whole Union.

As it is, the constituencies are far too large and cumbrous, and this bigness results in a travesty of the electoral system and principle, because during the election campaign, the extent of the travels made by the competing candidates would severely tax the physical endurance of any human being. Ordinarily, the size of a constituency is contained within a radius of twenty miles. Here it reaches anything between five hundred

and a thousand miles.

- (b) In the case of the Senators and African representatives, the width of the areas constitutes a burlesque, one man having to stump the country round a triangle of 900 miles from East London to Cape Town, another 900 from there to Mafeking, and 800 back home, taking in every town or village contained therein several times between the date of nomination and actual election.
- (c) The voting by electoral colleges of District Councils and Local Councils is fraught with the evil of opening up temptations to bribery because only four men decide the issue for over 20, 000 taxpayers whose opinion it is often impossible to ascertain.
- (d) Worse still is the Electoral Committee where a single individual (not even elected by the taxpayers whom he purports to represent, inasmuch as they cannot be physically assembled in any one place) uses his own caprice to register his vote for any candidate he fancies, without being answerable for his action.
- (e) In urban areas, however, the townspeople do sometimes contrive to have a say in the decision by means of holding meetings to direct the action of their Advisory Boards.
- (2) A better method is the old-fashioned individual vote in each case, with a limit of, say, 5, 000 votes to elect each member. This, in turn, will necessitate a proportionate increase in the number of members, which would be fairer to the large number of Africans interested.

- (3) The work of the representatives, all round, cannot be too highly praised. We are satisfied with their work under really trying circumstances. We owe them a big debt of gratitude.

I would suggest that the Paramount Chiefs be eliminated from the Natives Representative Council, because their position there is invidious, contrary to African tradition, and renders them open to public criticism and ridicule. Their dignity is better preserved when their best councillors discharge this duty and return home to report to their courts. Their ordinary salaries place them above the unseemly scramble for £10 a month against their own men.

Dr A B Xuma

On so important a subject as the Representation of Natives Act on which I have been asked to write, my approach has been strictly prescribed and circumscribed by fixed questions, and the discussion limited to a certain space. A difficult task.

The questions I am called upon to answer indicate the course of this article as follows:-

- (1) Is the Method of Election Satisfactory?

Generally speaking, I believe all my readers will agree with me that the most satisfactory method of election is one which tends to give every responsible member of the State or community the right to influence nominations and elections of candidates, directly, or indirectly, by the independent use of his or her individual vote. The communal voting system, adopted in the Northern

Provinces under the Representation of Natives Act, does not give such an opportunity to responsible Africans. In fact, it excludes from direct and active participation, as well as from influencing such elections, almost all the people who, under a liberal and democratic system of voting, should be expected to be voters. For instance, professional men, teachers, ministers, clerks, business men, property owners, taxpayers, and so forth, have no "vote". Chiefs, Councils in rural areas, and Advisory Boards in urban areas, respectively, dominate the elections. All these bodies or persons cannot be said to be either representative of African opinion or to be independent in action. Besides, in most cases, they cannot reasonably be expected to decide on their own on the best candidate.

Such people or groups, it seems, are likely to yield to certain external influences, if the least pressure is exerted. They should not, therefore, apart from other African groups, be given the sole responsibility for the election.

The system divides the African people, favours the less progressive and more conservative elements against the enlightened, enterprising sections. It thus causes fruitful enterprise to stagnate and discourages progress. Further, the system answers well to the well-known principle of "Divide and Rule". It appears to attempt to drive progressive Africans back to the days of their forefathers—back to, and under the undisputed and unquestioned authority of the Chief, however backward the latter may in some cases be.

The next question is:-

- (2) Can you suggest a better Method?

Naturally, a more satisfactory method of election implies a different type of voter, a different method of voting, a different size of constituency, and a different way of supervising voting. It requires people who are capable of appreciating the importance of electing the right type of candidate; people who are able to give guidance, to give a lead and a programme to their representative; people who are able to test his worthiness and fitness for the task and to keep him toeing the line for the rest of his term of office. This requires that men of some training and ability representing various aspects of African life and activities, as mentioned above, shall be voters. In other words, we suggest an electorate that is responsible and responsive, and knows what it is doing when it nominates and votes for a candidate.

Under the system suggested, the right to vote would be an incentive to progress and a reward for self-improvement and advancement. This would be the very antithesis of the present system, which seems to be intended to mock at African advancement and tries to drive the progressive African back to the days of his forefathers or what is left of them, as now supervised and dictated by Native Commissioners.

To leave this aspect of the question in order to discuss the next point suggested, seems to be somewhat of a digression. The question is:-

- (3) Are you agreeably surprised or disappointed with the Work of the Representatives in Parliament and the Natives Representative Council?

This is a delicate question, because it involves the attitudes and actions of individuals, most of whom are well known to the writer and may be counted among personal friends. It is a difficult one, because we have no criterion for comparison and no yardstick with which to measure this work. Besides, the answer will depend upon: (i) whether one considers the privilege to talk about conditions freely in session as being a success or otherwise; (ii) whether success will mean the right of Native representative councillors and/or Parliamentary representatives to force Parliament to consider seriously and adopt the reasonable, fair and just claims of the African people as expressed in members' resolutions and speeches.

However, the representatives have no such constitutional power. They can talk, and have talked eloquently; but hardly any matters of fundamental policy have been altered during the five years of their term of office by reason of their representations. Here and there amelioration of the hardships, and humanization administratively of the harshness in the policy have taken place within the framework of the country's attitude of master and servant and of the governing and the governed. There has been some relief but no release.

This emphasizes the weakness and wickedness of communal representation. It shows that Parliament and Parliamentarians freed from pressure and influence of African vote may disregard the strongest and most convincing case by African representatives because their seats are in no way affected by the attitude they show towards African aspirations.

It is fallacious to imagine that a community can get adequate land, economic benefits and any other rights, and maintain them when they have no direct vote. They may receive crumbs grudgingly from the table of the rulers but no rights.

To some extent the councillors and Parliamentary representatives are not to be blamed for lack of appreciable results of their efforts. They are bound and limited by restrictions imposed in the Act itself. The constitution, the method of election, the procedure during the session, the functions and the personnel of the Natives Representative Council, leave much to be desired. In fact, judged by the points just mentioned, one wonders why it has ever been called the "Natives Representative Council". The Council is not representative by any manner of means. The provisions of the Act itself lead one to feel justified in calling the Act the "Misrepresentation of Natives Act". Before overstepping the limits of space allowed, it is desirable to attempt to answer the last question, which is:-

- (4) Can you suggest Improvements in the Form of Representation? (i.e. something less than the ideal equal political rights)

Improvements within the provisions of the Act must envisage constructive amendments in the Act which will tend to remove the restrictions, the disabilities, and the anomalies mentioned or implied above. For instance, there should be delimitation of new and smaller constituencies which will permit of more representatives both in Parliament and Council. This would admit of closer contact between representatives and their

electorate and, therefore, proper representation. Individual voting, by qualified people such as were mentioned at the beginning of this article, should be provided so that these people may guide the selection of suitable and qualified candidates. The new constituencies should provide for more representatives both in Parliament and Council. In view of the big African population which would become voters under our proposal, there should be not less than one hundred Council representatives for the Union and a much larger number of Parliamentary representatives than at present in all the Provinces and for both Houses.

Public officials should not be members of the Council, but may attend to be able to answer questions affecting their respective departments. As a matter of principle, the Chairman of the Council should be one other than the Secretary of Native Affairs, whose department is directly affected by many resolutions that come before the Council. More time should be given to Councillors to study the subjects of the Agenda by either sending them to the members about one month before the meeting, or allowing longer sessions than a week or ten days.

The venue of the council should more often, if not always, be Cape Town during the session of Parliament, so that members of Parliament would be in close touch with the views and the aspirations of the African people and would learn to appreciate the reasonable and moderate manner in which the Africans put their case.

Statutory powers should be given to the Council, such as dealing with the spending of the Native Trust funds, and so forth. Finally, the resolutions of the Council should be introduced into Parliament by the Minister of

Native Affairs instead of being merely tabled as at present. The Parliamentary representatives should be free to take up these resolutions and bring them to the attention of both Houses for serious consideration and action.

The Natives Representative Council, as at present constituted, is merely a "talking machine" to "let off steam" without statutory power to give effect to its recommendations and resolutions. Surely, the African people, under our policy of segregation, deserve something better than that.

In conclusion, I may say that for a leader of a people nothing short of the ideal is acceptable. The Representation of Natives Act was never acceptable as a satisfactory solution of the problem of representation to any leaders of Africans who, like leaders of other races, have an ideal for their people beyond their own personal interests. Except for its architects and framers, who knew what they intended to achieve for white South Africa through it, the Representation of Natives Act, as it now stands, is a retrograde step politically for the African people, since it removes their direct influence on the Government. It does not operate in the interest of the Africans.

Justice and fair play demand the overhauling of the whole system of representation and the re-orientation of the mentality that created it, in order to help the Union of South Africa to keep abreast with modern trends and democratic thought, either by radical amendments as implied above or by the repeal of the original Act.

Z K Mathews

The principal object of the Representation of Natives Act, was to create machinery which would provide the Native population with some voice in the national affairs of South Africa in general, and in matters affecting their own welfare in particular. The whole scheme has now been in operation for five years, and it is possible to assess its value as a whole, and point out defects which have become apparent in it.

The value of the scheme lies in the fact that:-

- (a) The principle of Native representation in South African national affairs has been given statutory recognition.
- (b) It has given the Native population an official platform and has made it possible for the small band of representatives answerable directly to the Native people in the bodies referred to above, to put the facts of the Native problem before the European public in a way in which they have never been put before.
- (c) The Native representatives, especially in the Assembly and in the Senate, have been able to show by their general interest in all national questions that, although the interests of Europeans and Africans in this country may not be identical in every respect, they are certainly complementary, and the welfare of one section of our population cannot be safeguarded by measures detrimental to the welfare of another.

- (d) It has given the Native population a keener interest in their political status in South Africa and is contributing towards the development of a *national consciousness among them.*

In regard to the scheme as a whole, the number of representatives has proved ridiculously small considering the area and the number of people represented. The result is that the constituencies of all the representatives are so large that it is practically impossible for them to keep in touch with their constituents and so become acquainted with their needs and views. There are legitimate complaints in many areas that they were last visited by their representatives during the 1937 elections, and it is difficult to see how anyone, however devoted to his work, could cope with an electoral area such as the Transvaal and Free State combined, or the Cape, excluding the Transkeian Territories.

The absence of Assembly representation for the Transvaal, the Free State, and Natal, has thrown an unnecessarily heavy burden upon our three representatives in that body, who have quite naturally come to be regarded as representing not the Cape alone, but Union Natives as a whole. The same argument applies to the lack of Provincial Council representation outside the Cape. As long as the Provincial Councils exist and continue to be entrusted with, among other things, the administration of Native education and hospitals, it would seem reasonable that the principle of Native representation should be extended to them all.

The Electoral College system under which Native representatives in the Senate and in the Natives

Representatives Council are elected, leaves much to be desired:

the voting units, i.e. Urban Advisory Boards, Local Councils, and Electoral Committees, have too small a membership. They are themselves elected by a strictly limited number of people to fulfil functions of a purely local character. Quite naturally the members of these bodies, in electing representatives, especially to the Natives Representatives Council, tend to place local before national considerations. The members of these voting units are under no obligation to consult the people on whose behalf they vote, or if they do consult them, to follow their advice regarding candidates for election. Other defects in the present system include (a) the lumping together for voting purposes of Local Councils and Electoral Committees, although they represent people with different interests, and (b) voting by show of hands instead of by secret ballot in Local Councils and Electoral Committees. Whatever difficulties might exist in putting it into effect, nothing less than the individual vote and the secret ballot will make the people feel that their representatives have been elected on a free basis.

In regard to the individual parts of the scheme, reforms in addition to those implied above may be suggested in the following directions:-

1. The abolition of educational and property qualifications for Native votes, or their modification in such a way as to remove all artificial restrictions in the way of Natives who want to register. Now that there is a separate Native Voters' Roll, there is no point in retaining

these qualifications which were intended to keep down the number of Native Voters. On the contrary, everything should be done to increase their number if our representatives are to represent the African people as a whole and not just a few thousand people.

2. Serious consideration should be given to the extension of the franchise to African women on the same basis as African men.
 3. The extension of Assembly representation to the Northern Provinces. Tentatively, I should suggest three representatives for the Transvaal, two for Natal, one for the Free State, and an additional one for the Cape, making ten altogether. Ten M P s to represent seven million Africans, as against 150 to represent a little over three million non-Natives, can hardly be regarded as giving the former undue advantage over the latter.
- Senatorial Representation:

- (i) The increase of the number of elected Senators to six as provided for in the Act.
- (ii) The increase in the number of electoral areas by separating the Transvaal from the Free State, and Griqualand West and British Bechuanaland from the Cape, excluding the Transkei.
- (iii) The adoption of the individual vote and the secret ballot in Senate elections.

Provincial Council Representation

- (i) The extension of Provincial representation to all Provinces.
- (ii) The increase of the number of representatives to at least three in each Province.

Natives Representative Council

The increase of the number of elected representatives to at least double the number of official and nominated representatives put together. This can be done by increasing the electoral areas to six as provided for in the Act, and giving each Electoral area four elected representatives. This would make possible a Council consisting of six official members (excluding the Chairman), six nominated members and twenty-four elected members.

D G S M'Timkulu and Selby B Ngcobo

A FAMOUS Negro sociologist summed up the position of Natives under the Representation Act in these laconic words "Progress backward". A backward ~~step~~ was taken when the Cape principle of a common votes' roll and a common citizenship was abandoned in favour of a separate roll and separate "native" representatives. The Cape Africans were also deprived of the right of being represented in the Cape Provincial Council by one of their own number. The idea of all Members of Parliament being the representatives of all the people of the land was repudiated in favour of special African representatives. The colour bar and political segregation inherent in our constitution were not

diminished but extended. These factors are the results of decentric thinking in Native affairs. And yet the Act gave all the Africans a better political deal, and thus marked a step forward.

There are three reasons why, to the student of political science, a constitutional advance was made in 1936. Firstly, the South African constitution strengthened the political power of the Europeans at the expense of the Africans; the 1936 Act corrects that lack of political balance somewhat by giving Africans representation in the Assembly and in the Senate. Secondly, by extending the franchise, even on a communal basis, to all Africans, and thereby widening the basis of representation, the political good hitherto enjoyed by the few Africans in the Cape has been spread over many. Thirdly, the Natives Representative Council accords the African leaders recognition, and provides them with a constitutional platform for the advancing of the social and economic interests of their people and the ventilation of grievances.

Such, then, is the position in general terms. Now let us note briefly how the new system has worked during the last five years. We shall begin with our Parliamentary representatives.

The Senators

When the All-African Convention of 1935 urged the adoption of a policy of political identity, they meant representatives for Natives in the Assembly as well as in the Senate. Indeed, Africans were not very much enamoured of Senatorial representatives; such "native" Senators as they had had since 1910 had served them ill.

The new system, however, has dispelled the misgivings of the Africans. The new Senators have already shown themselves to be efficient and forceful in the advance of African interests. They have not only silenced hostile European critics of "Negrophiles", but have added to their small numbers the strength of friends. They have not only added very much to the debating talent of the Senate, but by questions and motions they have given the Government an opportunity of clarifying their policy and attitudes on certain issues which the Africans themselves could not present. Outside Parliament they have maintained contact with the African leaders, with the Representative Council, with the Government officials, and with some parts of their huge constituencies.

We hope, nevertheless, that the success of our present Senators, and of any future Senators, will not be used as an argument for denying Africans representation also in the assembly, or to stifle the natural evolution towards full and free representation of Africans by Africans themselves.

Natives representative Council:

However, the institution that has captured the imagination of the African masses is the Natives representative Council. Our impressions of the Council at work are rather mixed. There are positive as well as negative aspects. Let us begin by noting factors on the credit side. The earlier tendency to regard the Council as a "sop to Cerberus" has given way to an appreciation of its usefulness. Africans realize that they are still too poorly represented in the Government and in other public bodies to jettison the Natives Representative

Council. The Secretary for Native Affairs has shown fairness and sound political tact and wisdom in directing the deliberations of the Council. The presence of the Provincial chiefs of Native Affairs has not stifled the African members as was feared. On the contrary, taken along with the presence of other departmental heads dealing with Native affairs, it has afforded the African members opportunities for gaining useful information by questions and answers and thereby learning the details of Native administration. The African members have fully availed themselves of the rights of deliberation, advice, and petition. They have also used to the full the opportunity afforded by the Council for voicing the grievances and the disabilities of their people.

The success of our representatives in the Council (and Senators too) can be gauged by the several concessions and reforms in Native administration which the Government has undertaken on their advice.

Now for the debit side. In the first place, the relationship between Parliament and the Council is distant and coldly official. Parliament only knows the Council through its report, which is tabled by the Minister. There is no liaison between the Council and the Sessional Committees of both Houses on Native Affairs. Even the link maintained between our Senators and the Councillors, and the backing of the resolutions of the Council by our Senators, is strongly resented in certain sections.

Secondly, it would seem that those responsible for the establishment of the Council belong to the school which believes that the Native problem is only one of

administration, and hence the presence in the Council of the chief administrative officials of the Native Affairs Department is further accentuated by the fact that the Chairman of the Council is the Secretary for Native Affairs. How useful would Provincial Councils be if they were to be placed under the Department of the Interior in the same manner?

Thirdly, the Natives Representative Council cannot satisfactorily deal with African problems which come under the jurisdiction of Provincial Councils and the municipal administrations.

Fourthly, there is lack of common touch between the African Councillors and their people: not enough consultation has taken place between the leaders in the Council and those outside the Council. Nor have the people had enough vital issues referred back to them by their Councillors. Thus the people have not been politically educated in the principles of self-government.

The explanation for all these defects, we realize, of course, might be due to one or all of the following factors:-

- (a) The constituencies are far too large to be adequately covered by four members.
- (b) The constituencies lack political training, and many do not know how to reach their representatives.
- (c) The Native representation system itself, which expected the African Councillors to voice what they think their people are thinking, rather than

be the mouth pieces of their people.

We have been fortunate in securing as members of the first Council able and experienced African leaders, but we wonder whether it will always be so. And to us a matter of even greater concern is the fact that men of education, public spirit, and possibly some experience in public affairs are not available for the Council, as Government service debars some from participation in politics, and for others the salary of the Councillors is not adequate for their standard of living.

Method of Election

The present method of electing Senators and members of the Council does not commend itself to us as being the best. The Chiefs are important electors in this matter, but we doubt whether they can be said to be capable of discharging their electoral functions properly.

Firstly, Chiefs are mostly illiterate, and thus cannot handle the complicated procedure of the elections. This criticism must have been realized by the framers of the Act, for they sought to overcome it by allowing Native Commissioners to fill in the necessary forms on behalf of illiterate Chiefs-which to us is a negation of democratic procedure.

Secondly, whilst we do not doubt the leadership of Chiefs in matters purely tribal, we have some doubts whether the majority of them can handle effectively matters arising out of African-European contacts such as will be presented to them by candidates for elections.

The other electors, besides Chiefs, are Local Councils, Advisory Boards, and Electoral Committees. In our opinion it is undemocratic to call upon so few people to decide on matters of such vital importance to so many. Nor are the few sufficiently representative in opinion to be able to reflect by their voting the desires of many.

In dealing with African voters and electors, it must be remembered that we are dealing with a group which, taken as a whole, is still illiterate and uneducated and has not yet learnt to assess political opinions and pass sound judgement thereon. It would seem, then, that the tendency at elections would be for Chiefs, Local Councils, and Advisory Board to use, as their basis of judgement, opinions which they have got at second hand, or rely on prejudice and sentiment. Where many candidates have to be elected, these influences tend to neutralize themselves, but where so few are to be elected, they become a danger which has to be taken into account.

Recommendations

We would suggest the following improvements in the form of representation:-

1. The number of Senators and members of the Natives Representative Council should be increased.
2. Africans should be accorded representation in Provincial and Municipal Councils, where they also have important interests at stake such as education, hospitals, kaffir beer, revenue, etc.

3. The salaries of the African Councillors should be raised so as to be in keeping with their personal dignity, and enable them to maintain a decent standard of living within their African group.
4. African Councillors should be given travelling allowances to enable them to get into closer touch with their large constituencies, and to consult more often with other African leaders.
5. Some machinery ought to be evolved which would make it possible for Chiefs to come together to discuss and formulate opinions on a national basis on matters affecting the people whom they represent.
6. The Africans themselves need to develop a more active political consciousness. There is need for the formation of groups such as will study and discuss intelligently, and with information, the needs of the people, and at the same time, seek to create an informed public opinion in our communities on matters that vitally affect their happiness and well-being.

Such groups may well be the nurseries for the future local councils, which we hope to see established throughout the country in the near future.

Taking this fact into consideration, and also the fact that in many African communities the teacher is the intellectual spearhead, we would strongly recommend that African teachers should not only be allowed to take a more active part in the election of representatives to Parliament and the Natives Representative Council, but

also be allowed to stand for nomination to the Natives Representative Council.

7. It is *unfortunate* that at the present time, in our various communities, the majority of the people who, by training are most suited to undertake the onerous duties of representing their people, are either in Government or in semi-Government service. Whilst deploring this state of affairs, it is nevertheless inevitable whilst the economic development of the African remains as low as it is.

STATUTES OF THE REPUBLIC OF SOUTH AFRICA — BLACKS

**NATIONAL STATES CONSTITUTION ACT
NO. 21 OF 1971**

[ASSENTED TO 26 MARCH, 1971]

[DATE OF COMMENCEMENT: 31 MARCH, 1971]
(Unless otherwise indicated)

(Afrikaans text signed by the State President)

as amended by

- Black Laws Amendment Act, No. 23 of 1972
- Black Laws Amendment Act, No. 7 of 1973
- Black Laws Amendment Act, No. 70 of 1974
- Second Black Laws Amendment Act, No. 71 of 1974
- Black Laws Amendment Act, No. 9 of 1975
- Exchequer and Audit Act, No. 66 of 1975
[with effect from 1 April, 1976—see title FINANCE]
- Black Laws Amendment Act, No. 4 of 1976
- Second Black Laws Amendment Act, No. 115 of 1977
- Black Laws Amendment Act, No. 12 of 1978
- Laws on Plural Relations and Development Amendment Act, No. 16 of 1979
- Laws on Plural Relations and Development Second Amendment Act, No. 98 of 1979
- Laws on Co-operation and Development Amendment Act, No. 3 of 1980
- Finance Act, No. 21 of 1980
[with effect from 31 March, 1980—see title FINANCE]
- Income Tax Amendment Act, No. 30 of 1984
[with effect from 1 April, 1984—see title INCOME TAX]
- Laws on Co-operation and Development Amendment Act, No. 83 of 1984
- Laws on Co-operation and Development Amendment Act, No. 91 of 1985
- Special Courts for Blacks Abolition Act, No. 34 of 1986
- Constitutional Laws Amendment Act, No. 32 of 1987
[with effect from 8 July, 1987 unless otherwise indicated—see title CONSTITUTIONAL LAW]

ACT

To provide for the establishment of legislative assemblies and executive councils in Black areas, the powers, functions and duties of such assemblies and councils, the dis-establishment of territorial authorities upon the establishment of executive councils, the declaration as self-governing territories of areas for which legislative assemblies have been established, and the constitution of Cabinets for such territories; to amend the Black Authorities Act, 1951, so as to regulate further the constitution of tribal authorities and to provide for the proof by affidavit of the membership of tribal and regional authorities and the fact whether or not Black law and custom were observed in particular matters; to amend certain definitions in the National States Citizenship Act, 1970; and to provide for incidental matters.

WHEREAS it is desirable that further provision be made for the development of Black nations to self-government and independence:

CHAPTER 1

SYSTEM OF SELF-GOVERNMENT IN BLACK AREAS

LEGISLATIVE ASSEMBLIES

1. Establishment of legislative assemblies.—(1) The State President may, after consultation by the Minister with a territorial authority, by proclamation in the *Gazette* establish a legislative assembly for the Black area for which that territorial authority has been established or for such area as modified by the State President by the said proclamation.

(2) The Black area for which a legislative assembly is established may consist of various Black areas, shall be defined in the proclamation referred to in subsection (1) and may, after consultation by the Minister with the executive council of the area concerned, be amended from time to time by the State President by proclamation in the *Gazette*.

1A. Provisions relating to areas included in the area of a legislative assembly after the establishment of the first legislative assembly for the area.—(1) In respect of any area included in an area after the establishment of the first legislative assembly for the last-mentioned area—

- (a) the reference in section 3 (3) to “after the constitution of the first executive council for an area”, or in sections 11 and 12 to “the date on which the first executive council for an area is constituted”, or in section 13 (1) to “the date on which the first executive council is constituted in terms of this Act”, or in section 14 (1) to “the date on which the first executive council is constituted for such area”, or in section 18 to “immediately prior to the constitution of the first executive council”, or in sections 21 and 22 to “immediately prior to the date of the constitution of the first executive council for an area”, or in section 24 (2) to “immediately prior to the establishment of a legislative assembly” or to “from the date of the establishment of the legislative assembly”, or in section 30 (3) to “after the date on which an area is in terms of section 26 declared a self-governing territory”, shall be construed as a reference to the date on which such area was so included;
- (b) the reference in section 21 to “the Republic” shall be deemed to include a reference to the area so included;
- (c) any reference in this Act to “paramount chiefs”, “chiefs” or “headmen” shall be deemed to be a reference to paramount chiefs, chiefs or headmen, as the case may be, duly recognized or appointed in terms of any law in force in the area so included; and
- (d) any reference in this Act to “tribal authority” or “regional authority” shall be deemed to be a reference to a tribal authority or a regional authority, as the case may be, duly established in terms of any law in force in the area so included.

[S. 1A inserted by s. 24 of Act No. 4 of 1976.]

2. Constitution of legislative assemblies.—(1) Subject to the provisions of this Act, a legislative assembly shall be constituted from citizens in the manner determined by the State President by proclamation in the *Gazette* after consultation by the Minister with the territorial authority concerned.

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(2) Without prejudice to the generality of the power conferred by subsection (1) any proclamation in terms of that subsection may also provide for—

- (a) the election by way of voting and the designation of the members of a legislative assembly, the filling of vacancies, and the qualifications of voters and of candidates for such elections;
- (b) the period of office and conditions of service of such members;
- (c) the attendance of sessions of a legislative assembly by representatives of the Government of the Republic.

(3)

[Sub-s. (3) substituted by s. 25 of Act No. 4 of 1976 and repealed by Proclamation No. 38 of 14 March, 1986.]

3. Legislative powers of legislative assemblies.—(1) Any legislative assembly may—

- (a) for the area for which it has been established, make laws, not inconsistent with this Act, in respect of any matter referred to in Schedule 1;
- (b) provide in any such law for the amendment or repeal of any law (other than an Act of Parliament in so far as it relates to any such matter;

[Para. (b) substituted by s. 7 (a) of Act No. 71 of 1974 and by s. 11 of Act No. 16 of 1979.]

- (c) with the prior approval of the State President first had and obtained, provide in any such law for the enforcement thereof in respect of citizens who are or reside outside that area but within the Republic,

and may make different such laws for different regions or places and different categories or groups of persons.

(2) No law made in terms of subsection (1) shall have any force or effect until it has been approved by the State President and made known by notice in the *Gazette*, and the State President may, before approving any law, refer it back to the legislative assembly concerned for reconsideration.

(3) No law (excluding any Act of Parliament or a law made by the legislative assembly concerned or the State President or any such Act or ordinance as is referred to in section 6 (2) (a) (ii) and (iii)) made after the constitution of the first executive council for an area in terms of section 5, and which relates to a matter referred to in Schedule 1, shall apply in that area or in relation to a citizen of that area in respect of whom that legislative assembly is empowered to make laws in so far as that matter is concerned.

[Sub-s. (3) added by s. 7 (b) of Act No. 71 of 1974.]

3A. Members not liable to proceedings.—No member of a legislative assembly shall be liable to any legal proceedings by virtue of any matter which he may have brought by petition, draft legislation, resolution, motion or otherwise or of what he may have said before such legislative assembly or a select committee thereof or by reason of his vote in such assembly or such committee.

[S. 3A inserted by s. 11 of Act No. 7 of 1973.]

4. Matters reserved from legislation by legislative assemblies.—A legislative assembly shall have no power to make laws in relation to any subject falling within the following classes of matters, namely—

- (a) the establishment, control, entry, movement or operations of any full-time or part-time military unit, quasi-military unit or organization of a military character, or of any unit, branch or service of any military organization within the area concerned, or any other military matter of whatever nature;
- (b) the registration, establishment and control of factories for the manufacture of arms, ammunition or explosives as defined in the Explosives Act, 1956 (Act No. 26 of 1956);

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- (c) the appointment, accrediting and recognition of diplomatic and consular officers and the negotiation, conclusion or ratification of conventions, treaties and agreements with countries other than the Republic;
[Para. (c) substituted by s. 3 of Act No. 115 of 1977.]
- (d) the control, organization, administration, powers, entry into and presence in the area concerned of any Police Force of the Republic charged with the maintenance of public peace and order and the preservation of internal security in and the safety of the area concerned and the Republic;
- (e) postal, telegraph, telephone, radio and television services;
- (f) railways, harbours, national roads and civil aviation;
- (g) the entry of persons other than citizens of the Republic of South Africa into the area concerned;
[Para. (g) substituted by Proclamation No. 141 of 15 August, 1986.]
- (h) currency, banking and the control of stock exchanges and of financial institutions as defined in section 1 of the Inspection of Financial Institutions Act, 1962 (Act No. 68 of 1962);
[Para. (h) substituted by s. 12 of Act No. 7 of 1973.]
- (i) customs and excise duties and the control and management of customs and excise;
- (j) the amendment, repeal or substitution of this Act.

EXECUTIVE GOVERNMENT

5. **Executive government.**—(1) The executive government of any area for which a legislative assembly has been established, shall, in regard to the matters referred to in Schedule I, vest in an executive council which shall be constituted from among the members of the legislative assembly in such manner as the State President may determine in the relevant proclamation referred to in section 2.

(2) Any executive council may with the approval of the State President establish such departments in connection with the matters referred to in subsection (1) as it may deem fit.

(3) Subject to the provisions of this Act—

- (a) an executive council shall have power to make provision for the exercise of the powers and the performance of the functions and duties conferred or imposed upon it by or under any law;
- (b) the members of such a council shall be responsible for the administration of the departments referred to in subsection (2);
- (c) such a council shall assume a leading role in connection with matters affecting the material, spiritual, moral and social welfare of citizens;
- (d) such a council shall be competent to advise the Government of the Republic on all matters in regard to the functions and duties of that council;
- (e) such a council and the members thereof shall exercise such other powers and perform such other functions and duties as may be provided for in any other law.

(4) The Minister may designate—

- (a) subject to the laws governing the public service, officers and employees of the public service; and
- (b) any other person in the employ of the State, and, with the concurrence of a person receiving financial assistance from the State, any person in the employ of such a person so receiving assistance,

to assist an executive council or cabinet in the administration of the departments referred to in subsection (2).

[Sub-s. (4) substituted by s. 20 (1) of Act No. 70 of 1974.]

FINANCE

6. **Revenue Fund.**—(1) There shall be a Revenue Fund for any area for which a legislative assembly has been established, into which shall be paid all revenues raised by or accruing to the Government of that area.

(2) As from a date to be determined by the Minister, there shall be paid into the Revenue Fund of an area—

(a) all moneys payable—

(i) by any citizen in respect of taxes, levies and rates imposed in terms of the Black Taxation Act, 1969 (Act No. 92 of 1969), to the extent determined by the Minister in consultation with the Minister of Finance of the Republic, or the Development Trust and Land Act, 1936 (Act No. 18 of 1936), and in respect of taxes, levies and rates (other than any tax, interest or penalty contemplated in subparagraph (iA)) imposed by or under any law of the legislative assembly, except in so far as the legislative assembly may otherwise determine;

[Sub-para. (i) substituted by s. 9 (1) (a) of Act No. 30 of 1984.]

(iA) under any agreement concluded between the Government of the Republic and the Government of the area concerned in respect of any tax, interest or penalty payable by any citizen under the Income Tax Act, 1962 (Act No. 58 of 1962), or, as the case may be, that Act as applied in terms of any law of the legislative assembly;

[Sub-para. (iA) inserted by s. 9 (1) (b) of Act No. 30 of 1984.]

(ii) in terms of any Act of Parliament or any Ordinance of a province imposing any tax on incomes, profits or gains (whether such Act or Ordinance, as the case may be, was or is passed before or after the commencement of this Act), by any company which is recognized as a private company in terms of the relevant Act or Ordinance and is managed and controlled in the area concerned and in which Blacks have a controlling interest;

(iii) in terms of any Act of Parliament imposing an estate or succession duty (whether such Act was or is passed before or after the commencement of this Act), in respect of the estate of any citizen who at the time of his death was ordinarily resident in the area concerned;

(iv) as tax in terms of the provisions of the Sales Tax Act, 1978 (Act No. 103 of 1978)—

(aa) by registered vendors in respect of enterprises in the area concerned; and

(bb) to receivers of revenue in the area concerned in respect of occasional sales;

[Sub-para. (iv) added by s. 11 (1) (a) of Act No. 98 of 1979.]

(b) all revenue and income, including licence fees, taxes, fees of office, fines, forfeitures, rents and other moneys (other than any tax, interest or penalty contemplated in paragraph (a) (iA)) deriving from or in the course of the administration of those matters in respect of which the legislative assembly may make laws in terms of this Act, or any other additional sources of revenue which may specifically be determined by the State President by proclamation in the *Gazette*, except such income accruing to a tribal or regional authority, and except in so far as the legislative assembly may otherwise determine in respect of any institution, authority or body referred to in item 30 of Schedule 1;

[Para. (b) substituted by s. 9 (1) (c) of Act No. 30 of 1984.]

(c) an annual grant, payable from the Consolidated Revenue Fund, of an amount equal to the sum of—

(i) the amount paid from the Consolidated Revenue Fund into the Revenue Fund during the financial year ended 31 March 1974 by way of annual grant in respect of matters the administration of which was transferred to the Government of the area concerned in accordance with this Act;

(ii) the amount paid into the Revenue Fund in terms of paragraph (d) during the financial year ended 31 March 1974, less the amounts determined in respect of that financial year in terms of subparagraphs (iv) and (v) of this paragraph;

(iii) in respect of any matter the administration of which was or is transferred to the Government of the area concerned in accordance with this Act and in respect of which no amount is included in the amount referred to in subparagraph (i), an amount approved by the Minister of Finance of the Republic after consultation with the Controller and Auditor-General

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and corresponding to the expenditure by the Government of the Republic in connection with that matter during the financial year preceding the date of the transfer, less the income from existing sources of revenue, as determined by the Minister in consultation with the Minister of Finance of the Republic, which accrued to the Consolidated Revenue Fund during the said financial year and which will in terms of paragraphs (a) and (b) accrue to the Revenue Fund;

- (iv) an amount determined from time to time by the Minister in consultation with the Minister of Finance of the Republic and corresponding to the amount, as calculated by the said Ministers, which, in terms of any Act of Parliament imposing any tax on income, profits or gains (whether such Act was or is passed before or after the commencement of this subparagraph), was levied, during the financial year preceding the date of the determination, by way of taxes on the income, profits or gains of companies (other than companies referred to in paragraph (a) (ii)) derived by such companies from industrial, commercial or other business undertakings carried on by them in the area concerned; and
- (v) an amount determined from time to time by the Minister in consultation with the Minister of Finance of the Republic and corresponding to the amount, as calculated by the said Ministers, which accrued to the Consolidated Revenue Fund in terms of any Act of Parliament (whether such Act was or is passed before or after the commencement of this subparagraph), during the financial year preceding the date of the determination, by way of customs, excise and sales duties derived in the area concerned:

Provided that any or all of the amounts referred to in subparagraphs (i), (ii) and (iii) may be adjusted from time to time to the extent determined by the Minister in consultation with the Minister of Finance of the Republic, with due regard to such economic and other factors as they may think fit, including any change in the costs of goods and services and any increase or decrease of any amount referred to in subparagraph (iv) or (v).

[Para. (c) substituted by s. 7 of Act No. 9 of 1975.]

- (d) such an additional sum of money as may be appropriated by Parliament for payment out of the Consolidated Revenue Fund to the Revenue Fund for the due performance of the services and duties assigned to the Government of the area concerned in terms of this Act.

(3) In respect of the period between the date on which a legislative assembly is established and the date determined in terms of subsection (2), all expenditure in connection with departments and matters in respect of which the legislative assembly may make laws shall be met from the source from which it would have been met had this Act not been passed.

(4) For the purposes of this section "controlling interest" in relation to a private company, means—

- (a) shares of a value in excess of half the aggregate value of all the shares in the company; or
- (b) shares entitling the holders thereof to more than half of its profits or assets; or
- (c) shares entitling the holders thereof to a majority or preponderance of votes.

(5) In subsection (2) (a) (iv) any word or expression to which a meaning has been assigned in the Sales Tax Act, 1978, shall have a corresponding meaning.

[Sub-s. (5) added by s. 11 (1) (b) of Act No. 98 of 1979.]

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7. **Revenue Fund to be appropriated by legislative assembly.**—A Revenue Fund shall be appropriated by the legislative assembly for the administration of the area concerned generally or, in the case of moneys paid over by the Government of the Republic for particular purposes, then for such purposes, in the manner prescribed by this Act or by the State President by proclamation in the *Gazette*, but the legislative assembly shall not originate or pass any vote, resolution, motion or bill for the appropriation of any part of the Revenue Fund or for the imposition of any tax or impost for any purpose unless the executive council has recommended to the assembly that provision be made for the specific purpose for which the appropriation is required.

8. **Requirements for withdrawal of moneys from Revenue Fund.**—Save as provided in this Act or any other law in force at the commencement of section 14 of the Black Laws Amendment Act, 1978, no moneys shall be withdrawn from a Revenue Fund except in terms of a law of the legislative assembly.

[S. 8 substituted by s. 14 of Act No. 12 of 1978.]

9. **Annual estimates of expenditure.**—The annual estimates of revenue and expenditure shall, after being prepared by the executive council, be submitted by the executive council to the Minister who shall in consultation with the Minister of Finance of the Republic determine the contribution, if any, required to be appropriated by Parliament towards the expenditure for the ensuing financial year, and shall thereafter be submitted by the executive council to the legislative assembly for appropriation.

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10. Auditing of books and accounts of executive councils.—(1) The books and accounts of an executive council shall be audited by the Controller and Auditor-General.

(2) In carrying out an audit in terms of subsection (1) the provisions of section 8A of the principal Act shall *mutatis mutandis* apply as if the executive council and tribal and regional authorities in the area in respect of which such council is the executive authority, were a territorial authority and tribal and regional authorities in the area of the territorial authority: Provided that subsection (4) (a) of that section shall be construed as meaning that a report contemplated therein shall be submitted to the legislative assembly concerned within the period determined by the legislative assembly.

[Sub-s. (2) substituted by s. 15 of Act No. 12 of 1978.]

CHEFTAINSHIP AND INFERIOR ADMINISTRATIVE BODIES

11. Duties, powers, authorities and functions of paramount chiefs, chiefs and headmen to remain in force.—Notwithstanding anything in this Act contained, the duties, powers, authorities and functions lawfully exercised by paramount chiefs, chiefs and headmen at the date on which the first executive council for an area is constituted, shall be and remain in force until varied or withdrawn by the competent authority.

11A. Creation of new paramount chieftainships or chieftainships.—No new paramount chieftainships or chieftainships shall be created otherwise than by a law or a resolution of the legislative assembly. [S. 11A inserted by s. 16 of Act No. 12 of 1978.]

12. Powers, authorities and functions of tribal and regional authorities to remain in force.—Notwithstanding anything in this Act contained, the powers, authorities and functions lawfully exercised by tribal and regional authorities at the date on which the first executive council for an area is constituted, shall be and remain in force until varied or withdrawn by the legislative assembly.

13. Disestablishment of territorial authority.—(1) When a legislative assembly has been established for the Black area for which a territorial authority has been established or for such area as modified by the State President by proclamation, the territorial authority concerned shall be disestablished as from the date on which the first executive council is constituted in terms of this Act for the area for which the legislative assembly has been established, and—

- (a) all the rights, assets, liabilities and obligations of the said territorial authority shall as from the said date become the rights, assets, liabilities and obligations of the Government of that area;
- (b) all the property, movable and immovable, of the said territorial authority shall as from the said date vest without payment of transfer duty, stamp duty or any other fee or charge in the Government of that area, but subject to any existing charge, obligation or trust on or over such property or otherwise lawfully affecting the same;
- (c) the registrar of deeds concerned shall upon production to him of the title deed to any immovable property referred to in paragraph (b) endorse such title deed to the effect that the immovable property therein described is vested in the Government of that area and make the necessary entries in his registers, and thereupon the said title deed shall serve and avail as the title deed of the Government of that area to the said property;
- (d) all the rights to the occupation of land granted to the said territorial authority by means of a certificate of occupation, permission to occupy, agreement of lease or other document shall, as from the said date and subject to the conditions thereof, be deemed to have been granted to the Government of that area.

(2) The funds appropriated by the said territorial authority for the financial year during which it is disestablished, shall, in respect of payments made on or after the said date of disestablishment, be deemed to have been appropriated for the same purpose by the legislative assembly.

ADMINISTRATION OF JUSTICE AND PRISONS

Administration of Justice

[Heading substituted by s. 21 of Act No. 70 of 1974.]

14. Existing courts to continue.—(1) Notwithstanding anything in this Act contained, every lawfully constituted court having jurisdiction to hear criminal or civil cases of whatever nature or scope or having power of review or of hearing appeals from inferior courts in

any area for which a legislative assembly has been established, on the date on which the first executive council is constituted for such area, shall be and remain functioning in accordance with its existing constitution and jurisdiction until altered or disestablished by the authority having power to do so.

(1A) The power conferred on a Minister or on any officer of the Republic in terms of the provisions of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or the Black Administration Act, 1927 (Act No. 38 of 1927), to establish or disestablish a magistrate's court or a Commissioner's Court, or to appoint any judicial officer or other officer for such a court or for a court referred to in subsection (1), in an area referred to in subsection (1), shall vest in the member of the executive council concerned, or, as the case may be, in the corresponding officer of such area.

[Sub-s. (1A) inserted by s. 22 of Act No. 70 of 1974, substituted by s. 6 (1) (a) of Act No. 91 of 1985 and amended by Proclamation No. 38 of 14 March, 1986.]

(2) The State President may by proclamation in the *Gazette* provide that any magistrate's court established in terms of the provisions of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), in any portion of an area for which a legislative assembly has been established, shall with effect from the date mentioned in such proclamation be transferred to the Government of the area concerned.

[Sub-s. (2) substituted by s. 2 of Act No. 34 of 1986.]

(3) Nothing in this section contained shall be construed as preventing any Minister or officer of the Republic from establishing or disestablishing a magistrate's court in terms of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), in any portion of an area referred to in subsection (2) for the trial or hearing of cases of persons or between parties who are not Blacks or any one of whom is not a Black, and any such court may, notwithstanding anything contained in the said Act, be established in respect of any number of such portions of an area whether or not constituting a single area.

[Sub-s. (3) substituted by s. 6 (1) (b) of Act No. 91 of 1985.]

(4) The jurisdiction of any court transferred to the Government of the area concerned in terms of subsection (2) or established in terms of any law of the legislative assembly shall in respect of persons and area be limited to the extent for which provision has been made in terms of subsection (3).

15. Courts established in terms of any law of a legislative assembly, and matters incidental thereto.—(1) (a) The jurisdiction, powers, duties and functions of any inferior court established by the competent authority in any area in terms of any law made by the legislative assembly in pursuance of the powers conferred upon it by virtue of the provisions of this Act, or of any judicial officer appointed thereto, shall not exceed the jurisdiction, powers, duties and functions in respect of the area for which it has been established, of a magistrate's court established under the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or, as the case may be, a magistrate appointed under that Act in respect of such a magistrate's court, and any proceedings in any such inferior court or before any such judicial officer, including proceedings in connection with any law made by that legislative assembly, shall for the purposes of any law in force in the Republic be deemed to be proceedings in such a magistrate's court or, as the case may be, before such a magistrate: Provided that the Attorney-General of the division of the Supreme Court of South Africa having jurisdiction may in any particular case direct that proceedings be instituted in or, if already commenced, be transferred to any other court, whether within or outside the area concerned, and thereupon the provisions of any applicable law shall *mutatis mutandis* apply as if the direction had been given under section 59 (5)bis of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).

(b) Any law made by a legislative assembly in respect of inferior courts may, subject to the provisions of section 14 (3), provide for the amendment or repeal of the Magistrates' Courts Act, 1944, or the provisions of the Black Administration Act, 1927, relating to courts, in so far as the said Act or the said provisions apply in the area concerned.

(2) Any proceedings under any law made by a legislative assembly may, in so far as such law applies to citizens who are resident outside the area concerned, but within the Republic, be instituted against any such citizen in any competent court having jurisdiction in the area within which such citizen may be or may be resident.

(3) Any amount recovered by the Government of the Republic or of the area concerned in any proceedings before any inferior court referred to in subsection (1), or before any other court by virtue of the provisions of subsection (2), not being an amount paid by way of any criminal penalty imposed in such proceedings, shall be paid—

- (a) in the case of an amount recovered in proceedings in connection with any law made by a legislative assembly or in respect of any revenue accruing to a Revenue Fund, into the Revenue Fund; and
- (b) in any other case, into the Consolidated Revenue Fund,

and any amount so recovered by way of any criminal penalty imposed shall be paid, if the proceedings were heard before any inferior court transferred to the Government of the area concerned in terms of section 14 or established in terms of any law of the legislative assembly, into the Revenue Fund, and in any other case, into the Consolidated Revenue Fund.

Prisons

[Heading inserted by s. 23 of Act No. 70 of 1974.]

15A. Prisons.—(1) A reference in any law to a prison established or deemed to have been established in terms of the Prisons Act, 1959 (Act No. 8 of 1959), (hereinafter referred to as a prison of the Republic) shall be construed as including a reference to a prison which has in terms of the said Act or a law of a legislative assembly been established by an authority of an area for which a legislative assembly has been established (hereinafter referred to as a prison of the area concerned).

(2) A convicted Black person who has been sentenced to imprisonment and is still liable to serve the sentence imposed or part thereof may—

- (a) if he is detained in a prison of the Republic, be transferred on the authority of the Minister of Prisons of the Republic and with the concurrence of the Minister or Executive Councillor of an area for which a legislative council has been established, who is responsible for the administration of prisons, from that prison to a prison of the area concerned indicated by the last-mentioned Minister or Executive Councillor;
- (b) if he is detained in a prison of an area for which a legislative council has been established, be transferred on the authority of the Minister or Executive Councillor of such area referred to in paragraph (a), and with the concurrence of the Minister of Prisons of the Republic, from that prison to a prison of the Republic indicated by the last-mentioned Minister,

and thereupon such person shall be detained in the prison to which he has been transferred and be dealt with in every respect as if, and shall be subject to the laws to which he would have been subject if, he had been received in the last-mentioned prison in terms of the said sentence.

(3) Without prejudice to the provisions of sections 18 and 21, the Prisons Act, 1959, shall also continue to apply in an area for which a legislative council has been established as if item 31C had not been inserted in Schedule 1 to this Act by section 24 (e) of the Black Laws Amendment Act, 1974.

(4) The Minister of Prisons of the Republic may by notice in the *Gazette* declare that a prison established or deemed to have been established by an authority in the Republic under the Prisons Act, 1959, in an area for which a legislative assembly has been established, shall, subject to such conditions as may be specified in such notice, be deemed to have been established by an authority of that area under the said Act or a law of the said legislative assembly relating to prisons, and thereupon such prison shall be deemed to have been so established.

(5) (a) The provisions of this section shall come into operation on a date fixed by the Minister.

(b) Different dates may in terms of paragraph (a) be fixed in respect of different areas.

[S. 15A inserted by s. 23 of Act No. 70 of 1974.]

PUBLIC SERVICE MATTERS

16. Public Service Commission.—There shall be a public service commission for an area for which a legislative assembly has been established, consisting of three persons to be

appointed by the executive council, with such powers and duties relating to the appointment, conditions of service, discipline, retirement and discharge of public officers and other incidental matters as the legislative assembly concerned shall determine.

17. *Appointment and dismissal of persons to vest in executive council.*—The appointment and dismissal of persons in the service of the Government concerned shall, until such time as the legislative assembly otherwise prescribes, vest in the executive council, unless the appointment or dismissal is delegated by the executive council to some other authority.

OTHER PROVISIONS

18. *Continuation of existing laws.*—Subject to the provisions of this Act, all laws which immediately prior to the constitution of the first executive council for an area in terms of section 5 were in force in that area or any portion thereof, shall continue in force until repealed or amended by the competent authority.

19. *Validity of laws of a legislative assembly.*—(1) Any provincial or local division of the Supreme Court of South Africa having jurisdiction in any area or portion of any area for which a legislative assembly has been established, and the High Court of that area, shall be competent to pronounce upon the validity of a law of that legislative assembly.

(2) No magistrate's court or other inferior court shall be competent to pronounce upon the validity of a law of a legislative assembly.

20. *Registration of vehicles and drivers' licences.*—(1) No law made by a legislative assembly in respect of the registration of vehicles or the licensing of drivers thereof shall apply with reference to any vehicle registered outside the area concerned or any person licensed outside such area to drive a vehicle, if such vehicle is brought into, or such person enters, the area in question and does not remain therein for a longer period than six consecutive months.

(2) No registration of a vehicle or a licence authorizing the driving thereof shall be required outside the area for which a legislative assembly has been established in respect of any vehicle registered in such area or any person licensed therein to drive such a vehicle, if such vehicle is brought into, or such person enters, any other area within the Republic and does not remain outside the firstmentioned area for a longer period than six consecutive months.

21. *Transfer of certain legal and executive powers.*—Subject to the provisions of this Act, all rights, powers, authorities, duties, obligations and functions which are vested by any law in a Minister or in any other person or body in the Republic, and which have reference to matters in respect of which the legislative assembly of an area is, on the date of the constitution of the first executive council for that area, empowered or becomes, on a later date, empowered to make laws in terms of this Act, shall, as from the relevant date, in the said area, be vested in the executive council or in the person or body, as the case may be, exercising similar powers, authorities and functions in the said area or, in the absence of any such person or body, the person or body designated by the last-mentioned council for the purpose: Provided that nothing in this Act shall be construed as preventing any department, institution, board, body or person under the control of the Government of the Republic from exercising any power or performing any function or duty in connection with any such matter subject to such terms and conditions as may be agreed upon by the said Government and the Government of the area.

[S. 21 amended by s. 26 of Act No. 4 of 1976.]

22. *Administrative control, powers, authorities and functions of executive council.*—Subject to the provisions of this Act, the administrative control, powers, authorities and functions (other than legislative powers) which are vested in or exercised by the State President in relation to matters in respect of which the legislative assembly of an area is, on the date of the constitution of the first executive council for that area, empowered or becomes, on a later date, empowered to make laws in terms of this Act, shall, as from the relevant date, in the said area be vested in its executive council.

[S. 22 substituted by s. 27 of Act No. 4 of 1976.]

23. Claims against the Government of an area cognizable in any competent court.—
 (1) Any claim against the Government of an area which would, if that claim had arisen against a person, be the ground of an action in any competent court, shall be cognizable by such court, whether the claim arises out of any contract lawfully entered into on behalf of the Government of the area or out of any wrong committed by any servant of that Government acting in his capacity and within the scope of his authority as such servant.

(2) In any action or other proceedings instituted by virtue of the provisions of subsection (1), the member of the executive council responsible for the administration of the department concerned may be cited as nominal defendant or respondent.

(3) No writ of execution or attachment or like process shall be issued against the nominal defendant or respondent in any such action or proceedings or against any property of the Government concerned, but the amount, if any, which may be required to satisfy any judgment or order given or made against the nominal defendant or respondent in any such action or proceedings may be paid out of the Revenue Fund.

(4) Nothing in this section contained shall affect any provision of any law which—

- (a) limits the liability of the Government of an area or any department thereof in respect of any act or omission of its servants; or
- (b) prescribes specified periods within which a claim is to be made in respect of any such liability; or
- (c) imposes conditions on the institution of any action.

24. Provision for certain matters in transition period.—(1) (a) In the transition period after a legislative assembly has been established up to the first session thereof the State President may by proclamation in the *Gazette* provide in respect of the area concerned for—

- (i) any matter referred to in sections 5 (2), 16 and 17 and in items 1, 17, 18 and 31 of Schedule 1;
- (ii) generally, all such matters as he may deem necessary in connection with the establishment of the Government and the proper administration of the area concerned.

(b) Subject to the provisions of section 3, a legislative assembly may amend or repeal any proclamation issued in terms of paragraph (a).

(2) Any law in force immediately prior to the establishment of a legislative assembly and which in relation to a territorial authority refers to any matter which may be determined or provided for by the State President in terms of section 2 or section 5 or this section, shall as from the date of the establishment of the legislative assembly and unless and until other provision is made by the competent authority in terms of this Act, apply *mutatis mutandis* in relation to that legislative assembly and the administration and government of the area concerned.

25. Executive powers, authorities and functions to vest temporarily in Minister.—All such executive powers, authorities and functions as are necessary to be exercised or performed in terms of this Act for bringing this Act into operation and, if necessary, for ensuring the continuation of the administration and government in any area in terms of this Act, may be exercised or performed by the Minister.

25A.

[S. 25A inserted by s. 8 of Act No. 71 of 1974 and repealed by s. 3 (1) of Act No. 21 of 1980.]

CHAPTER 2

PROVISIONS APPLYING TO SELF-GOVERNING TERRITORIES

SELF-GOVERNING TERRITORIES

26. Self-governing territories.—(1) The State President may, after consultation by the Minister with a legislative assembly, by proclamation in the *Gazette* declare that the area,

as defined from time to time, for which that legislative assembly has been established, shall under the name mentioned in the proclamation be a self-governing territory within the Republic in accordance with the provisions of this Act.

(2) Any reference in any law to a territory which has been or is declared by or in terms of an Act of Parliament to be a self-governing territory within the Republic, shall be deemed to include a reference to a territory which has been or is declared to be a self-governing territory within the Republic under subsection (1).

FLAG AND NATIONAL ANTHEM OF SELF-GOVERNING TERRITORY

27. **Flag.**—There shall be a Flag for each self-governing territory, the design of which shall be approved by the legislative assembly and which shall be flown side by side with the National Flag of the Republic at the building where the legislative assembly holds its sessions, at the principal administrative office and all main district offices of the Government of the territory, and at such other places in the territory as the said Government may determine.

28. **National Anthem.**—The legislative assembly of a self-governing territory may declare any literary work to be the National Anthem of that territory.

[S. 28 substituted by s. 17 of Act No. 12 of 1978.]

THE EXECUTIVE GOVERNMENT OF A SELF-GOVERNING TERRITORY

29. **Executive government of self-governing territory.**—(1) The executive government of a self-governing territory with regard to all matters referred to in Schedule 1 shall vest in a Cabinet, which shall consist of a Chief Minister and other Ministers and shall be constituted from members of the legislative assembly of the territory.

(2) The provisions of this Act and a proclamation issued in terms of this Act with regard to an executive council, a Chief Councillor and a Councillor shall *mutatis mutandis* apply with regard to a Cabinet, a Chief Minister and a Minister, respectively.

(3) (a) A Chief Minister may appoint any member of the legislative assembly concerned to hold office during the Chief Minister's pleasure as Deputy Minister of any specified department, and to exercise or perform on behalf of a Minister any of the powers, functions and duties entrusted to such Minister in terms of any law or otherwise which may, subject to the directions of the Chief Minister, be assigned to him from time to time by such Minister.

(b) Subject to the provisions of paragraph (c), any reference in any law to a deputy to a Minister shall be construed as including a reference to a Deputy Minister appointed under this subsection, and any such reference to a Minister shall be construed as including a reference to a Deputy Minister acting in pursuance of an assignment under paragraph (a) by the Minister for whom he acts.

(c) A Deputy Minister shall not be a member of the Cabinet.

(4) A Deputy Minister shall before assuming his duties make and subscribe an oath in the form prescribed by proclamation for a member of the Cabinet, but with reference to his office as Deputy Minister, before the Speaker or Chairman of the legislative assembly, as the case may be.

(5) Whenever any Deputy Minister is for any reason unable to perform any of the functions of his office, the Chief Minister concerned may appoint any other Deputy Minister or any member of the legislative assembly to act in the said Deputy Minister's stead, either generally or in the performance of any specific function.

[S. 29 substituted by s. 18 of Act No. 32 of 1987.]

LEGISLATION OF A SELF-GOVERNING TERRITORY

30. Legislative powers of legislative assembly of self-governing territory.—(1) Subject to the provisions of this Act, the legislative assembly of a self-governing territory shall have power—

- (a) to make laws not inconsistent with this Act with regard to all matters referred to in Schedule 1; and
- (b) to provide in any such law for the amendment or repeal of any law, including any Act of Parliament, in so far as it relates to any such matter and applies in the area or to any citizen of the area, whether such citizen is or is resident within or outside the area,

and may make different such laws for different regions or places and different categories or groups of persons.

(2) Where in terms of the said Schedule a legislative assembly is empowered to make laws applicable in any area outside the area for which it has been established or in relation to citizens of the last-mentioned area who are or are resident elsewhere than in the said last-mentioned area but within the Republic, any such law shall have effect and may contain provisions for the due enforcement thereof in any such first-mentioned area or, as the case may be, in relation to any such citizen in any place within the Republic wherever such citizen may be or may be resident.

(3) Subject to the provisions of this Act, no law made after the date on which an area is in terms of section 26 declared a self-governing territory (including any Act of Parliament, but excluding a law made by the State President or the legislative assembly concerned or any such Act or Ordinance as is referred to in section 6 (2) (a) (ii) and (iii)), which relates to any matter referred to in subsection (1), shall apply in that area or in relation to any citizen of that area in respect of whom that legislative assembly is empowered to make laws in so far as that matter is concerned.

[Sub-s. (3) substituted by s. 9 of Act No. 71 of 1974.]

(4) Nothing in this Act contained shall affect the powers vested in the State President in terms of section 25 of the Black Administration Act, 1927 (Act No. 38 of 1927), to repeal, amend or make laws by proclamation in the *Gazette* in connection with those matters in respect of which legislative powers are not vested in a legislative assembly by virtue of this section.

31. Assent to laws of self-governing territory.—(1) Every bill passed by a legislative assembly of a self-governing territory shall forthwith, after having been passed, together with such explanatory observations as may be necessary to indicate the scope, effect and reasons for the passing thereof, be submitted through the office of the Commissioner-General to the Minister for presentation to the State President for his assent.

(2) (a) The State President may on the presentation to him of a bill declare that he assents thereto or that he withholds assent or refer it back to the legislative assembly for further consideration in the light of such further information and advice as may be given: Provided that the State President shall not declare that he withholds assent unless he is satisfied that the bill is inconsistent with this Act or relates to any matter or subject in respect of which the legislative assembly may not make laws.

[Para. (a) substituted by s. 19 of Act No. 32 of 1987.]

(b) Where a bill is assented to by the State President one copy of the bill shall be signed by him.

(3) A return indicating that a bill has been referred back for further consideration shall within a period of seven days after it is received by the Cabinet, if the legislative

assembly is in session, or if the legislative assembly is not in session, within a period of seven days from the date of the opening of the next session of the legislative assembly, be laid upon the table of the legislative assembly together with such advice and information as may have been given by the State President.

32. Promulgation and date of coming into operation of laws of self-governing territory.—(1) The Cabinet of a self-governing territory shall cause every law to which assent has been given to be published in the *Gazette*.

(2) A law shall come into operation on the date of its publication in the *Gazette*, unless the law itself provides that it shall come into operation on another date or on a date to be fixed by notice thereunder.

(3) A law assented to by the State President and duly promulgated shall, subject to the provisions of this Act, have the force of law.

33. Signature and enrolment of laws of self-governing territory.—(1) As soon as possible after a law has been assented to by the State President, the Cabinet concerned shall cause fair copies of the law, in each of the official languages, to be enrolled of record in the office of the registrar of the Supreme Court or the High Court having original jurisdiction in the area in which the building where the legislative assembly holds its sessions is situated.

(2) Such copies shall be conclusive evidence of the provisions of the law and in the case of conflict between the copies thus enrolled the copy signed by the State President shall prevail.

(3) The validity or coming into operation of any law shall not be affected by failure to cause copies so to be enrolled.

HIGH COURT OF A SELF-GOVERNING TERRITORY

34. State President may constitute High Court for a self-governing territory.—(1) Subject to the provisions of any other Act of Parliament the State President may, by proclamation in the *Gazette*, constitute in respect of a self-governing territory a High Court and may make regulations regulating—

- (a) the constitution of any such High Court;
- (b) the appointment, remuneration and tenure of office of judges;
- (c) the area of any such High Court's or any other existing court's jurisdiction;

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- (d) the persons or classes of persons over whom and the matters in relation to which any such High Court or any other existing court shall have or shall not have jurisdiction;
- (e) any such High Court's or any other existing court's powers of review and of hearing appeals;
- (f) the appointment, powers and duties of an Attorney-General and other officers of any such High Court;
- (g) the records to be kept and the practice and procedure in and appearance before any such High Court; and
- (h) generally, all such other matters as may be deemed necessary to be regulated for or in connection with the constitution or functioning of any such High Court, the matters mentioned in this paragraph not being limited by the matters mentioned in the preceding paragraphs.

[Sub-s. (1) substituted by s. 13 (a) of Act No. 7 of 1973.]

(2) (a) A High Court shall consist of so many judges as the State President may from time to time determine.

(b) The State President may second a judge of the Supreme Court of South Africa, with his concurrence, to serve as a judge of any such High Court.

(c) The State President may by regulation provide that the provisions of any laws which may at any time apply in respect of judges of the Supreme Court of South Africa, shall also apply in respect of judges of any such High Court.

[Sub-s. (2) substituted by s. 13 (b) of Act No. 7 of 1973.]

(2A) The State President may by regulation provide that any law which does not apply to a High Court or its area of jurisdiction, shall apply, with such amendments and adaptations as he may consider necessary, to such High Court or its area of jurisdiction.

[Sub-s. (2A) inserted by s. 13 (c) of Act No. 7 of 1973 and substituted by s. 8 (a) of Act No. 9 of 1975.]

(2B) Instead of making a regulation under subsection (1) (g) the State President may authorize a judge of the Supreme Court of South Africa or a judge of any High Court concerned to make regulations by notice in the *Gazette* regulating any matter mentioned in the said subsection (1) (g).

[Sub-s. (2B) inserted by s. 13 (c) of Act No. 7 of 1973.]

(2C) If a judge of the Supreme Court of South Africa who has been seconded in terms of subsection (2) (b) to serve as a judge of any such High Court, retires or is removed from office while holding the office of Chief Justice of such High Court in a permanent capacity, his salary shall, for the purposes of calculating his pension, be deemed to be that of a judge president of a provincial division of the said Supreme Court.

[Sub-s. (2C) inserted by s. 8 (b) of Act No. 9 of 1975.]

(2D) In any law which is in force in the area of jurisdiction of any High Court, save the Supreme Court Act, 1959 (Act No. 59 of 1959), and the Judges' Remuneration and Pensions Act, 1959 (Act No. 73 of 1959), any reference to—

- (a) the Supreme Court of South Africa shall be construed as a reference to such High Court; and
- (b) the judge president or a judge of a provincial division of the Supreme Court of South Africa, shall be construed as a reference to the Chief Justice or a judge of such High Court, as the case may be.

[Sub-s. (2D) inserted by s. 8 (b) of Act No. 9 of 1975.]

(2E) The process of any such High Court shall run throughout the Republic and the territory of South West Africa and may be served or executed within the jurisdiction of any division of the Supreme Court of South Africa or of any other High Court constituted under an Act of Parliament.

[Sub-s. (2E) inserted by s. 8 (b) of Act No. 9 of 1975.]

(3) The Appellate Division of the Supreme Court of South Africa shall have the same jurisdiction to hear and determine appeals from any decision of the High Court of a self-governing territory as it has in respect of any decisions of the courts of any provincial or local division of the Supreme Court, and the provisions of any law or rules of court applicable in connection with any appeal from the decision of any such provincial or local division shall *mutatis mutandis* apply with reference to any appeal from a decision of such High Court.

ACCOUNTS OF A SELF-GOVERNING TERRITORY

35. Auditing of accounts of self-governing territory.—Unless and until otherwise provided for by the legislative assembly the Auditor-General of the Republic shall investigate, examine and audit the accounts of the Government of a self-governing territory, (including those of all the inferior administrative bodies referred to in section 12 and all other local institutions of a similar nature in the territory, as agreed upon by the Auditor-General and the Government concerned) and of all other statutory bodies in the territory, as well as those of all accounting officers and all persons entrusted with the receipt, custody or issue of public moneys, stamps, securities or stores, and the provisions of the Exchequer and Audit Act, 1975, and the regulations and instructions in terms of sections 38, 39, 40 and 51 thereof shall govern the administration and control of the Revenue Fund in so far as they can be applied and are not inconsistent with this Act: Provided that whenever in that Act or in any regulations or instructions made thereunder the authority or approval of Parliament, the Treasury, a Minister or the Secretary of a Department or any official is prescribed as necessary for any act, or whenever any function is to be performed, the relevant provision shall be construed as referring to the legislative assembly concerned or the appropriate Minister, secretary or official of the territory concerned.

[S. 35 substituted by s. 52 (1) of Act No. 66 of 1975.]

LAND MATTERS

36. Transfer of land and other public property to the Government of a self-governing territory.—(1) The State President may by proclamation in the *Gazette* direct that as from a date determined by him any land or other public property in a self-governing territory, the ownership or control of which is vested in or has been acquired by the Government of the Republic, a provincial administration or the South African Development Trust constituted by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), shall vest in or be transferred to the Government of the area concerned subject to the provisions of this Act and such other conditions as may be determined in the said proclamation: Provided that land in the said area shall continue to be administered for the settlement, support, benefit and material and moral welfare of citizens.

(2) The State President may exercise the powers conferred by subsection (1) in respect of all land or other public property referred to in that subsection, or exercise those powers from time to time in respect of such land or other public property as he may indicate or in respect of land or other public property other than that indicated by him, and may determine different dates under that subsection in respect of different land or other public property.

(3) As from the date determined in terms of subsection (1) the land or other public property concerned shall vest in the Government of the area concerned without payment of transfer duty, stamp duty or other fee or charge, but subject to any existing charge, obligation or trust on or over such property or otherwise lawfully affecting the same.

(4) The registrar of deeds concerned shall upon production to him of the title deed to any immovable property referred to in subsection (3) endorse the same to the effect that the immovable property therein described is vested in the Government concerned and shall make the necessary entries in his registers, and thereupon the said title deed shall serve and avail for all purposes as the title deed of the Government concerned to the said property.

36A. Reservation of certain land as land which may be occupied or acquired by Black persons.—(1) The Minister of Co-operation and Development may at any time cause to be investigated by such person or persons as he may deem fit, the desirability of reserving any land within the area of jurisdiction of any municipal council, borough council, town council, village council, town board, village management board, local board, health board or health committee or other local government body or within any hamlet or town not situated within any such area of jurisdiction, and surrounded by or adjoining a released area or a scheduled Black area as defined in the Development Trust and Land Act, 1936 (Act No. 18 of 1936), as land which may be occupied or acquired by Black persons.

[Sub-s. (1) substituted by s. 6 (a) of Act No. 3 of 1980.]

(2) After consideration of a report by the person or persons appointed in terms of subsection (1) the State President may by proclamation in the *Gazette* reserve any land, or any portion thereof, referred to in subsection (1), as land which may be occupied or acquired by Black persons, and he may at any time thereafter by like proclamation so reserve any other such land or portion.

[Sub-s. (2) substituted by s. 6 (b) of Act No. 3 of 1980.]

(3) Any such proclamation or any further proclamation may also—

(a) provide that any land which has been so reserved shall cease to form part of the area of jurisdiction of any institution or body referred to in subsection (1);

[Para. (a) substituted by s. 6 (d) of Act No. 3 of 1980.]

(b) provide that any such land shall, under such circumstances as may be specified in the proclamation or with effect from a date so specified, be a released area or a scheduled Black area or a Black area for the purposes of any law relating to released areas, scheduled Black areas or Black areas;

(c) provide for the removal of any existing restrictions on the acquisition, ownership or occupation of any such land, or the imposition of any other restrictions on the acquisition, ownership or occupation of any such land;

(d) provide for the constitution, powers, duties and functions of any body which may be considered necessary for specified administrative and control powers and functions in respect of any such land or portion thereof or two or more such pieces of land or any portions thereof, or for the continued administration and control of such land or portion thereof, subject to such terms and conditions as may be specified in the proclamation, by such institution or body;

[Para. (d) substituted by s. 6 (e) of Act No. 3 of 1980.]

(e) prescribe penalties, by way of criminal sanctions, for the due enforcement of any restriction imposed under paragraph (c) or of any byelaws, rules, orders or directions made or given by any body contemplated in paragraph (d) in the exercise or performance of its powers, duties or functions;

(f) provide generally for such other matters as may from time to time be necessary to ensure the effective operation of this section, the generality of the powers conferred by this paragraph not being limited by the provisions of the previous paragraphs.

[Sub-s. (3) amended by s. 6 (c) of Act No. 3 of 1980.]

(4) The provisions of the Group Areas Act, 1966 (Act No. 36 of 1966), shall not apply in an area reserved in terms of subsection (2).

(5) If a portion of the area under the jurisdiction of an institution or body has been reserved in terms of subsection (2), a reference to "Minister" in any provision of the Group Areas Act, 1966, other than a provision of section 2, 4, 9, 10, 23, 28, 29, 30 or 48, shall, in the application of the said Act to the remainder of such area, be construed as a reference to the Minister of Plural Relations and Development.

[S. 36A inserted by s. 14 of Act No. 7 of 1973.]

CHAPTER 3

MISCELLANEOUS PROVISIONS

37. **Tabling of list of proclamations.**—A list of proclamations issued by the State President under this Act shall be laid upon the Table of the Senate and of the House of Assembly in the same manner as the list referred to in section 17 of the Interpretation Act, 1957 (Act No. 33 of 1957), and if both the Senate and the House of Assembly by resolution passed in the same session disapprove of any such proclamation or any provision thereof, such proclamation or provision shall cease to be of force and effect, but without prejudice

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to the validity of anything done in terms of such proclamation or such provision before it so ceased to be of force and effect, or to any right or liability acquired or incurred in terms of such proclamation or such provision before it so ceased to be of force and effect.

[S. 37 substituted by s. 28 of Act No. 4 of 1976.]

37A. Amendment of this Act.—(1) The State President may from time to time by proclamation in the *Gazette* amend Schedule 1, and may for the purpose of giving effect to any such amendment, amend any other provisions of this Act.

(2) Any amendment in terms of subsection (1) shall come into operation in such areas as may be determined by the Minister by notice in the *Gazette* and on such date in a particular area as the Minister may so determine.

[S. 37A inserted by s. 18 of Act No. 12 of 1978.]

37B. Certain proclamations to be deemed to have been preceded by consultation.—Notwithstanding the provisions of this Act or any other law, any proclamation promulgated or purporting to have been promulgated under this Act before 18 June 1982, and which according to the requirement of any Act had to be preceded by consultation, shall be deemed to have been preceded by consultation.

[S. 37B inserted by s. 12 of Act No. 83 of 1984.]

38. Definitions.—(1) In this Act, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Black Authorities Act, 1951 (Act No. 68 of 1951), bears the meaning so assigned thereto, and—

“citizen” means any person who is a citizen of the area concerned in terms of the National States Citizenship Act, 1970 (Act No. 26 of 1970);

“executive council” means an executive council constituted under section 5;

“*Gazette*” means the *Government Gazette* of the Republic: Provided that if any matter to be published in the *Gazette* is one in respect of which the legislative assembly of a self-governing territory may make laws in terms of this Act or which falls within the scope of the functions of the Government of such a territory, publication shall be in the *Official Gazette* of the territory concerned;

“legislative assembly” means a legislative assembly established under section 1;

“principal Act” means the Black Authorities Act, 1951;

“self-governing territory” means an area declared under section 26 to be a self-governing territory within the Republic;

“territorial authority” includes a territorial authority established under any other law.

(2) This Act and the principal Act shall be construed as if they formed one Act.

39. Amendment of laws.—(1) Subject to the provisions of subsection (2), the laws mentioned in Schedule 2 are hereby amended to the extent set out in the third column thereof.

(2) The amendments to the Black Authorities Act, 1951 (Act No. 68 of 1951), shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(Date of commencement of subsection (2): 4 July, 1975.)

40. Short title.—This Act shall be called the National States Constitution Act, 1971.

Schedule 1

MATTERS REFERRED TO IN SECTION 3

[Schedule 1 amended by s. 12 of Act No. 23 of 1972, by s. 15 (1) of Act No. 7 of 1973, by s. 24 of Act No. 70 of 1974, by s. 10 (1) of Act No. 71 of 1974, by s. 4 of Act No. 115 of 1977, by s. 19 of Act No. 12 of 1978, by Proclamations No. R.150 of 1979, No. R.3 of 1980, No. 172 of 1980, No. R.235 of 1980, No. R.116 of 1984, No. R.112 of 1985, No. 38 of 1986 (as corrected by Government Notice No. 2297 of 7 November, 1986), No. 141 of 1986, No. R.20 of 1987 and No. R.64 of 1987 and by s. 20 of Act No. 32 of 1987.]

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1. The administration and control of departments established in terms of section 5 (2).
2. Education (excluding education provided by a university or a university college established by or in terms of any Act of Parliament).

[Note.—Subscribers are referred to Government Notice No. R.620 of 27 March, 1987, for date of commencement of item 2 in certain areas.]

3. In respect of Blacks, welfare services, including child welfare and social benefit schemes for and the payment of allowances to the aged, blind and indigent and those suffering from mental or physical disabilities, and the rehabilitation of persons who are dependent on dependence-producing substances as defined in the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971).

4. The establishment, maintenance, management and control of clinics and other institutions in connection with services and schemes referred to in item 3.

5. The control of business and trading undertakings, professions, trades and occupations, and the issue of licences for the carrying on and exercising thereof, excluding the issue of licences in connection with trading in arms and ammunition and explosives.

6. The planning, establishment, financing, co-ordination, execution and carrying on of industrial, trading, finance, mining and other business undertakings and projects.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 6 in certain areas.]

- 6A. Development corporations and corporations, including the guarantee of loans raised by such corporations.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 6A in certain areas.]

7. Agriculture, including soil and veld conservation, the eradication and control of noxious weeds, animal production, the combating of animal diseases, veterinary services, plant production, irrigation, forestry, agricultural extension services and agricultural training, but excluding control over the importation into or the exportation from the Republic of stock, exotic animals, poultry, birds, insects, agricultural or other products, plants, stock feeds, seeds, fertilizers, animal remedies, vaccines, biologicals or anything liable to spread disease or infection.

[Note.—Subscribers are referred to Government Notice No. R.1963 of 30 August, 1985, for date of commencement of item 7 in certain areas.]

- 7A. The provision of financial assistance to citizens of the area concerned carrying on or undertaking to carry on farming operations therein, and the exercising of control in respect of financial assistance provided.

- 7B. The levy and exemption of rental for and grazing fees on land, other than land situated in a proclaimed township, belonging to the South African Development Trust, established by section 4 of the Development Trust and Land Act, 1936 (Act 18 of 1936).

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 7B in certain areas.]

8. Nature conservation.

[Note.—Subscribers are referred to Government Notice No. R.1963 of 30 August, 1985, for date of commencement of item 8 in certain areas.]

9. The destruction of vermin.

[Note.—Subscribers are referred to Government Notice No. R.1963 of 30 August, 1985, for date of commencement of item 9 in certain areas.]

10. Public works and undertakings, roads, outspans, ponds and bridges and any works considered necessary for purposes of sanitation or of securing satisfactory water supplies or of preventing or combating soil erosion, but not bridges between the area concerned and any other part of the Republic and roads which have been declared to be national roads or are under the control of a provincial administration.

11. Markets and pounds.

12. The establishment and administration of and the control over inferior courts and the administration of justice, including the exercise of civil and criminal jurisdiction in accordance with the law and customs observed by tribes and communities, and the trial by persons and bodies acting in terms of such law and customs, of persons for contraventions of or failure to comply with enactments of the legislative assembly.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 12 in certain areas.]

13. Labour matters (excluding all matters dealt with in the Workmen's Compensation Act, 1941 (Act 30 of 1941), or the Unemployment Insurance Act, 1946 (Act 53 of 1946)).

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 13 in certain areas.]

14. The erection and maintenance of buildings and structures which the Government of the area may deem necessary for the exercise of its powers and the performance of its functions and duties.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 14 in certain areas.]

15. A direct tax—

(a) on—

- (i) citizens or any particular category or group of citizens;
- (ii) the income of citizens or any particular category or group of citizens.

whether the citizens concerned are or reside in or outside the area, provided they are or reside within the Republic;

(b) on property situate in the area.

16. Fees payable for services rendered by a department referred to in section 5 (2) or a tribal or regional authority, and taxes payable by a specified category or group of persons in respect of services made available by any such department or authority.

17. Subject to the provisions of any proclamation issued in terms of section 2—

- (a) the conditions of service of the members of the legislative assembly;
- (b) the convening of a session of the legislative assembly and the quorum for and the procedure at such a session, including the procedure in the case of the absence of the person who is required to preside at such a session, the method according to which voting takes place at such a session and the exercise of a casting vote by any person presiding at such a session;
- (c) the amendment of the proclamation issued by the State President in terms of section 2 (1).

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 17 (c) in certain areas.]

18. The appointment, conditions of service, discipline, retirement, discharge and pensioning of and, subject to the concurrence of and conditions determined by the Minister of Education and Development Aid in consultation with the Minister of Finance of the Republic, and to such conditions as the first-mentioned Minister may in consultation with the last-mentioned Minister determine, the institution of pension schemes for officers and employees employed in connection with the departments referred to in section 5 (2).

19. Intoxicating liquor.

20. The appointment, powers, duties and functions of justices of the peace and commissioners of oaths.

20A. Civil defence.

[Note.—Subscribers are referred to Government Notices No. R.2314 of 14 November, 1980, No. R.163 of 30 January, 1987 and No. R.584 of 20 March, 1987, for date of commencement of item 20A in certain areas.]

21. The protection of life, persons and property and the prevention of cruelty to animals.

21A. For the purpose of maintaining public safety, public peace, order or good government, the prohibition of any organization or membership of such an organization; the prohibition of the furtherance, in any manner, of the objects of such an organization; the restriction of the presence of any person to a particular place or area; the prohibition of the publication or dissemination of the contents of any speech, utterance, writing or statement, and the removal of any tribe, portion of a tribe, a community or a person from any place within the area of a legislative assembly to any other place in that area.

[Note.—Subscribers are referred to Government Notice No. R.620 of 27 March, 1987, for date of commencement of item 21A in certain areas.]

21B. Subject to the conditions determined by the Minister of Police of the Republic, the establishment, control, organization and administration of a police force.

22. The control, organization and administration of such personnel or such part of the Police Force stationed in the area concerned as may have been transferred to the Government of a self-governing territory by the Minister of Police of the Republic, and charged with the maintenance of law and order, the investigation of any offence or alleged offence, the enforcement of any law and the prevention of crime in the area concerned to the extent and subject to such conditions as may be determined by the said Minister.

23. The administration of deceased estates, the execution of wills and matters relating to status, guardianship, inheritance and succession in respect of citizens.

[Note.—Subscribers are referred to Government Notice No. R.3 of 2 January, 1981, for date of commencement of item 23 in certain areas.]

24. Registration of deeds (except in so far as is otherwise provided in item 28), and surveys, but excluding trigonometrical surveys.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 24 in certain areas.]

25. The regulation and control of road traffic, including the licensing and control of vehicles and the drivers of vehicles, but excluding, subject to the provisions of item 25A, all matters dealt with in the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), or the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942).

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25A. With effect from a date to be determined by the Minister by notice in the *Gazette* in respect of any particular area, motor carrier transportation: Provided that if the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), continues to apply in the area concerned after a date so determined by the Minister, there shall be no appeal in terms of section 6 (2) of the said Act to the Board referred to therein: Provided further that after a date so determined by the Minister the said Motor Carrier Transportation Act, 1930, shall in all cases continue to apply in the area concerned in respect of any certificate or exemption granted thereunder prior to such date, but any certificate or exemption so granted shall not continue to be valid after the 30th June immediately following upon such date.

26. Births, deaths, marriages and customary unions in respect of citizens.

27. The division of existing tribes, the amalgamation of tribes, the constitution of new tribes, and the recognition, appointment, conditions of service, discipline, retirement, deposition, dismissal and pensioning of paramount chiefs, chiefs and headmen.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 27 in certain areas.]

27A. The recognition, appointment, conditions of service, discipline, retirement, deposition, dismissal and pensioning of chiefs' representatives outside the area concerned.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 27A in certain areas.]

28. With the prior approval of the Minister of Education and Development Aid having been obtained, with regard to all the townships in a selfgoverning territory, the planning, establishment, maintenance and administration of such townships or, with regard to any particular township or particular townships in such territory, any or all the powers of planning, establishment, maintenance and administration of such township or townships (including the establishment of local government bodies and the registration of deeds in respect of all the townships or of particular townships or a particular township).

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 28 in certain areas.]

29. The registration and control of dogs.

30. (a) Tribal and regional authorities referred to in section 12 and other local institutions of a similar nature.

[Note.—Subscribers are referred to Government Notice No. R.1963 of 30 August, 1985, for date of commencement of item 30 (a) in certain areas.]

(b) Institutions or bodies other than such institutions as are referred to in paragraph (a) which have in respect of one or more areas (whether contiguous or not) outside the area of jurisdiction of any institution contemplated by that paragraph authority and functions similar to the authority and functions of any such last-mentioned institution or in respect of the preservation of public health in such area or areas, including any such body as is referred to in section 7 of the Public Health Act, 1919 (Act No. 36 of 1919).

30A. The establishment of public holidays.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 30A in certain areas.]

31. The collection of and the control over all revenues and fees which accrue to the Government concerned or to a tribal or regional authority.

31A. The raising of loans, with the prior approval of the Minister of Education and Development Aid, given in consultation with the Minister of Finance of the Republic, and on such conditions, if any, as the first-mentioned Minister may, in consultation with the last-mentioned Minister, determine: Provided that the conditions appertaining to loans raised with the Development Bank of Southern Africa Limited shall not be determined by the first-mentioned Minister.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 31A in certain areas.]

31B. All aspects regarding any matter having direct or indirect or possible reference to health, health service or cognate professions, the combating of nuisances and population development.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 31B in certain areas.]

31C. With effect from a date to be determined by the Minister of Justice by notice in the *Gazette* in respect of any particular self-governing territory and subject to the provisions of section 15A of this Act, the establishment, disestablishment, administration and control of prisons.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 31C in certain areas.]

31D. Tourism, including the development of the tourist industry and the development and improvement of travel services to and within, and of accommodation for travellers within, the area.

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31E. Legal aid.

31F. Amusements or entertainment tax.

31G. The licensing, regulation and control of places of amusement and recreation, and the imposition of a duty upon the licensee in respect of the takings thereat or of a charge based upon the payment for admission thereto.

31H. Auction dues.

31I. The restriction, regulation and control of horse racing, the prohibition, restriction, regulation and control of other racing, the restriction, regulation and control of betting and wagering (whether as to circumstances, locality or premises), and the prohibition, regulation and control of dissemination of information as to betting.

31J. Licensing of totalisators and the imposition on the licensees of a duty in respect of the takings thereof, and licences, taxes and fees in connection with horses and other racing and betting and wagering, and the dissemination of information as to betting and wagering.

31K. The establishment, control and management of libraries and library services.

31L. The establishment, control and management of museums, art galleries, herbaria, botanic gardens and similar institutions, and zoological gardens, aquariums, oceanariums, snake parks and similar institutions where live animals are kept for exhibition.

31M. The establishment, control, management and regulation of cemeteries and crematoria and the regulation of matters relating to the removal or disposal of corpses, the exhumation of corpses and the moving of graves.

[Note.—Subscribers are referred to Government Notice No. R.1963 of 30 August, 1985, for date of commencement of item 31M in certain areas.]

31N. Land settlement and housing schemes.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 31N in certain areas.]

31P. The reservation of places in the area concerned as places of public resort or of public recreation or of historical or scientific interest and of movables or immovable goods of historical or scientific interest and the control and management of such places or goods, whether so reserved before or after the commencement of this Act.

31Q. (i) The conclusion or ratification of conventions, treaties and agreements with the Government of the Republic;

(ii) the conclusion of contracts and agreements, inside or outside the self-governing territory but not outside the Republic, in order to give effect to powers granted to the government of the self-governing territory under this or any other act; and

(iii) the conclusion of agreements with the Government of the Republic extending the area of functions of a corporation or a development corporation which has been established by the government of a self-governing territory, outside such territory: Provided that the powers granted hereby do not validate any act of the legislative assembly, except an act which makes funds available for functions in accordance with such agreement, outside such territory.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 31Q in certain areas.]

31R. The establishment of new districts and the modification of the boundaries of existing districts in the territory.

[Note.—Subscribers are referred to Government Notice No. 1038 of 23 May, 1986, for date of commencement of item 31R in certain areas.]

31S. Sport and recreation.

31T. The registration of citizens and the issue of documents contemplated in section 3 (1)bis (c) of the Blacks (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 67 of 1952): Provided that the powers conferred by this item shall not empower the legislative assembly to amend or repeal any Act of Parliament in respect of this matter, and shall not detract from the power or authority granted any person by law to compile and maintain a population register or to issue under any law any document to a Black who is not in possession of a document contemplated in said section 3 (1)bis (c).

31U. Conservation of the environment.

[Note.—Subscribers are referred to Government Notice No. R.1963 of 30 August, 1985, for date of commencement of item 31U in certain areas.]

31V. The establishment, control, organisation and administration of a law commission.

[Note.—Subscribers are referred to Government Notice No. R.1963 of 30 August, 1985, for date of commencement of item 31V in certain areas.]

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31W. Control over entrance into the territory by citizens of the Republic of South Africa who are not also citizens of the territory concerned in terms of the National States Citizenship Act, 1970 (Act 26 of 1970).

31X. The establishment of a state attorney's office.

31Y. The establishment of pension funds for, and the pensioning of, any persons other than officers and employees referred to in item 18.

31Z. Land and mineral matters.

[Note.—Subscribers are referred to Government Notice No. R.2751 of 31 December, 1986, for date of commencement of item 31Z in certain areas.]

32. With effect from a date and subject to such conditions as the Minister of Economic Affairs and Technology of the Republic may determine the provision and distribution of electricity.

32A. Meteorological services.

33. The imposition of penalties for a contravention of or failure to comply with any law made by the legislative assembly.

34. Any matter which by virtue of the provisions of section 37A falls within the power of the legislative assembly.

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Schedule 2

ACTS AMENDED

No. and year of law	Short title	Extent of amendment
Act No. 68 of 1951	Black Authorities Act, 1951	<p>(1) Section 1 is hereby amended—</p> <p>(a) by the substitution for the definition of "councillor" of the following definition:</p> <p>"(ii) 'councillor' means a person recognized or appointed as a member of a tribal authority; (iv)"; and</p> <p>(b) by the substitution for the definition of "tribal authority" of the following definition:</p> <p>"(vii) 'tribal authority' means a Black tribal authority established under subparagraph (i) of paragraph (a) of section 2 (1) and a community authority established under subparagraph (ii) of the said paragraph. (v)".</p> <p>(2) Section 3 is hereby amended—</p> <p>(a) by the substitution for subsection (1) of the following subsection:</p> <p>"(1) (a) If there exists in a Black tribe or community a tribal or community government functioning in accordance with the law and customs observed by that tribe or community, the tribal or community authority, as the case may be, established in terms of section 2 (1) (a) shall consist of that government.</p> <p>(b) If there does not exist in a Black tribe or community (including two or more such tribes or communities jointly or one or more such tribes and one or more such communities jointly as contemplated in section 2 (1) (a) (ii)) any government referred to in paragraph (a), or if there exists in any such tribe or community such government but it is considered expedient at any time to replace that government, the tribal or community authority, as the case may be, established in terms of section 2 (1) (a) shall be constituted in the manner determined by the State President.</p> <p>(c) A regional or territorial authority shall, subject to the provisions of subsection (3) of this section, consist of a chairman, designated as such by the State President, and so many members as may be determined by the State President."; and</p> <p>(b) by the deletion of subsection (2).</p> <p>(3) The following section is hereby inserted after section 12:</p> <p>"Proof 12A. If in any judicial proceedings it is relevant—</p> <p>of certain facts by affidavit.</p> <p>(a) whether any particular person is or has been a councillor or member of a tribal community, regional or territorial authority;</p> <p>(b) whether any such authority or any councillor or member of any such authority acted in respect of any particular matter in accordance with the law or customs observed by the tribe or community concerned,</p> <p>any document purporting to be an affidavit by any person who in that affidavit alleges—</p> <p>(i) that he is in the service of the State in a capacity specified in the affidavit, connected with the administration of Black affairs;</p> <p>(ii) that he has knowledge of the law and customs observed by the tribe or community concerned and that in consequence thereof he knows that the person concerned is or has been a councillor or member of the tribal, community, regional or territorial authority concerned or, as the case may be, that the law and customs concerned were observed in respect of the said matter,</p>

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No. and year of law	Short title	Extent of amendment
Act No. 26 of 1970	National States Citizenship Act, 1970	<p>shall on its mere production in the said proceedings be <i>prima facie</i> evidence that the person concerned is or has been a councillor or member of the authority in question, or as the case may be, that the law and customs concerned were observed in respect of the said matter.”.</p> <p>(4) Section 17 is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:</p> <p>“(b) providing for the recognition, appointment and selection or election of councillors and members of regional and territorial authorities;”.</p> <p>(1) Section 1 is hereby amended—</p> <p>(a) by the substitution for the definition of “territorial authority” of the following definition:</p> <p>“(ix) ‘territorial authority’ means a Black territorial authority established under section 2 (1) (c) of the Black Authorities Act, 1951 (Act No. 68 of 1951), and includes a territorial board established in terms of section 7<i>bis</i> of that Act and the Government of an area for which a legislative assembly has been established under the National States Constitution Act, 1971; (v); and</p> <p>(b) by the substitution for the definition of “territorial authority area” of the following definition:</p> <p>“(x) ‘territorial authority area’ means the area in respect of which a territorial authority or a legislative assembly under the National States Constitution Act, 1971, has been established; (vi)”</p>