

the Executive should be seen as of special importance for the success of the CRC. From the information used in this paper, however, it is very difficult to evaluate their role and importance. The following remarks are therefore very tentative.

Of the 78 motions actually discussed and voted upon, only two were tabled by the five Executive members. Nine of the 47 amendments were proposed by them. If one pursues the debates and motions it is evident that with few exceptions the Executive members did not take the initiative in raising matters and did not come forward in the debates with new, constructive proposals to implement or adapt policy. One member in particular, W. E. Bergins (Education) went to great length to explain the rationale of present policies or the impossibilities of more drastic changes. In the light of the many unrealistic proposals and the general ignorance about practical aspects of the problems debated, such an approach may have been valuable. Yet, it remains an open question whether more constructive criticism by the Executive could not and would not have improved the quality and content of many debates and motions. In the discussion on this paper the limited information about and insight into the role of the Executive on which these statements are based was emphasised. This fact is readily admitted. Nevertheless, the impression that the Executive is lately becoming far more active vis-à-vis the Administration and the Government may actually be a proof of the above.

This lack of initiative and, in some cases, lack of insight by the Executive raises the question of their relationship with the Administration. The complexity of most of the political, administrative and socio-economic problems demand careful preparation for the debates, motions, bills, answers to questions etc. As long as the Administration is still predominantly staffed by white officials who are most probably neutral in their approach or biased towards the general government policy, and as long as the Executive is rather more passive, not much initiative and expertise will come forward from that very body which functionally should forward it. So far the answers on questions tabled in the CRC and the official reply by the government towards 1970's motions are sufficient proof for such a statement. The real conflict inside Coloured institutions is thus not so much between the parties as between

the Council members and the Administration on the first level, and between the Council and the Administration (on those matters where concurrence exists) and the non-Coloured institutions on the second level. In the latter case the nature of liaison with other Departments and statutory bodies plays a crucial role. Of equal importance will be the nature and amount of pressure the Council and Administration (possibly aided by certain sections of public opinion) can exert to foster their goals.

The current practice by Labour members to refer problems to select or independent commissions of enquiry is also relevant here. This strategy reflects a lack of confidence in the Administration. The appointment of a commission does not necessarily solve this problem. Much still depends on the attitude taken by its members, the terms of reference, the acceptance of the report and the willingness to implement the proposals. Probably the main parties would be better served if they build up their own professional advisory committees so that they can phrase more specific proposals or criticisms to either the Administration, Inter-Departmental Committees or Commissions. In addition to this our analysis seems to indicate that there is urgent need in both main parties for more thorough caucus discussion on the issues, the establishment of various sub-committees and working groups, and efforts to draw up own reports. Such an approach might facilitate the build up of a dynamic force vis-à-vis the more passive Executive members and the Administration and thus possibly cause the latter to improve too. Furthermore this might be the most promising way to improve the quality and content of the motions and debates.

5. Council Deliberations

If the influence and prestige of the Council is to increase, attention must be given to all the types of activities outlined in Part I. Some of the possibilities are suggested here briefly:

- a) A larger number of more penetrating questions can be tabled to clarify policy and possibly decrease dissatisfaction caused by ignorance.

- b) Detailed discussions of the budget, thus pointing out all the shortcomings in finance and administration.
- c) Discussion of reports which might be requested from the Administration and tabled in the Council, mainly in order to inform all members about certain complex problems. Such reports could function as vital background for more operationally phrased motions on which unanimity could then, probably, be reached much easier. The Council might then also request the Administration to prepare follow-up reports outlining the success in the implementation of revised policy.
- d) Phrasing of motions in a more careful, more specific and for all factions more acceptable way, so that less amendments are proposed and even more motions are accepted unanimously.
- e) Requests for more legislative work to be channelled through the Council. Again, such requests have to be specific to be influential.
- f) Tabling of more motions directed towards the general public, certain sections of it or specific institutions which discriminate against Coloured interests. As shown earlier in the paper, certain precedences already exist for such an approach, which may in any case become more and more important in the future, once Coloured politicians realise that it is at least as much the general (white) public as government that need to change certain of their attitudes.
- g) Review by way of discussion and motions legislative work done in the current parliamentary session. Since the overwhelming part of the legislative and administrative work relevant for

Coloured people is still handled outside the CRC and the Administration of Coloured Affairs, such review debates might be very important.

- h) Direct no-confidence motions and other motions more specifically aimed at the officials or institutions responsible for the implementation of policy.

Some of the above proposals may seem far-fetched for the present CRC. The purpose here is to show the potential to diversify and increase the activities of the CRC and thus, hopefully, increase its impact. They should be seen against the background of the rather stereotype and disappointing pattern of proceedings during the first three sessions. It is to be hoped that political scientists will in future provide some more penetrating studies and meaningful proposals along these lines.

6. Content of Motions

In view of the long survey in part two we can be very brief here. It has been emphasised repeatedly that motions should become far more specific, detailed and operational with respect to policy changes as well as legislative and institutional requirements. Members will have to prepare themselves far better for the debates, in order to have greater impact on public opinion through the press and to influence the Administration. It should be realised that the inconclusive and defensive official replies by the government to the 1970 motions are to some extent the result of the broad and unspecified motions. It might perhaps be effective strategy to concentrate in each session on a few issues only, approaching each from various angles, however, and reinforcing the Council's impact by influencing public opinion at the same time. Our discussion of the motions clearly shows that the number of fundamental issues is limited and that their repeated discussion on a general level has little impact on present realities. The intensive debate inside and outside the Council on "Equal Pay for Equal Work" has, however, initiated a change in principle and also promises of practical changes. This example would strengthen the validity of such a strategy.

Once the motions are more specific in content and better prepared they may give due cognisance to regional and other differences with respect to certain problems. It may be more effective to show that (e.g.) better employment conditions do exist in some firms or local authorities, or that better quality housing is actually supplied by some housing developers, i.e. that improvement is a fact and is possible, rather than merely to reiterate principles or grievances.

To these very general points we can add some conclusions about the pattern of motions tabled and discussed so far:

- a) In terms of discussion time the debates on fundamental issues on which unanimity could not be reached, have so far dominated (sect. 1.0 and 2.0). It is doubtful whether this will ensue and, in any case, it would probably not be the best strategy if the improvement of the social, economic and political situation of the Coloureds is the prime goal.
- b) In the category of motions on social and economic development (3.0) four issues have so far dominated, i.e. remuneration, education, housing and group areas. This will, probably, continue for some time but in the longer run the spectrum of important issues is bound to increase, in particular to include social services, business and cultural aspects.
- c) Analysis of the proposers of motions and the content of the motions reveals certain regional differences with respect to the dominating problems. In all the four provinces the issues of job reservation, equal pay, group area removals, housing shortage, high pupil-teacher ratios at schools etc. are relevant. In addition to this every province experiences some problems much more intensively or in a very particular way. In Natal, for example, the removal of small groups of Coloureds from scattered villages in which Coloured areas have been deproclaimed is at present very relevant (cf. the famous Telegram episode of N. Middleton, 2/1970, p. 159). In addi-

tion the uncertainty about the Coloured people's future in Zululand causes great dissatisfaction. In the Orange Free State the focus is on the establishment of new Coloured residential areas and the relationship with Africans, whereas in Transvaal two problems are in the foreground, i.e. the influence of Non-Coloured groups or individuals on Coloured townships (i.e. Indian, Chinese, Africans and Whites) and the policy of reducing the number of towns in which separate Coloured group areas are proclaimed and the shifting of these people to new "growth points". In the Cape further distinction has to be made between rural areas and the larger urban areas (P. E. and Western Cape). Whereas agricultural problems dominate in the rural areas, problems of housing, residential infrastructure, crime, training, etc. dominate in the towns.

Where motions have to be more specific in order to be more effective in future, these regional differences may make it more difficult to obtain unanimous motions or enough attention by the whole CRC to formulate specific motion or proposals. Furthermore the differences testify to the fact that the problems usually connected with "the Coloured people" as such are actually very diverse in nature and only meaningful if seen in relation to specific groups of ("Coloured") people in particular parts of the country, confronted with certain circumstances.

7. Political Rights

At the end of this paper the whole complex issue of the CRC and full political rights for the Coloured people is deliberately left open. It was not the purpose of this paper to go into this problem and, what is more important, after only two full sessions of the CRC it is most certainly too early to try to answer fundamental questions about its adequacy. While there is little doubt about the fact that the CRC does not and, according to its present constitution and functioning, cannot provide full political rights to the Coloured people, the paper has hopefully shown that, nevertheless the CRC can do much more for the Coloured people than it has done so far. It is this paradoxical position of on the one hand being insufficient and on the other hand being not yet really utilised, which is possibly at the root of the seemingly inconsistent attitude many CRC members take towards the Council: they "use" the Council and at the same time they oppose it categorically.

APPENDIX A: DETAILS OF MOTIONS

(For remarks and abbreviations see end of Table)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
No.	cat.	Summary of Content	Vol. in Hans.	Introd. by	Amendments by	part.	disc.	Pp.	Vote	Reference to other motions
a)	b)				(c)	(g)	(d)	(e)	(f)	(a)
1	3.5	Equal Pay for Equal Work	1	-	-	-	-	-	U	32, 59
2	3.2	Purchase of (sub)econ. houses	6	Adam	-	-	-	-	-	29,63,26
3	1.0	No-confidence in Executive	2	L. P. Leon	T. R. Swartz	19	diss.	160	F32:27	7,45,34
4	3.4	Compulsory Education	2	W. Pieterse	Curry	6	diss.	33	F32:27	69
5	3.2	Specifacations for housing	2	Hollander	-	12	cons.	38	U	29, 63
6	3.2	Public Amenities in Gr. Areas	3	Africa	Sass	7	cons.	31	F	28
7	1.0	Comm. re Full Political Rights	3	M.D.Arendse	P. Swartz	7	diss.	53	F30:27	3,34,45
8	3.1	Finalization of Group Areas	3	Coverdale	Fakier	13	diss.	41	T	70,20,31
9	3.5	Relaxing Job Reservation	3/4	Adams	M.D.Arendse	8	cons.	46	T	65
10	3.3	Land + Ownership in Eksteenkuil	4	Le Fleur	Theron	5	cons.	10	F	12,16,47
11	3.5	Farm + Domestic Workers	4	Fortuin	Muller	9	cons.	32	U	72, 41
12	3.3	Land for Kalahari Settlement	4	Ferris	Theron	4	cons.	9	F	10,16,47
13	3.3	Agric. College + Exp. Farm	4	Savahl	-	3	cons.	7	U	-
14	2.0	Discrim. against. Co.People	4	P. Swartz	Curry	6	diss.	41	F29:23	61, 50
15	1.0	1971 Republic Festival	4	Curry	Bergins	8	diss.	54	T	-
16	3.3	Land for Independent Farmers	4/5	Brown	Africa	6	cons.	11	U	47,10,12
17	2.0	Immorality Act	5	Jones	-	3(+)	cons.	13(+)	U	-
18	3.1	Title to Property in O.F.S.	5	Plaatjies	-	1	cons.	3	U	-
19	3.1	Zululand: Exempt. from Permits	5	Swales	Rooks	3	cons.	-	F	82
20	3.1	Uncertainty re Removal	5	Brown	-	7	cons.	8	U	8,70,31
21	2.0	Removal of Non-Coloureds	5	W.J.Swartz	Rocks, Poley	9	diss.	44	T	37,38
22	3.6	Equality of Pensions	5	Middleton	Louw (MEC)	11	cons.	32	F	44
23	2.0	Muslim Places of Worship	5	Adams	-	1	cons.	6	U	57
24	3.7	Crayfish Packing; Housing	5	I.S.Petersen	-	7	cons.	16	U	54
25	2.0	Description of Griquas	5	Le Fleur	Domingo	8	diss.	19	F28:25	-
26	3.2	Industrial Housing in Gr. Areas	5/6	Curry	Pietersen(MEC)	13	diss.	43	F29:27	29,63,2
27	3.4	Registration of Cadets	6	Middleton	Louw (MEC)	9	cons.	33	F28:26	-
28	3.2	Facilities in Grasmere	6	Rabie	-	4	cons.	4	U	6
29	3.2	Comm. re Housing	6	Curry	P.J.Pietersen	7	cons.	42	U	63

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
30	3.4	Discr. in Universities	6	Hendrickse	Bergins	7	diss.	47	F31:25	-
31	3.1	Reigerpark Gr. Area	6	Rabie	-	1	cons.	2	U	49
32	3.5	Equal Pay for Equal Work	6	Middleton	-	7	cons.	19	U	1, 59
33	1.0	Management Committees	6	J.D.Petersen	Julies	5	diss.	13	F	67
34	1.0	Abolition of CRC (No-conf.)	7	S. Leon	T. Swartz	10	diss.	64	F31:28	3,7,45
35	3.1	Removal in O. F. S.	7	A.C.Jacobs	Stanley	14	cons.	42	F31:27	8
36	3.4	Techn.College for Engineering	7	J.S.Petersen	M.D.Arendse	11	cons.	20	U	-
37	2.0	Removal of Non-Coloureds	7	W.J.Swartz	Domingo	12	diss.	43	T	38,21,40
38	2.0	Reclassification of Non-Col.	7	W.J.Swartz	Domingo,Savahl	8	diss.	45	T	37,21,40
39	3.7	Col. Public Road Transport	8	Adams	-	3	cons.	10	U	-
40	3.7	Non-Col. Business Rights	8	P. Swartz	Curry	8	diss.	46	F30:26	37,38,21
41	3.5	Masters + Servants Act	8	J.D.Petersen	M.D.Arendse,Muller	12	cons.	12	F28:25	11, 72
42	3.5	Improved Police Protection	8	J.D.Petersen	W. Pieterse	8	cons.	11	U	-
43	3.3	Cold Storage Facilities(Agric.)	8	Brown	Savahl	6	cons.	8	F	48
44	3.6	Increases in Pensions	9	Rooks	-	9	cons.	15	U	22
45	1.0	Comm.re Repres.in Parliament	9	Rooks	Adams	12	diss.	46	T	3,7,34
46	2.0	Catering Facilities SAR/H	9	Brown	Poley, Domingo	10	cons.	19	U	-
47	3.1	Land ownership (Orangeriv.)	9	Theron	-	2	cons.	3	U	18
48	3.3	Assistance to Farmers	9	Theron	-	9	cons.	24	U	10,12,16
49	3.1	Procl. of Specific Gr. Areas	9	Coverdale	L.V. du Preez	9	diss.	16	F32:25	70,20,31
50	2.0	Condemnation of Apartheid	9	Curry	Rabie	10	diss.	49	T	61,14
51	3.5	Work Cond.:Forestry Workers	9	Savahl	M.D.Arendse	6	cons.	13	U	64,66
52	3.4	Nursing Schools	9/10	Brown	W. Pieterse	6	diss.	15	L31:26	-
53	3.2	Housing of Civil Servants	10	Coverdale	-	8	cons.	8	U	-
54	3.7	Change in Control of CDC	10	Muller	-	10	diss.	51	T	24
55	3.4	Hostels + Schools on Farms	10	Brown	I.S.Petersen	6	cons.	22	F28:27	-
56	3.4	Tuition of Muslim Children	10	Adams	Hendrickse	8	diss.	21	F28:17	-
57	2.0	Places of Worship	10	Adams	Domingo	8	cons.	33	U	23
58	3.5	Salary for Seconded Teachers	10	Domingo	-	4	cons.	8	U	64
59	3.5	Equal Pay for Equal Work	10	Middleton	-	5	cons.	30	U	1, 32
60	3.4	Elect. of School Committees	10	Fakier	-	1	cons.	2	U	-
61	2.0	Review.of Discr.Legislation	11	M.D.Arendse	P. Swartz	9	diss.	50	F30:27	14, 50
62	1.0	Election of CRC Members	11	Domingo	-	2	cons.	12	U	-
63	3.2	Comm. re Housing	11	Plaatjies	-	12	cons.	30	U	29

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
64	3.5	Cond. of Employment for Teachers	11	W. Pieterse	Domingo	5	cons.	17	F26:24	1,32,66,58
65	3.5	Repeal of Job Reservation	11/12	M.D. Arendse	-	7	cons.	35	U	9
66	3.5	Employm. by Local Authorities	12	Africa	-	4	cons.	15	U	64
67	1.0	Municipal Franchise	12	M.D. Arendse	P. Swartz	11	diss.	47	F29:27	33
68	2.0	Participation in Sport	12	Middleton	-	3	cons.	17	U	-
69	3.4	Comm. re Educational Needs	12	Curry	Bergins	8	cons.	43	F29:26	4
70	3.1	Repeal of Group Areas	12	M.D. Arendse	Coverdale	12	diss.	47	T	49, 20
71	3.5	Allowances CRC Members	12	J.D. Pietersen	-	10	cons.	20	U	59
72	2.0	Inquiry re Farm Prisons	13	Curry	-	2	cons.	16	U	-
73	3.1	Galvendale Protests	13	Julies	-	7	cons.	22	U	-
74	1.0	Delimitation of Adm. Areas	13	W. Pieterse	-	1	cons.	3	U	-
75	3.4	Training Scheme for Adult. Men	13	Stanley	-	2	cons.	6	U	-
76	1.0	Adjournment of Council	13	T. Swartz	-	14	diss.	10	F30:25	-
77	3.1	Residential Permit System	13	W.J. Swartz	-	2	cons.	3	U	-
78	3.5	Cost of Living and Wages	13	Potts	-	3	cons.	3	U	85
79	2.0	Ownership of Fire-arms	13	Clöete	-	3	cons.	3	U	-
80	3.6	Distr. of Milk + Hospitalization	13	Dr. R.H. Arendse	-	2	cons.	5	U	84
81	3.6	Factors causing Crime Rate L.	13	Curry	-	-	-	-	-	-
82	3.1	Removal of Col. in Zululand L.	13	Dunn	-	-	-	-	-	19
83	3.5	Abolish Tot-System on Farms L.	13	Fortuin	-	-	-	-	-	-
84	3.6	School Feeding Scheme L.	13	Fortuin	-	-	-	-	-	80
85	3.5	Minimum Wage of R 25 p. w. L.	13	Jones	-	-	-	-	-	1,32,59,78
86	3.2	Community Settlements L.	13	Le Fleur	-	-	-	-	-	29, 63
87	3.6	Establ. more Homes for Aged L.	13	J.D. Petersen	-	-	-	-	-	44, 22

Remarks on Appendix A

- a) Own reference numbers, used in Part II.
- b) 1.0 = General Political matters and organizational issues
2.0 = General aspects of Discrimination
3.0 = Issues of Social and Economic Development
3.1 - 3.7 = see Table 1 for further details
- c) On some motions several amendments were put and in some cases amendments were withdrawn. Reference is made to all members who put an amendment.
- d) Discussion: The distinction made here is discussed in sect. 3 of Part I and is used in Table 2, col. 3 (a) + (b). (diss. = Dissent; cons. = consent).
- e) Length is measured according to the number of pages of Hansard Reports.
- f) The following abbreviations are used:
T = Time lapsed U = Unanimous
F 20/10 = Federal motion or amendment approved by respective margin
L 18/17 = Labour motion or amendment approved by respective margin
- g) Number of participating speakers.

L = Lapsed at end of Session.

Explanations on Appendix B:

- (a) - Motions (b) - Amendments
- (c) - Contributions to Discussions
- (d) - Committee Discussions et.al.
- (e) - Questions tabled

C, N, T, - Provinces

L. - Labour

F. - Federal

I. - Independent

N. - National Col. People's Party

R. - Republican Party

APPENDIX B: PARTICIPATION OF COUNCIL MEMBERS (1970/71)

(For remarks and abbreviations see p. 197)

Name	Constituency	Party		Contributions					Total	Rank	Remarks
				(a)	(b)	(c)	(d)	(e)			
Curry D.M.G.	Pniel	C	L.	6	2	28	13	1	50	1	Deputy Leader, L.P.
Middleton N.S.	Wentworth	N	L.	5	-	10	12	20	47	2	
Brown S.M.	Haarlem	C	R.	6	-	39	1	-	46	3	Only party member
Arendse M.D.	Table Mountain	C	L.-I.	5	4	18	14	-	41	4	Post Labour leader
Domingo E.	Rust ter Vaal	T	L.-I.	2	5	28	2	-	37	5	Left L. P. Oct. 1971
Swartz W.J.	Witwatersrand	T	N.	4	-	28	1	-	33	6	Only party member
Swartz T.R.	Nominated	C	F.	1	2	16	10	-	29	7	Chairman of Executive
Bergins W.J.	Nominated	C	F.	-	3	18	6	-	27	8	M.E.C., Education
Adams A.	Nominated	Malay	F.	5	1	20	-	-	26	9	
Swartz P.	Nominated	C	F.	2	3	16	5	-	26	10	F. P. Secretary
Hendrickse H.J.	Bethelsdorp	C	L.	1	1	11	12	-	25	11	
Rabie F.	Reigerpark	T	F.	2	1	17	1	3	24	12	Tvl. Chairman of F.P.
Pieterse W.B.	Nominated	C	F.	3	2	16	1	-	22	13	
Rocks E.G.	Greenwood Park	N	L.-I.	2	2	13	-	4	21	14	
Africa W.S.	Nominated	C	F.	2	1	15	1	-	19	15	
Pietersen P.J.	Wupperthal	C	F.	-	2	17	-	-	19	16	M.E.C., Local Affairs
Savahl M.B.	Nominated	Malay	F.	2	2	12	1	-	17	17	
Muller J.	Nominated	C	F.-I.	1	2	13	-	-	16	18	Left F. P. Sept. 1971
Leon L.S.	Diamant	C	L.	2	-	11	2	-	15	19	Labour P. leader
Petersen I.S.	Nominated	C	F.	2	1	11	-	-	14	20	
Stanley A.	Liesbeek	C	L.	1	1	11	1	-	14	21	
Theron F.W.H.	Kalahari	C	L.	2	2	9	-	-	13	22	
Potts (Mrs.)N.	Outeniqua	C	L.	1	-	12	-	-	13	23	
Meyer W.J.	Bonteheuwel	C	L.	-	-	9	2	2	13	24	
Plaatjies W.D.	OFS-Central		F.	2	-	6	-	4	12	25	
Julies G.I.	Gelvandale	C	L.	1	1	6	2	2	12	26	
Cloete S.S.	Steinkopf	C	F.	1	-	10	Act	-	11	27	M.E.C. Comm. Welfare
Jones E.F.	Strandfontein	C	L.	1	-	4	-	6	11	28	
Sass V.	Elsiesrivier	C	L.	-	1	7	3	-	11	29	
Poley J.	Nominated	T	F.	-	2	5	3	-	10	30	
Petersen J.D.	Rietvlei	C	L.-I.	4	-	5	-	-	9	31	

Name	Constituency	Party	Contributions					Total Rank	Remarks	
			(a)	(b)	(c)	(d)	(e)			
Coverdale H.J.	Nominated	T F.	3	1	5	-	-	9	32	
Fortuin G.J.	Breërivier	C L.	1	-	6	-	2	9	33	
Swales E.C.	Nominated	N. F.	1	-	8	-	-	9	34	
Dunn F.D.	Natal Interior	L.	-	-	6	-	3	9	35	
Oosthuizen J.C.	Mamre	C L.	-	-	5	1	3	9	36	
Nash J.F.	East. Cape	L.	-	-	8	1	-	9	37	
Fakier M.T.	South Cape	L.	1	1	6	-	-	8	38	
Arendse Dr. R.H.	Bergrivier	C L.	1	-	4	3	-	8	39	
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Pilcher Dr. C.C.	Nominated	C F.	-	-	8	-	-	8	40	
Jacobs A.C.	O.F.S. North	F.	1	-	6	-	-	7	41	
Ferris J.A.	Nominated	C F.	1	-	6	-	-	7	42	
Du Preez L.V.	Newclare	T L.-I.	-	1	5	1	-	7	43	
Louw W.J.	Protea	T F.	-	2	4	-	-	6	44	M.E.C. Agriculture
September D.E.	Nominated	T F.	-	1	4	1	-	6	45	
Smith S.P.J.	Adendorp	C F.	-	-	4	1	-	5	46	
Le Fleur A.A.S.	Nominated	Griqua F.	2	-	2	-	-	4	47	
Essop S.	Bokkeveld	C F.-I.	-	-	4	-	-	4	48	
Peters F.E.	Heideveld	C L.	-	-	-	4	-	4	49	
Du Preez G.	Swartberg	C F.	-	-	4	-	-	4	50	
Segers J.C.	Visrivier	C L.	-	-	4	-	-	4	51	
Inglis J.C.	Nominated	C F.	-	-	4	-	-	4	52	
Hollander L.W.	Karee	C F.	1	-	2	-	-	3	53	
Gabriels(Mrs)M.M.	Nominated	C F.	-	-	3	-	-	3	54	
Meyer P.J.J.	Genadendal	C L.	-	-	2	-	-	2	55	
Jacobs P.J.	Nominated	OFS F.	-	-	1	-	-	1	56	
Winnaar A.J.C.	Nominated	Griqua F.	-	-	1	-	-	1	57	
Johannes W.E.	Kasselsvlei	C L.	-	-	-	-	1	1	58	
Habelgaarn D.S.	Nominated	C F.	-	-	-	-	-	-	59	
			Total:	78	47	574	104	55	858	
Saunders A.S.	O. F. S.	F.								Speaker

A POWERLESS MINORITY IN THE SYSTEM OF APARTHEID

by David M. Curry

Apartheid has had a long history in South Africa. The word apartheid, to my way of thinking has many synonyms, e.g. segregation, separate identities, separate nationhood. All this playing with words merely means that the white man wants to keep political control of South Africa. The present government wants to give the impression that power is being shared, and this sharing of power will grow into complete independence from the White group. It is my firm opinion that this policy is completely impractical as far as the Coloured people are concerned. The present arrangement can only lead to further estrangement between Whites and Coloureds.

1. Political Rights before 1948

As more democratic forms of government grew in the old Cape Colony, it is quite clear that political separation of the races especially as far as the Coloured people are concerned never existed.

From 1652 to 1795, during the occupation of the Dutch East India Company, all legislative, executive and judicial authority was exercised by a governor and council who were appointed by the Company and were responsible for their proceedings to the Directors in Holland. Two early governors can be accepted as Coloured men: Simon van der Stel and his son Willem Adriaan. Under British rule from 1795, the governors alone exercised power and authority until 1825 when an executive council was appointed to assist them.

Despite the fact that slavery still existed there were many Hottentots and other free persons of colour living in the Cape colony. Ordinance 50, is regarded by many as the Magna Carta of the Colonial Aboriginal races. It was promulgated by the governor, Major General Bourke, and was ratified by an order in Council dated from Windsor, 15th January, 1829, which declared that "All Hottentots and other free persons of colour lawfully residing within the Colony are in the most full and ample manner entitled to all and

every right, benefit and privilege to which any British subjects are entitled." (Noble, 1886 : 59).

In 1835, a legislative council whose proceedings were to be public, was established. It consisted of twelve members of whom six were nominated by the governor. In 1853, the first Cape Colonial parliament was established. Responsible Government was further granted in 1872. The old Cape electoral laws created a common suffrage for all male persons regardless of race, provided they satisfied certain requirements. In fact Coloured people could vote and could stand for election.

The Coloured people formed part and parcel of the political life of the old Cape Colony. Political movements comprising Coloured people exclusively were formed only when the rights of the Coloured people were being taken away. Definite racial attitudes became the custom especially of the old Dutch colonists and this affected and still affects the political arrangement in this country. Many of them regarded the Hottentots as inferior beings. This was reported by Lord Charles Somerset in his despatch to the British authorities after the Slagters Nek Rebellion in 1814. He also stated that it was particularly obnoxious to the old Dutch colonists to have Hottentots serving in the Cape Regiments which had to enforce the regulations. He further added: "This feeling is very general, and although the Cape Corps has done its duty on this and on every occasion and merits my warmest acknowledgements, yet, had I a British battalion with which I could replace it, I would withdraw it from the frontier on account of the prejudices of the people." (Noble, 1886 : 45).

The Voortrekkers were people of Dutch origin and their attitude towards other racial groups influenced the political history of the Union and the Republic of South Africa. The underlying principle that the coloured races were to be treated on an equal footing with the whites was not acceptable to the frontier farmer. Piet Retief, one of the Voortrekker leaders, said in his manifesto that the Voortrekkers would preserve the proper relationship between master and servant. Coloureds and Africans living in the Cape Colony continued to enjoy the same rights as whites whereas as in the two Boer Republics of the Free State and Transvaal Coloureds were excluded from having any political rights. After the Anglo-Boer War the

question of granting political rights to non-whites in all the four provinces became a grave question at the National Convention in 1908. It was during this time that from 1900 to 1910 the African People's Organisation led by Dr. Abdurahman came to the fore. Efforts were made to extend voting rights to all non-whites in the Union of South Africa.

The South Africa Act 1909 retained the existing provisions regarding common representation in the Cape.

Only South Africans of European descent could become members of parliament. Thus Africans and Coloureds were debarred from becoming members of the most important law-making body in South Africa.

When Lord Crewe, Secretary of State for the colonies, read the South Africa Bill for the second time on 27th July, 1909, he said inter alia:

"When we come to the qualification for sitting in either House, we approach a point which has been the subject of much discussion and to which many protests have been made. Those who sit in the House of Parliament have to be of European descent. So far, the position is that in the Cape Colony no such restriction has hitherto existed. On the other hand no one not of European descent has ever sat in the Cape House of Assembly. I say frankly that there does seem to me to be a strong case against the insertion of such a provision in this Act or in any act. There are men not of European descent who are of high standing, of high character, and of high ability. They regard this provision as a slight and we regret that any loyal subject of the King should consider themselves slighted.

On the other hand, the difficulties which have confronted those who have prepared this Bill were no doubt considerable... The fact which has decided us in not attempting to press this matter against the wishes of the South African delegates has been that this is undoubtedly one of these matters which represent a delicately balanced compromise between themselves. As a government we cannot take - and personally I am not prepared to take - the responsibility for the wrecking of this Union measure altogether by a provision of this kind, and I am assured that such would be the result of any attempt

to insert such a provision in the Bill. The cause of those who desire this change to be made has been pressed with deep feeling and much eloquence by some of the natives themselves and by those who especially represent their cause. But I do feel that if this change is to be made it must be made in South Africa by South Africans themselves and that it is not possible for us, whatever we may consider to be the special merits of the case, to attempt to enforce it upon the great representative body which with unanimity demand that it should not appear."

From this quotation it is clear that the British Government connived with the various provincial governments of South Africa to take away the rights of both the Coloured or the African people, especially after slaves were set free. In order to unite White South Africa, the Coloured and African people were offered on this altar of expediency.

Nevertheless, Lord Crewe had some prophetic things to say about the loss of voting rights - disfranchisement as he called it.

"It was ultimately decided that Parliament was to prescribe the form of franchise, it being however provided that the Cape vote should be saved to the native unless it was decided by a two-thirds majority of both houses sitting together to abolish the native franchise there. This is said by those who desire to see the interests of the native in every way protected to involve a somewhat serious risk that the Cape franchise itself might be done away with. I think we may assume that, so far as the rest of the Union is concerned it will in future be a white franchise. It would require both Houses sitting together to abolish the franchise at the Cape. I think it may be assumed that it would require more than this, because it is not likely that the nominated senators, especially those who are appointed for their interest in the natives, would be likely to join in a venture of that kind. Therefore, from that point of view, as far as South Africa itself is concerned there does not seem to be much risk. Certainly it is not too much to say that the disfranchisement of a class who held this power of voting so long would be viewed with very deep disappointment."

"Disfranchisement is always an odious thing in itself, and if it

were to be applied in this particular manner I am bound to say that it would assume a somewhat specially odious form. Consequently I myself refuse to believe that there is any probability in this particular provision will be carried into effect. Looking at it as a purely abstract question we could wish that the safeguard might even be stronger, but such as it is, I am prepared to consider it strong enough." (I.U.S.R.C., p. 139-40).

I have quoted at length from Lord Crewe's speech to show how the fight to secure the rights of the Coloured people was always there. The removal of the right of the African and Coloured people to become members of Parliament has had an important effect on the political development in South Africa. The white Parliament could even decide on the form of franchisement. In 1930 when the vote was given to white women, it was not given to Coloured or African women. Certain requirements were made when voters could register. In 1931 the various requirements were removed as far as whites were concerned.

2. Separate Political Representation

In 1936, General Hertzog and Smuts, who had formed the United Party, by a two-thirds majority removed the Cape Africans from the common roll. When the Nationalist Government came to power in 1948 one of the first attempts were made to take Coloured males off the common roll. In 1951, the Separate Representation of Voters Act, (46 of 1951), was passed by parliament. It provided separate parliamentary representation for Coloured persons, who were to be placed on a separate voters list with the right to elect four members to parliament and two provincial councillors in the Cape. The Appeal Court declared this Act invalid because the necessary two-thirds majority had not been obtained. The government then introduced the High Court of Parliament Bill. This allowed members of Parliament to operate a high court which could review decisions by the Appeal Court. This Act was also declared invalid by the Appeal Court. In 1955 the government introduced a Bill which enlarged the Senate from 48 to 89 members. Senators were elected on a new basis and this gave the Nationalist government an increased majority. The Senate was then reconstituted with twelve United Party Senators and seventy-

seven Government supporters. A joint sitting was held in 1956 and, with its artificially increased Senate representation the government obtained the necessary two thirds majority (174 out of 248 votes). This legislation was declared valid by the Appeal Court. The Coloureds in the Cape were finally removed from the roll. This period can be regarded as one of the ugliest in the political history of South Africa. It became a long bitter struggle because the Nationalist Party was able to entrench itself as a legal government in South Africa. The Coloureds played a significant part in the elections and the Nationalist feared that in future elections they could lose power as the Coloureds were not in favour of the policy of apartheid.

During this period the Progressive and Liberal Parties were established. At first many Coloureds refused to register on the separate roll, but when two Progressive Party candidates stood in the Cape Provincial elections, they were elected. When the government saw that it was possible that four Progressives would also be elected to Parliament it immediately extended the terms of office of the four then members of parliament who were representing the Coloured people. Legislation was passed which brought into being the Coloured Persons Representative Council.

3. Separate Political Institutions

Act 46 of 1951 made provision for the institution of a Board for Coloured Affairs composed of three nominated and eight elected members. In 1956 the Act was amended and the Board became the Union Council for Coloured Affairs. This council was composed of fifteen nominated and twelve elected members. Elections of the Board and the Council were really never held. In 1964 the Coloured Persons Representative Council Act was passed and it was amended in 1968. The Act of 1964 provided for a council consisting of thirty elected and sixteen nominated. This was amended in 1968 to provide for a council consisting of forty elected and twenty nominated members.

Elections were held in September, 1969. Five parties took part. The results were as follows:

Parties	Votes Cast	Cape	Tvl.	O.F.S.	Ntl.	Seats
Labour	135,204	21	2	-	3	26
Federal	90,605	5	3	3	-	11
Republican	30,238	1	-	-	-	1
National	23,260	-	1	-	-	1
Independent	11,407	1	-	-	-	1
Conservative	3,216	-	-	-	-	-
Total	293,930	28	6	3	3	40

The only party leader to win his seat was Mr. M. D. Arendse, the former leader of the Labour Party. Mr. Tom Swartz came third in the elections in the Bellville area. He was nominated to the post of Chairman of the Executive.

The moral basis of the policy of separate development really became exposed because of this election. It became quite clear that the government wanted control of the council and it thus made sure that it would appoint members who would be prepared to carry out the policy of separate development. Twenty members were nominated all of whom were members of the Federal Party. The Federal Party won eleven out of the forty seats contested. Mr. Solly Essop, the only independent joined the Federal Party and with the twenty nominated members of Mr. Tom Swartz obtained a majority of thirty-two members of the twenty nominated, fourteen were candidates who were defeated in the elections to the Council. As I stated before all were members from the Federal Party led by Mr. Tom Swartz.

Government supports gave the reasons for the nominations. One reason was that more votes were cast for the pro-separate development parties than for the Labour Party. The Labour Party had won the most seats but had the least votes. Labour Party 135,204 votes - other Parties combined 158,726 votes. This reasoning is strange since the Nationalist Party came to power in 1948 with 37 % of the vote. It claimed a clear mandate to implement the policy of apartheid. The total percentage poll was 48.7 %. The percentage ranged between 66.6 % and 81 % in the three northern provinces but was below 30 % in seven urban constituencies in the Cape, the lowest figure, for a Cape Town seat being 16.4 %. The percentage was higher in rural areas of the Cape. It would appear that large numbers of the urbanized Coloured people in that province boycotted the elections. By

December, 1968 only 546,036 persons or 68 % of those eligible had registered as voters. It is estimated that 802,500 were then eligible for registration.

It is my firm opinion that it cannot be claimed that the Coloured people are in favour of the policy of separate development. Because the Federal Party became the majority party in the Council it was able to elect the Chairman of the Council, Mr. P. Saunders and also the four executive members. If it is true, that most of the Coloured voters were in favour of separate development why were members only nominated from the Federal Party. If also it is accepted that the other parties, except the Labour Party, were pro-separate development the nominations should have been as follows:

Federal Party 11 - Republican 4 - National Coloured People's Party 3 - Independents 1 - and Conservative Party 1.

Because of the Federal Party's majority, every resolution passed by the Council needs the votes of the Federal Party. If the views of the Federal Party are taken as those of the Council then the claim cannot be made that the policy of separate development has a moral basis. There are however further reasons why I cannot accept the argument that the Council is an adequate vehicle for the expression of political rights.

The Council is a creation of the South African Parliament and because of its sovereign power, the powers of the Council are determined by Parliament. The Council has no power over Parliament. No law passed by the Council may be repugnant to any Act of Parliament. Coloured Persons' Representative Council need the consent of the State-President who may also withhold his consent or refer the law to the Council for reconsideration. The State President is therefore not compelled to consent to legislation passed by the Council. The Council had general advisory powers but the Minister is not compelled to accede to the Council's demands.

In order to complete its business the Council needs a quorum of twenty members. It must also be remembered that the twenty members are nominated by the State President. The Minister of the Interior is responsible for the registration of voters and also

for holding of elections. The Minister of Coloured Affairs determines the sessions of council and he can prorogue the Council.

Although members of the council have freedom of speech, there are definite restrictions placed on them if the Provincial Council and Transkeian Legislative Assembly are compared. The Chairman of the Executive is appointed by the State President who may also remove him from office. Other members of the executive are elected by the council. If they disclose any confidential information the Minister may remove them from office.

Ministerial Statutory powers concerning the Public Service Act (54/1957) and the Coloured Persons' Education Act (47/1963) can only be delegated to the Chairman of the Executive. The Minister may recall any powers he has delegated and any decisions made with regard to the powers delegated may be reversed by the Minister.

The Minister may not however delegate any powers concerning compulsory education or his regulating powers concerning Article 34 in the Coloured Persons' Education Act. According to the Act the Minister may not delegate these powers to anyone. Article 34 obtained twenty items over which the Minister by regulations may take measures. As I have stated the Minister may not delegate these powers. The question may well be asked that although the Council has legislative powers with regards to education, whether the Council can encroach upon the regulatory powers of the Minister given him by Article 34. I think it may be argued that the Council can in effect not legislate in educational matters regarding the Coloured community. In effect any legislation can only be introduced when the Minister has given consent. It can also be said that the Council may not take over the Ministers regulatory powers. Article 25 (a) of the Coloured Persons' Representative Council Act (49/1964) clearly states that legislation passed by the Council may not be repugnant to any law of parliament.

The Minister and the Secretary for Coloured Relations or his deputy may attend any meeting of the Council or the Executive and take part in the proceedings thereat, but shall not have the right to vote at any such meeting. I personally feel that such participation in debates will have a strong influence on decisions. Finance needed by

the Council is made available by the Minister or by parliament. Control of finance lies strictly in the hands of the Minister. The Minister may make regulations in regard to sessions of the Council and meetings of the executive; the regulation of the proceedings of the Council, including the maintenance of order in the Council, disciplinary measures and rules of debate; the procedure in connection with the introduction, submission and disposal of laws, reports and resolutions of the Council; absence of members of the Council from Council meetings; and attendance at sessions of the Council and meetings of the executive by officers in the public service.

As a member of the Council I am convinced that the present government has in effect strict control over the Executive and the Council. By reserving the right to nominate the Minister can in effect appoint members who are acceptable to the government. The Council chamber at Bellville has seating for 120 members although present membership is only 60. Will the government nominate more members in the years ahead if it finds it necessary to keep control of the council. The fundamental question that needs to be asked is: Who is really in control in the Departments of Coloured Administration and Coloured Affairs. The members of the executive to my way of thinking are just mere administrative clerks. The white officials are the real decision makers.

I come to the above conclusion because of a press statement made by Mr. Tom Swartz, when he welcomed the new Minister of Coloured Affairs, Mr. Jannie Loots on 20th May, 1970. On 31st October, 1969, in terms of Government Notice R 3669, the Minister of Coloured Affairs announced a lengthy list of powers that were to be delegated to members of the Executive. Nearly six month's later this is what Mr. Swartz said in his welcome address to the Minister: "I wish to advise the government of a very deadly danger of frustration. This could happen if the executives from the governing party feel that their being in office is in fact meaningless, that they are merely rubber stamps and put there for window dressing purposes."

Mr. Swartz further says that in order to remove this growing feeling of frustration it may be advisable to include members of the Executive when matters concerning the Coloured people are discussed or planned and that means of participation of the Executive could be discussed. At the end of the session both parties in the Council

attacked the government for their negative and evasive replies to resolutions passed by the Council. The Council is in fact powerless as it holds no bargaining power with the government. The Council will never play any meaningful role in the state system. The Council is supposed to represent the Coloured people but in actual fact it has no responsibilities. As I said no legislation may be introduced without the consent of the Minister and the Council has no executive powers to carry out its decisions. The government has in fact made wild promises to the Coloured people which it has no intention of carrying out. The explanation is given that we have not yet seen the end of the road and time alone will tell what form of development the Council will take. I am personally convinced that the present policy is not one of power being shared, but one of political domination by the government under the guise of pretending that Mr. Tom Swartz and his Executive are really the decision makers.

The Council will travel the road of the old Native Representative Council. The question must still be asked, how will they reach independence and become fully responsible for their own affairs. Let me again give an example. The staffing of the Administration for Coloured Affairs is the responsibility of the Minister. The Executive of the Council only controls Coloured staff including teachers. There are 55 White inspectors and 10 Coloured inspectors in Coloured schools.

The present policy is just a stopgap approach on the part of the government. What will happen if most of the members elected are not acceptable to the government. The whole policy of separate development depends on the co-operation of the Coloured people. The pressure for real and meaningful political rights will continue. No matter how far this idea of twin parliaments in one country is pushed, some higher authority will always have the final say. As I tried to point out in this paper, the real power, the power of making decisions rests primarily in the hands of white officials. A thorough study of the regulations regarding education for Coloured persons alone shows that the powers Mr. Tom Swartz and his Executive have are in fact meaningless. During the Christmas season 1971 Mr. Swartz expressed the wish in the press that the promise of Dr. Verwoerd should now be fulfilled; namely the taking over by Coloureds of the Department of Coloured Administration and Affairs.

Government sources and press express the view that the system at present is a separate political voice linked with white authority and that both these aspects though still in the initial stage, are destined to grow into a living reality in all administrative levels. The future will be one of joint consultation and not of unilateral white decision. My view is that the proof of the pudding is in the eating. The government's replies to Council's resolution particularly in the case of equality in salaries remained outstanding examples of the government's insincerity regarding its promises that there will be no roof over the future political development of the Coloured people. According to Die Burger (10th June, 1971) Mr. J. Loots, Minister of Coloured Affairs said that whites and Coloureds will have separate parliaments. He further stated that the parliament for the Coloureds will not have sovereign power which immediately raises the point of the policy of parallel development. Will the political development of the Coloured people be parallel to that of the whites or to that of the African Homelands.

The present political arrangement is interesting as it can be expected that the system will generate momentum of its own. Whether the Coloured Representative Council evolves into a system acceptable to the government remains to be seen.

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THE POSSIBILITY OF PURPOSEFUL POLITICAL PARTICIPATION BY THE
COLOURED PEOPLE THROUGH THE MEDIUM OF THE COLOURED PERSONS
REPRESENTATIVE COUNCIL

by Peter Swartz

INTRODUCTION

The value of the CPRC is a subject which for the past few years has increasingly enjoyed the attention of many foremost politicians, intellectuals and laymen.

Many views have already been expressed and it is perhaps because of the uniqueness of the political position of the Coloured group, that many thousands of words will be written about them in the future.

If you were to ask me who the Coloured group are, I would be more inclined to agree with Prof. S. P. Cilliers when he classifies them as "westerners, though with a distinctive biological identity and with a differentiated position in the economic, social and political structure of the South African society."

To be able to give any constructive view as to the purposefulness of political participation by Coloured people in the present set-up, one would have to, in order to understand the latest political developments, give a historical background of the Coloured franchise as well as a summary of separate political institutions which have already been instituted.

HISTORICAL BACKGROUND OF THE COLOURED FRANCHISE

Prior to 1910, the Coloureds in the Cape and Natal had the right to vote. It is conceded that in spite of having this vote, which in any parliamentary democracy is a powerful instrument, the Coloureds were never able to exercise this right effectively and any hopes of direct representation in Parliament by Coloured candidates were crushed in terms of the South Africa Act, 1909, which determined that all candidates for the Union Parliament be British subjects of White origin.

This Act was passed despite the fact that it was generally accepted that the Coloured people were qualified enough and had reached a sufficient stage of political maturity to exercise political power. The only concession Britain made to appease the former Boer Republics was to deny Coloured people the right to sit in Parliament while entrenching Coloured voting rights which could then only be removed by a two thirds majority in Parliament.

During the past sixty years we have seen the gradual erosion of Coloured political rights, the highlights of this process being the passing of the South Africa Amendment Act (No. 9 of 1956) and the Separate Representation of Voters Amendment Act (No. 30 of 1956) which placed Coloureds on a separate voters roll. As a result, four White representatives were to serve the Coloured's interests in Parliament.

In Natal, Coloureds were retained on the voter's rolls, but no new voters could be registered and any voters could forfeit his right through technical disqualification.

Up to and before 1936, the Coloured people were not recognised as a separate group. However, a Government appointed commission set up to investigate and report on the social, economic, educational and political position of the Coloureds, recognised, although only by implication, the Coloured people as a separate entity. This commission recommended what became known as the Coloured Advisory Council which was established in April, 1943. It originally consisted of seven members, but in 1944, this was increased to twenty-five members - all government nominated. It is noteworthy that this Council was never constituted by any Act of Parliament, but was brought into being by Cabinet decision. Its functions were entirely advisory.

With the surprise victory of the National Party in 1948, the Council after having certain fundamental differences with the new Government, resigned on the 6th January, 1950, and was then abolished.

The Separate Representation of Voters Act, 1951 (Act No. 46 of 1951) as amended, made provision for the Union Council for Coloured Affairs consisting of 15 nominated and 12 elected members.

This Council, was, however, only instituted as from the 1st June, 1959 because of constitutional complications. Its functions were:

- (a) To advise the Government at its request on all matters affecting the interests of the Coloured population of the Republic.
- (b) To make representation to the Government in regard to any projects calculated to serve the best interests of the said population.
- (c) To act in general as intermediary and a means of contact and consultation between the Government and the said population.
- (d) To carry out such statutory or other administrative functions as may be assigned to the Council by the State President.

It may be of interest to note that despite provision being made not a single vote was cast for those "elected" members serving on the Union Council for Coloured Affairs.

Act 52 of 1968 signalled the final break between the Coloured people and the Central Parliament and heralded the implementation of Dr. Verwoerds conception of separate freedoms for the different race-groups in the Republic. The Coloured people were to have their own body called the Coloured Persons Representative Council consisting of 40 elected and 20 nominated members. The elected members would be elected by all registered Coloured voters and all Council members would serve for a period of five years.

At its head, the Council has a five-man Executive. The Chairman of the Executive is nominated by the State President while the remaining four are elected by the Council from amongst its members.

As in the case of Parliament and the Cabinet, the Council and its Executive has its own administrative machinery known as the Administration of Coloured Affairs.

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