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SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (INC.)
SUID-AFRIKAANSE INSTITUUT VIR RASSEVERHOUDINGS (INGELYF)

THE COLOURED FRANCHISE.

1. During more than twenty years' intensive study of the racial situation in this country, the South African Institute of Race Relations has come to the conviction that the future of South Africa can only be built on common loyalty to the State and the Constitution and on increasing participation in the rights and duties of citizenship by all sections. While regarding the attainment of common citizenship as the goal of racial policy, the Institute recognizes that because of the wide range of differences in adjustment to Western civilization, this goal cannot be reached by all at once, and that citizenship should be granted to those men and women who conform to Western standards and accept Western values.
2. With these principles the constitution of the Cape Colony, dating from 1853 when representative government was introduced, was in agreement, granting, as it did, "equal rights for every civilized man". It was to this principle that the Cape Colony members of the National Convention adhered firmly at the Act of Union, hoping that it would in due course be accepted by the Union as a whole. The continued operation of this principle in the Cape was an essential condition of Union.
3. Under the constitution of the Cape Colony, the franchise laws were the same for all racial groups, requiring certain educational qualifications. In 1930, differentiation began, when the Union Parliament gave the franchise to European women over 21 years of age, but withheld it from Coloured women. In 1931, full adult suffrage was introduced for Europeans, while the qualifications for male Coloured voters in the Cape remained as before, and Coloured women were still excluded from the franchise.
4. Despite these changes, which diminished the relative political power of the Cape Coloured people, the opportunity to qualify for the franchise is a right deeply cherished by the Coloured people of the Cape. The vote has been regarded by them as a symbol of their rising status as a people in the common state.
5. The Institute has examined the recent proposals by the Prime Minister, Dr. D. F. Malan, and the leader of the Afrikaner Party, Mr. N.C. Havenga, in the light of the convictions it holds, and records its profound disagreement with these proposals. It is of opinion that the removal of the Coloured voters of the Cape from the common roll and their transference on to a separate roll will intensify and perpetuate racial differences instead of promoting the development of a community with common interests, common values and common aspirations. It will cause not only abiding resentment and an even more alarming deterioration in race relations but a loss of faith in the word, spoken and written, of the heads of the South African Government. The Cape Coloured people have not only relied upon the terms of the Constitution, but also on the words of General Hertzog, then Prime Minister, who, in defining the Government's Native policy, said in 1925, "He (the Coloured), owes his origin to us and knows no other civilization than that of the European (although he is sometimes lacking in appreciation of it), and even speaks the language of the European as his mother-tongue. There can thus be no talk of segregation. That is the reason why, during the last seven years, the Nationalists in Parliament have held the view that the Cape Coloured people must be treated on an equality with Europeans - economically, industrially, and politically". In 1929, General Hertzog reiterated this attitude in the House: "It was always clear to me that if we want to do justice to the Coloured person we shall have to include him among the whites, politically, economically and industrially". The present Prime Minister and the present leader of the Afrikaner Party were members of the Government at that time.
6. The proposals now before the country (see addendum) negate these assurances and reverse this attitude. Before making general comments on the implications of the proposals, the Institute, having examined the following terms in detail, submits the following remarks:-
 - (a) The principle, contained in paragraph 2 of the proposals, that "as far as possible, the quota per constituency should be the same for Europeans and the Coloured people" cannot be reconciled with the principle, in paragraph 3, that "as long as the total number of constituencies

allocated to the Union by the South Africa Act is pegged at 150, the number of Coloured constituencies determined will similarly remain unaltered, irrespective of the numbers of registered voters, European or Coloured, registered at a later date". The over-riding principle is clearly that outlined in paragraph 3. It means that the proportion of four representatives for the Coloured people now numbering over one million, to 150 representatives for the Europeans, numbering about $2\frac{1}{2}$ million, will remain fixed. It will prevent the Coloured people from attaining a greater voice in the government of the country as greater numbers rise in the scale of civilization. The proposals relegate the Coloured people to the present position of the African, and thirteen years of African representation in the House of Assembly by three Natives' Representatives has demonstrated the inadequacy and dangers of this type of representation. Further, the present threat even to this system indicates that the proposed Coloured representation will, from the start, be insecure.

- b) Even under the proposed arrangements, whereby the number of Coloured constituencies is allegedly determined on the basis of the average number of European voters per constituency, the Coloured people of the Cape, with 47,804 registered voters (as at 31st August, 1949), would be entitled to five constituencies, the average European quota now being 9,500. Any claim that the one elected senator provided for in the proposals is equivalent to a fifth constituency is untrue. The elected senator would not affect the voting power in the House of Assembly, where legislation is initiated, and in which representation is consequently of more value.
- c) The position of the registered Coloured voters in Natal, of whom there are 1,174, has apparently been entirely overlooked. Coloured men in Natal who possess an income qualification of £96, or possess immovable property worth at least £50, or rent any such property of the yearly value of not less than £10, have been entitled to register on the general roll. In the proposals now made by the Prime Minister and Mr. Havenga there is no provision for representation of these voters in the Natal Provincial Council, nor is it clear whether or not they will be included, together with the Coloured voters of the Cape, in the four Coloured constituencies for Assembly elections. If they are to be so included, the disproportion between the average number of European and of Coloured voters per constituency, becomes even greater; if not, the proposals mean that these voters are to be summarily disenfranchised.
- d) In addition, no provision is made for the representation of the Coloured people in Transvaal and the Orange Free State in the National or provincial legislatures, hope for which had been held out to them in earlier years when the late General Hertzog, then Prime Minister, and also the present Prime Minister, advocated such representation.
- e) It is noted that in terms of the proposals the franchise, which is a common right for European women, is not even envisaged for Coloured women.

7. Turning now to more general comments, the Institute draws attention to the final paragraph of the joint statement by the Prime Minister and Mr. Havenga. Firstly, the framers of the proposals express their conviction "that the arrangement will in no way constitute a reduction of the existing political rights of the Coloured people". The Institute takes the contrary view and considers that the arrangement constitutes a crippling diminution of the existing and potential rights of the Coloured people by preventing them from exercising their votes along with the Europeans, withdrawing their voting power from all the constituencies in which they now exercise it, restricting them to four of their own representatives, and fixing the proportion of the Coloured to the European seats at 4 to 150, in spite of the fact that the disproportion between the number of voters per constituency is likely to become much greater as the Coloured people rise in the scale of civilization.

8. The Cape Coloured people themselves, who have at no time been consulted as to their own desires in respect of an "arrangement" which affects them so profoundly, have no doubt that the proposals constitute a grave diminution of their rights, and have protested sharply against them.

9. The Ministers go on to say that, in their opinion, "the arrangement would also not conflict with the provisions of Section 35 and 152 of the South Africa Act."

The Institute does not agree. It considers that to effect these changes without securing the two-thirds majority of both Houses of Parliament sitting together, as required by the South Africa Act, would, whatever the juridical view may be of the effects of the Statute of Westminster, be a violation of the spirit of the Act, which has hitherto been regarded as the South African constitution. It would mean the repudiation of the moral obligation of Parliament to respect the basic principle in our constitution.

10. Finally, the Ministers refer to "the intended extension of the rights and privileges of the Coloureds" in the following ways:
 - (i) Representation in the Senate, "where the Coloureds have hitherto been unrepresented".
 - (ii) The introduction of an elected Coloured Representative Council, on which appointed representatives of the northern provinces would also serve.
 - (iii) The introduction of a special sub-department for the promotion of Coloured matters.
11. The assertion in sub-paragraph (i) above, gives a misleading impression. The eight elected Senators for the Cape represent all voters of that province, whether European or Coloured, since the Members of Parliament and Provincial Councillors who sit together to elect them, themselves represent the Coloured as well as the European voters. Furthermore, while the Coloured people have not elected direct representatives to the Senate, as have the Africans, four Senators are nominated by the Governor-General-in-Council "on the ground mainly of their thorough acquaintance by reason of their official experience or otherwise with the reasonable wants and wishes of the Coloured races of South Africa", and on occasions in the past one of these has been selected mainly for his special interest in the Cape Coloured People.
12. The Institute does not consider that the creation of the bodies mentioned in sub-paragraphs (ii) and (iii) would serve to extend the rights and privileges of the Coloured people. It draws attention to the fact that when the Coloured Advisory Council was appointed in 1943, the then Government made it clear that the establishment of this body did not mean that there was any intention of interfering with existing political rights. In this way the co-operation of a section of the Coloured people was secured; but other sections opposed the move strongly, political cleavage thus arising within the Coloured community. How it is proposed to establish a Coloured Representative Council and at the same time to transfer the Coloured people to a separate roll. The Coloured people are united in opposition to these proposals. Thus a Coloured Representative Council would have a far greater initial handicap than did the Natives' Representative Council. But the latter body has not proved a success. Through the years the Africans have increasingly lost confidence in its effectiveness; and Councillors, unable to determine or even to influence policy to any significant extent, have become frustrated. As result, in January 1949, the then Secretary for Native Affairs announced that the Government considered the Natives' Representative Council was serving no useful purpose; was an experiment which had failed. The establishment of a Coloured Representative Council on the same lines would undoubtedly yield the same result.
13. The creation of a sub-department for Coloured Affairs would involve a further artificial separation of the affairs of one racial group from those of the others. It would have the effect of intensifying race consciousness and race animosities.
14. There would be no positive gain to compensate for the increasing bitterness between Coloured people and Europeans and also within the Coloured community itself which would result if the Ministers' intentions were carried out. The interests of the Coloured people are so closely interwoven with those of the Europeans that they can best be dealt with by central legislative and administrative machinery, and not by segregated bodies.
15. To sum up, the Institute believes that this attempt to reduce the democratic rights of the Coloured people is a retrograde step, totally at variance with procedures being adopted by the rest of the Western World. It considers that the proposed measures will constitute a grave injustice to a section of the community which has exercised the vote for close on one hundred years, and has not abused it. It believes that these measures, if implemented, will do irreparable harm to race relations in South Africa and to the prestige of the Union.

ADDENDUM.

On 13th October, 1950, the Prime Minister, Dr. D.F. Malan, as leader of the Nationalist Party, and the Minister of Finance, Mr. N.C. Havenga, as leader of the Afrikaner Party, issued a joint statement in the following terms:

1. They agreed that the separate exercise of their political rights is in the interest of the Coloureds as well as the Europeans, and that this should be done by the grouping of their respective registered voters in separate constituencies. Legislation to this end would be introduced by the Government during the forth-coming session of Parliament.
2. They also accepted the principle that as far as possible the quota per constituency should be the same for the Europeans and for the Coloureds, taking into consideration in each case the provisions of the South Africa Act as regards the loading and unloading of constituencies at delimitations. The quota referred to would be determined on the basis of the average number of European voters per constituency contained in the 150 seats as determined by the South Africa Act for the whole Union.
3. They furthermore accepted the principle that as long as the total number of constituencies allocated to the Union by the South Africa Act is pegged at 150, the number of Coloured constituencies determined would similarly remain unaltered, irrespective of the numbers of registered voters, European and Coloured, registered at a later date. Should, however, this total for the Union be legally altered at a later date, the pegging of the number of Coloured constituencies would be altered accordingly, but always in such manner that the originally determined relation between the number of European and Coloured constituencies would be maintained.
4. On the basis of the foregoing they had agreed that the Coloured votes should be allocated four seats in the House of Assembly, one in the Senate, and two in the Cape Provincial Council, these seats to be in addition to the already existing number of seats in each separate case in accordance with the existing laws.
5. They were, furthermore, convinced that the arrangement set out above would in no way constitute a reduction of the existing political rights of the Coloureds, and that it would also not conflict with the provisions of Sections 35 and 152 of the South Africa Act. In this connection the intended extension of the rights and privileges of the Coloured people such as the introduction of an elected Coloured Representative Council, on which appointed representatives from the northern provinces would also serve, and of a special sub-department for the promotion of Coloured matters, as well as the representation in the Senate, where the Coloureds have hitherto been unrepresented, would be borne in mind.

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