SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

FOR INFORMATION EXECUTIVE COMMITTEE
WHITE PAPER (RR.67/59) AND BILL (RR.66/59)
ARE INCLUDED

THE INSTITUTE'S STAND
ON THE
PROMOTION OF "BANTU SELF-GOVERNMENT"

PRICE
N/C

REF. NO.
RR.79/51; RR.69/59
RR.62/59; RR.71/59
PROMOTION OF BANTU SELF-GOVERNMENT BILL

(We have duplicated this Bill and also the Government's White Paper on it (RR 67/59) for the information of our members.)

BILL

To provide for the gradual development of self-governing Bantu national units and for direct consultation between the Government of the Union and the said national units in regard to matters affecting the interests of such national units; to amend the Native Administration Act, 1927, the Native Trust and Land Act, 1936, and the Bantu Authorities Act, 1951, and to repeal the Representation of Natives Act, 1936; and to provide for other incidental matters.

(Introduced by the MINISTER OF BANTU ADMINISTRATION AND DEVELOPMENT.)

WHEREAS the Bantu peoples of the Union of South Africa do not constitute a homogeneous people, but form separate national units on the basis of language and culture:

AND WHEREAS it is desirable for the welfare and progress of the said peoples to afford recognition to the various national units and to provide for their gradual development within their own areas to self-governing units on the basis of Bantu systems of government:

AND WHEREAS it is therefore expedient to develop and extend the Bantu system of government for which provision has been made in the Bantu Authorities Act, 1951, with due regard to prevailing requirements, and to assign further powers, functions and duties to regional and territorial authorities:

AND WHEREAS the development of self-government is stimulated by the grant to territorial authorities of control over the land in their areas, and it is therefore expedient to provide for the ultimate assignment to territorial authorities of certain rights and powers conferred on or assigned to the Governor-General or the Minister or the Trustee referred to in the Native Trust and Land Act, 1936, in terms of any law:

AND WHEREAS it is expedient to provide for direct consultation between the various Bantu national units and the Government of the Union:

AND/.....2
AND WHEREAS it is expedient to repeal the Representation of Natives Act, 1936:

AND WHEREAS it is expedient to provide for other incidental matters:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:

Definitions.

1. Unless the context otherwise indicates, any expression used in this Act to which in the Bantu Authorities Act, 1951 (Act No. 68 of 1951), a meaning has been assigned, bears the meaning so assigned thereto, and—
   (i) "national unit" or "unit" means a national unit referred to in section two;
   (ii) "principal Act" means the Bantu Authorities Act, 1951 (Act No. 68 of 1951);  
   (iii) "this Act" includes any regulation made thereunder.

2. (1) The Bantu population shall for the purpose of this Act consist of the following national units, namely—
   (a) the North-Sotho unit;
   (b) the South-Sotho unit;
   (c) the Swazi unit;
   (d) the Tsonga unit;
   (e) the Tswana unit;
   (f) the Venda unit;
   (g) the Xhosa unit; and
   (h) the Zulu unit.

   (2) The Governor-General shall appoint a commissioner-general in respect of—
   (a) the North-Sotho unit;
   (b) the Tswana and South-Sotho units;
   (c) the Venda and Tsonga units;
   (d) the Xhosa unit; and
   (e) the Zulu and Swazi units,
   and may at any time whenever he deems it necessary or expedient appoint a separate commissioner-general in respect of each of the units referred to in paragraph (b), (c) or (e).

   (3) A commissioner-general shall in relation to the national unit in respect of which he has been appointed exercise the powers and perform the functions and duties conferred or imposed upon a commissioner-general by this Act.

   (4) A commissioner-general—
   (a) shall be appointed on such conditions as the Governor-General may determine and shall hold office at the pleasure of the Governor-General, but not for a period exceeding five years; provided that he may at any time be re-appointed on the expiration of his period of office;
   (b) shall not hold any other office of profit in the service of the State; Provided that a person who is in receipt of a pension from the State shall not be deemed to hold an office of profit in the service of the State for the purposes of this paragraph; and
Powers, functions and duties of commissioner-general.

3. A commissioner-general shall represent the Government with the national unit in respect of which he has been appointed, and shall in relation to that unit—
(a) furnish guidance and advice in respect of all matters affecting administrative development and the social, educational, economic and general progress of the population;
(b) promote the development of the administration of justice and of courts of law;
(c) consult with the Bantu population, in particular with territorial authorities, territorial boards and other bodies established by law which represent Bantu interests, paramount chiefs, chiefs, sub-chiefs, headmen and representatives recognised under sub-section (2) of section four, in regard to all matters affecting the interests of the national unit concerned;
(d) enlighten the population in regard to Government policy and legislation;
(e) advise the Minister in regard to the needs and wishes of the population; and
(f) exercise such other powers and perform such other functions and duties, not being powers, functions or duties which in terms of any law are required to be exercised or performed by any officer or person specified therein, as may be assigned to him by the Minister.

Representatives of Bantu in urban areas.

4. (1) A territorial authority (including any territorial authority established under Proclamation No. 180 of 1956) or a regional authority to which the powers, functions and duties of a territorial authority as set out in paragraphs (a), (d) and (e) of sub-section (1) of section seven of the principal Act has been assigned, or any territorial board may in consultation with the Minister and with the approval of the Governor-General nominate a Bantu person to represent that authority or board in the areas of one or more urban local authorities, as defined in section one of the Natives (Urban Areas)Consolidation Act, 1945 (Act No. 25 of 1945), with that portion of the Bantu community in the said areas, which belongs to the national unit concerned.

(2) Any nominee who has been approved by the Governor-General shall be recognized as the representative of the regional or territorial authority or territorial board concerned in the area in respect of which he has been nominated.

(3) The Governor-General may withdraw the recognition of any such representative at the request of or after consultation by the Minister with the authority or board by whom he was nominated.

Powers, functions and duties of representatives.

5. (1) A representative of a regional or territorial authority or territorial board who has been recognized in accordance with sub-section (2) of section four—
(a) shall advise the authority or board concerned in 75 regard to matters affecting the general interests of the national unit concerned in the area in respect/...4
respect of which he has been recognized;
(b) shall in consultation with the authority or board by which he has been nominated, and in the manner determined by and subject to the approval of the Minister, constitute a board to assist him in the performance of his functions and duties; and
(c) shall act as the representative of that authority or board with the national unit concerned and shall on its behalf serve the interests of that unit within the area of the urban local authority concerned.

(2) Any such representative shall for the purposes of 10 sections twelve and twenty of the Native Administration Act, 1927 (Act No. 38 of 1927), be deemed to be a headman duly appointed as such under sub-section (8) of section two of that Act.

Amendment of section 2 of Act 38 of 1927, as substituted by section 2 of Act 21 of 1943, and amended by section 19 of Act 56 of 1949, section 19 of Act 54 of 1952 and section 1 of Act 79 of 1957.

6. Section two of the Native Administration Act, 1927, is hereby amended-
(a) by the insertion in sub-section (7)bis after the word "thereafter" of the words "or when any person is or has been recognized or appointed as the chief of a native tribe by a territorial authority by virtue of powers conferred upon it under sub-section (8)ter";
(b) by the insertion after sub-section (8) of the following sub-sections:
"(8)bis No chief or headman shall be recognized, appointed or deposed under the provisions of sub-section (7) or (8), except after consultation with the appropriate territorial authority established under section two of the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or under Proclamation No. 180 of 1956.
(8)ter The Governor-General may assign any of the powers vested in him or the Minister in terms of sub-section (7) or (8) to any territorial authority referred to in sub-section (8)bis, which shall exercise any such powers in such manner and subject to such conditions and restrictions as the Governor-General may from time to time prescribe by proclamation in the Gazette. Provided that the recognition, appointment or deposition of any chief or headman by a territorial authority shall be subject to the approval of the Governor-General or the Minister, as the case may be."

7. The following sections are hereby inserted in the Native Trust and Land Act, after section four:
"Transfer 4bis. The Governor-General may by proclamation of land to in the Gazette provide that any right or obliga-
territorial tion of the Trustee in respect of any land which authorities have become vested in or has been acquired by the Trust, and which is situated in an area in respect of which a territorial authority has been established under paragraph (c) of sub-section (1) of section two of the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or under Proclamation No. 180 of 1956, shall, subject to the provisions of this/.....5
Legislative powers of Bantu authorities.

Amendment of section 1 of Act 68 of 1951.

Section one of the principal Act is hereby amended—
(a) by the insertion before the definition of "chief" of the following definition:
"Bantu area" means any area consisting of land referred to in subsection (1) of section twenty-one of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), or any scheduled native area as defined in that Act;";
(b) the substitution for the definition of "Minister" of the following definition:
"Minister" means the Minister of Bantu Administration and Development;"; and
(c) by the insertion after the definition of "territorial authority" of the following definition:
"Territorial board" means a territorial board established under subsection (1) of section seven bis.".

Amendment of section 2 of Act 68 of 1951.

Section two of the principal Act is hereby amended by the substitution in subsection (2) for the word "area" where it appears for the first time of the words "Bantu area" and for the words "every area" of the words "every such area".

Amendment of section 5 of Act 68 of 1951.

Section five of the principal Act is hereby amended—
(a) by the substitution in paragraph (a) of subsection (1) for the word "Minister" of the word "Government";
and
(b) by the addition of the following sub-section:
"(7) The Governor-General may by proclamation in the Gazette assign any of the powers, functions or duties devolving upon a territorial authority under section seven, to a regional authority of an area in respect of which a territorial authority has not been established: Provided that the assignment of such/.../6
Substitution of section 7 of Act 68 of 1951

12. The following section is hereby substituted for section seven of the principal Act:

"Powers, functions and duties of territorial authorities.

(1) A territorial authority—

(a) shall maintain the closest possible contact with the commissioner-general appointed for the national unit in question under the Promotion of Bantu Self-government Act, 1959;

(b) shall assume a leading role and where necessary afford assistance to tribal and regional authorities within its area in connection with matters affecting the material, spiritual, moral and social welfare and the educational interests of the native population of that area;

(c) shall endeavour to ensure the effective development of the administration of justice and of courts of law within its area;

(d) shall have power at any time to convene a conference of the population within its area or of any portion or of particular members of such population or of the national unit to which the population of its area belongs, and may invite the Minister or the commissioner-general concerned to attend such conference;

(e) shall be competent to advise and make representations to the Government in regard to all matters affecting the general interests of the Bantu tribes and communities in the area in respect of which it has been established or of the national unit (as defined in the Promotion of Bantu Self-government Act, 1959) to which the said population belongs;

(f) shall have power, subject to the provisions of any applicable law, to provide for—

(i) the establishment of markets and pounds;

(ii) the control of the erection and maintenance of buildings;

(iii) the licensing and allocation of trading and other sites in respect of natives; and

(iv) any matter relating to the exercise of its powers or the performance of its functions or duties for which it considers it expedient to provide, including provision for the delegation of executive powers to a committee of such an authority or any native designated to it; and

(g) shall have such of the powers, functions and duties which in terms of this Act are vested in a regional authority, as may be assigned to that territorial authority by the Governor-General by proclamation in the Gazette, and such other powers, functions and duties relating to the conduct of native affairs as may be specified in that proclamation, and the provisions of this Act which apply in connection/...
connection with the exercise of such powers or the performance of such functions or duties by regional authorities, shall mutatis mutandis apply in connection with the exercise of such powers or the performance of such functions or duties by such a territorial authority.

(2) A territorial authority may make enactments in connection with—

(a) any matter referred to in paragraph (b), (c), (d), (f) or (g) of sub-section (1);

(b) any matter in respect of which the Governor-General or the Minister may in terms of any law make regulations or impose any prohibition or prescribe any requirement, and which in the opinion of the Governor-General falls within the scope of territorial administration and which he may assign to such territorial authority; and

(c) matters which Parliament may from time to time assign to territorial authorities.

(3) Whenever powers, functions or duties have under paragraph (g) of sub-section (1) been assigned to a territorial authority, the regional authority established for the area in respect of which such powers, functions or duties have been so assigned shall be deemed to be divested of such powers, functions and duties, except in so far as the Governor-General otherwise provides by proclamation in the Gazette.

(4) The provisions of sub-sections (2) to (6), inclusive, of section five shall mutatis mutandis apply with reference to a territorial authority.

(5) The assignment of any matter to a territorial authority under paragraph (b) of sub-section (2) shall not divest the Governor-General or the Minister of any powers in connection therewith, and any such assignment may at any time be withdrawn; Provided any enactment made before the withdrawal shall remain in force until it is repealed by the Governor-General or the Minister, as the circumstances may require.

(6) A territorial authority may, in addition to any rate it may levy by virtue of an assignment under paragraph (g) of sub-section (1)—

(a) impose a tax—

(i) on the native inhabitants or any class or group of such inhabitants of the area in respect of which that territorial authority has been established;

(ii) on the income of such inhabitants or any class or group of such inhabitants; and

(b) impose any other tax which it is by virtue of an assignment referred to in paragraph (c) of sub-section (2) empowered to impose:

Provided that until the Governor-General otherwise/....
wise provides in respect of any particular territorial authority by proclamation the Gazette, any tax under this sub-section may be imposed only with his approval.

(7) No tax referred to in sub-section (6) shall become operative until it has been made known by notice in the Gazette."

The following section is hereby inserted in the principal Act after section seven:

7bis. (1) The Governor-General shall, by proclamation in the Gazette, in respect of every Bantu area for which a territorial authority is not in existence, and where the powers, functions and duties of a territorial authority, as set out in paragraphs (a), (d) and (e) of sub-section (1) of section seven, have not been assigned to a regional authority, establish a territorial board for such Bantu tribes or communities or such Bantu tribes and communities jointly and for such area as he may determine.

(2) A territorial board—

(a) shall be established after consultation with the tribal and regional authorities in the area in question, or, where such authorities have not been established, with the chiefs and headmen of the tribes and communities concerned; and

(b) shall be constituted in the manner and shall exercise the powers and perform the functions and duties prescribed by the Governor-General in the relevant proclamation.

(3) Whenever a territorial authority is established in respect of the area of a regional authority which is represented on a territorial board, or in respect of a tribe or community which is so represented, or whenever the powers, functions and duties which in terms of paragraphs (a), (d) and (e) of sub-section (1) of section seven vest in a territorial authority, are assigned to a regional authority, that regional authority, tribe or community shall cease to be so represented, and if a territorial authority has been established or such powers, functions and duties have been assigned to a regional authority in respect of the whole area for which a territorial board has been established, that board shall cease to exist.

(4) The Governor-General shall by proclamation in the Gazette define the area in respect of which a territorial board has been established and may in like manner from time to time in his discretion vary such area as circumstances may require.".

Regulations.

14. (1) The Governor-General may make regulations—

(a) as to the terms of office and remuneration of a commissioner-general;

(b) providing for the attendance by a commissioner-general of meetings of tribal, regional and territorial authorities and territorial boards;

(c)/.....9
(c) generally in regard to any matter which he may consider necessary for the attainment of the objects of this Act, the generality of the powers conferred by this paragraph not being limited by the particular provisions contained in the preceding paragraphs.

(2) Different regulations may be made in respect of different tribal, regional or territorial authorities or different territorial boards, national units or Bantu tribes or communities.

(3) Any regulations made under this section may provide for penalties for a contravention thereof or failure to comply therewith, not exceeding a fine of twenty-five pounds or in default of payment imprisonment for a period of three months.

Repeal of Act 12 of 1936.

15. (1) The Representation of Natives Act, 1936, is hereby repealed, but the repeal shall have no effect in relation to any person duly elected as a senator or member of the House of Assembly or a Provincial Council in terms of that Act and holding office at the commencement of this Act.

(2) Notwithstanding the repeal of the Representation of Natives Act, 1936, no person shall be entitled to have his name included in any list of persons qualified to vote at elections of members of the House of Assembly or of a Provincial Council, in which he would, but for the repeal of the said Act, not have been entitled to have his name included.

(3) Any person whose name is at the commencement of this Act included in the Cape native voters' roll framed under section seven of the Representation of Natives Act, 1936, shall retain all the rights and privileges to which he would, but for the repeal of that Act, in terms of any other law have been entitled as a registered parliamentary voter in the province of the Cape of Good Hope.

Short title.

16. This Act shall be called the Promotion of Bantu Self-government Act, 1959.
UNION OF SOUTH AFRICA

MEMORANDUM EXPLAINING THE BACKGROUND AND OBJECTS OF THE PROMOTION OF BANTU SELF-GOVERNMENT BILL, 1959

THE BACKGROUND AND THE OBJECTS OF THE BILL ARE SET OUT UNDER THE FOLLOWING HEADINGS:

1. The Origin of the Bantu Areas.
2. The Recognition of the Bantu Areas at the Time of Union and Thereafter.
3. The Intention Behind the Recognition of the Bantu Areas.
4. Partial Deviation From Aims.
5. Effects of this Deviation.
6. Return to Basic Aims.
7. Progress Towards the Attainment of these Aims.
8. Determination of the Ultimate Aim.
9. Principles on which Progress is Founded.
10. The Immediate Objects of the Bill.
11. Envisaged Effects of the Bill.
12. Explanation of the Different Clauses.

1. THE ORIGIN OF THE BANTU AREAS.

The southernmost area occupied by the Bantu at the time of their migration from the north was the Kei territory, situated in the Eastern Cape. In the interior of South Africa the successive waves of Bantu penetration did not progress beyond the Orange River. There was no migration en masse and, consequently, the vast area to the north of the river was occupied only in part by Bantu. Thereafter, inter-tribal wars in the era of Chaka led to the depopulation on a large scale and the shrinking of the Bantu occupied portions of South Africa, a process accentuated by the northward exodus of strong national contingents which further depleted the Bantu occupation of the country.

Apart from smaller splinter areas, the following main areas were occupied by the various Bantu national groups towards the end of the 19th century: Vendaland in the far Northern Transvaal by the Venda; portions of the Letaba area by the Tsonga; Sekukhuneland in the Northern and northeastern Transvaal by the North-Soto; Boshuanaland, including portions of the North-western Cape and Western Transvaal, by the Tswana; Basutoland, including Witsieshoek and portions of the Northern Transkei, by the South-Soto; Swaziland, including portions of Barberton, Piet Retief and Northern Zululand, by the Swazi; Zululand and certain other portions of Natal by the Zulu; and the Transkei, together with portions of the Ciskei, by the Xhosa.
Of these territories, the following Bantu areas were by then clearly defined: Xhosaland, Zululand, Swaziland, Basutoland and Bechuanaland. At that stage the last mentioned three territories had already been recognized as separate Bantu areas.

2. THE RECOGNITION OF THE BANTU AREAS AT THE TIME OF UNION AND THEREAFTER.

Approximately half of British South Africa, as it was known in 1909, was effectively occupied by Bantu, while the other half was occupied by Europeans. In the half occupied by Bantu, there were few Europeans, and the Bantu in the European half consisted of a floating population of labourers.

This territorial division was the result of the said upheavals among the Bantu at the beginning of the 19th century, which preceded the Great Trek. At that time the remaining tribes occupied only those portions of the country for which they had a real need, and the Europeans, during their general northward movement, accordingly by and large took possession of unoccupied land.

At the time of Union this occupation pattern received statutory recognition to the extent that Swaziland, Basutoland and Bechuanaland, which were not then incorporated in any of the colonies, were not included in the Union, mainly because at the time there was no clarity in regard to what the relationship between the Union and recognized Bantu areas should be.

On the basis of the historic pattern, the Union Government in 1913, by law, set aside and entrenched, on behalf of the Bantu, the defined larger Bantu areas within the country's borders, as well as the smaller ones, and even those occupied by splinter groups, and in 1936 took the further step of providing, by law, for the systematic increase of those areas.

3. THE INTENTION BEHIND THE RECOGNITION OF THE BANTU AREAS.

The declared objective which the Union Government and its predecessors in the territories which eventually comprised the Union wished to attain by setting aside the Bantu areas, was to define and set apart separately the land to which the different Bantu communities were linked historically, thus identifying each such community with its own land and ensuring that each community would retain such land.

In keeping with this aim, recognition by law was given to the traditional forms of government and the legal systems of the Bantu in these areas and they were not thrown open for indiscriminate occupation by the Bantu in general, but particular areas remained linked with the separate homogeneous communities which occupied them at that time. In this way, homelands were created for the following larger national units on the basis of language and culture affinities, namely for the North-Sotho, Tsonga, Tswana, Venda, Xhosa and Zulu.

If that was not the aim, that is to say if nothing but the setting aside of land without regard to the community concerned was envisaged, then the sustained effort both before and after Union to set aside Bantu areas and thereafter to augment the initial provision would appear to be a senseless act.

The logical counterpart of setting aside Bantu areas, was the consequential recognition of separate European areas. This is borne out by the fact that the labour requirements of the mines and industries were initially met by the employment of Bantu males migrating from the Bantu areas for definite periods. Their entry into the European areas was, therefore, of a temporary nature and subject to the consent of the Europeans.
Virtually all the Bantu in European areas originally come from the Bantu areas of the Union or from the three Protectorates. At the outset their aim was to earn money periodically for the purchase of certain commodities which they wanted, and generally for the maintenance of their dependants in the Bantu areas, and to leave the European areas as soon as their needs had been satisfied. This natural arrangement was not only in accordance with the intentions of the Europeans, but obviously suited the Bantu, and met with his approval.

4. PARTIAL DEVIATION FROM AIDS.

The Bantu areas have consistently been preserved as living space solely for the Bantu. No European may settle in a Bantu area without the permission of the Bantu community and the Union Government, and when permission is granted it is restricted to a specific purpose, for example the rendering of a particular service. Similarly, it was the intention that the Bantu should not enter the European area without the consent of the European community, and then, too, only for the purpose of rendering a specific service.

The lastmentioned purpose was, however, gradually lost sight of with the result that the Bantu, for whose sole use certain living space had been set aside, was allowed to occupy the living space of the European, while the European was and still is prohibited from occupying or entering the living space of the Bantu for any other purpose than the rendering of service to the Bantu in the spiritual, economic and administrative fields.

The issue was further clouded in that permission was granted to Bantu, at first tacitly and later even by legislation, to settle on a family basis in the European area and thereafter to obtain residential rights on the ground of birth in that area, while the granting of corresponding rights to Europeans in Bantu areas was, and is to this day, not tolerated. In this way the living space of the European was invaded not only by Union Bantu but also by Bantu from the three Protectorates and even Bantu from numerous other territories in Africa.

5. EFFECTS OF THIS DEVIATION.

The present position is that there are undoubtedly many more Bantu of both sexes in the European areas than are necessary as employees both in the urban and in the rural areas.

Contrary to the stated basic aims the Bantu has been allowed to make his home wherever he elects in the whole of South Africa and this practice has necessarily created the impression that, in addition to exclusive rights in the Bantu areas, the Bantu can also lay claim to the same rights as a European in the European areas, which have been set aside solely for the European.

The fact that Bantu from the three Protectorates enter the Union in great numbers on precisely the same basis as Bantu from the Union's reserves enter the European area, clearly illustrates how untenable this view is. It stands to reason that no Bantu from the Protectorates can lay claim to civil rights in the Union. The Transkei, for example, is economically less dependent than Basutoland upon the labour market of the European area and it is, therefore, illogical to grant rights in the European area to the Xhosa, which are denied to the Basuto, merely because the former's country was formally set aside only after Union and not three years previously at the time of Union.
In conformity with the accepted principle to reserve the Bantu areas for the sole use of the Bantu, which has been consistently maintained, the exercise of political rights in these areas has also been reserved for the Bantu and no European enjoys such rights together with the Bantu. In direct conflict with this principle, political rights for the Bantu were not restricted to their own areas but, on the contrary, in the area reserved for Europeans the Bantu was granted representation in the European Parliament; albeit on a limited scale. This constitutes a departure from policy which cannot be reconciled with the broad principle of separate development for European and Bantu in their respective areas.

6. RETURN TO BASIC AIMS.

As a result of the recent rapid industrial expansion coupled with the influx to the cities in European areas and the depopulation not only of the rural areas but also of the Bantu areas, the stage was reached some years ago where this dual approach could not but lead to the eventual integration in all respects of Europeans and Bantu on European soil. The electorate, therefore, had to choose between the preservation of separate national communities in accordance with the basic aims accepted even before, and reaffirmed at, the time of Union, or development towards a single multi-racial community.

The second alternative was rejected and during the last decade a series of steps have been taken to reaffirm, preserve, and fully implement the policy of peaceful co-existence of separate Bantu communities and a separate European community.

The Bantu Authorities Act (1951), the Bantu Education Act (1953) and allied administrative steps were designed to bring about the orderly consummation of the ultimate aim which the founders of Union, and this Parliament too, have pursued in principle. In the application of the resulting policy which is centred round the Bantu community, it was possible to build on the sound foundations of the Bantu's own essentially democratic system of self-government, a system to which the Bantu is strongly attached. This system on the one hand grants full executive powers to the tribal chief-in-council, but on the other hand it provides all the safeguards necessary to ensure that authority is exercised in the interests of and in accordance with the will and desires of the community. Even where western-orientated forms of government were introduced by the European authorities as in the Transkei and Ciskei, the traditional structure remained intact as the mainstay of Bantu community life. But a system which was merely tolerated could not produce dynamic leadership for Bantu progress, while conversely the imported forms of government lacked the inherent power for achieving noteworthy results.

Under the new deal, however, the latent power of the Bantu's own system is harnessed to play the leading part in the programme for the development of the Bantu community. The authorities, proceeding from the local tribal authority with its limited responsibilities to the large territorial authority with its far-reaching powers, are one and all firmly anchored in the Bantu community and all their office bearers are Bantu.

7. PROGRESS TOWARDS THE ATTAINMENT OF THESE AIMS.

Under the authorities system the Bantu play an active and increasingly important part in respect of all facets of community development. For the first time in their history they realize that the European is prepared to grant them full freedom of progress within their own sphere of life, that it is not the European's intention to retard the assignment of powers to them on the ground that the time is not ripe and the people are not ready for the assumption of greater responsibilities and the exercise of greater powers,
but that it is the firm intention to give them all the training required for this purpose.

Understanding of the new deal has, therefore, fired their imagination and commendable results have been achieved. In more than four thousand school committees and approximately five hundred school boards Bantu parents control their own educational system to the general satisfaction of all. The school, which formerly encouraged desertion from Bantu communities, has now, in their own hands, become a powerful instrument of national progress. More than three hundred Bantu authorities now manage their own affairs and are increasingly prepared to undertake the care and conservation of the Bantu soil for posterity.

The great advances in the development on a Bantu basis of forms of government in Bantu areas and the progress made in allied fields, make it imperative that the ultimate object of this development of the Bantu areas and the relative national units be stated clearly. It is the wish and it is also in the interests of both the European and the Bantu that this matter should be seen in clear perspective.

8. DETERMINATION OF THE ULTIMATE AIM.

A definite lead as regards the further pattern of development was given recently by the Prime Minister when he stated that if the various Bantu national units show the ability to attain the required stage of selfsufficiency they will eventually form a South African commonwealth together with White South Africa which will serve as its core and as guardian of the emerging Bantu states.

The realization of the political autonomy envisaged for the Bantu national units, demands that all factors which retard this development should be removed systematically. When the matter is examined from this angle it appears that the greatest impediment is the representation of the Bantu in the highest institutions of European government, an impediment which is, moreover, of a twofold nature. On the one hand it is the source of European fears of being swamped by the Bantu in the political sphere and on the other hand it fails to stimulate the development by the Bantu of Bantu institutions because it fosters expectations of greater participation in European political institutions and promotes the desertion of trained human material from service within its own community.

Representation in the guardian's Parliament is, moreover, not a factor which plays a role in the attainment of selfgovernment by the dependent territory. This appears clearly from the history of the growth of the British Commonwealth, where none of the component territories, which were destined for autonomy, at any time had direct representation in the Parliament of the United Kingdom.

The commonwealth system is based on the systematic political emancipation of the dependent national and territorial units, following on proof being furnished by the different units of their ability to govern themselves in a progressive manner. As has been indicated, participation in the government of the guardian territory does not form part of the preparation of the subordinate units for the task of selfgovernment. Consequently, participation on the present basis by Bantu representatives in Parliament is in effect a signpost to the alternative direction which has been rejected as utterly impracticable and such representation is, therefore, now to be abolished. The Minister and his representatives, including the Commissioners-General, will be direct contact with the Bantu by means of conferences with competent bodies and persons better informed than the present elected representatives regarding the legitimate needs and desires of the different Bantu national units /......
units and, because of their close contact with the Government the Bantu leaders will be able to pay positive attention to such real needs. Consequently, Bantu interests in Parliament will whenever necessary be effectively attended to by the Minister, and in this task he will be assisted by the Deputy Minister, the Minister of Bantu Education and those members of the Native Affairs Commission who are also members of the House of Assembly, as well as by the Senators who have been nominated on account of their special knowledge of the non-European population.

As we are here dealing with a process of growth within the Bantu communities, it is not possible to anticipate the pace of development by laying down a definite time schedule. It is, however, a basic requirement that White South Africa open the way for this process and, during its different stages of development, fulfil its role as well-meaning guardian in a positive manner adapted to the tempo of development of each of the different Bantu units under its care. This task will be undertaken in accordance with principles which have stood the test of time.

9. PRINCIPLES ON WHICH PROGRESS IS FOUNDED.

The principles which have been successfully employed in bringing about the progress which has attended the return to the basic aims envisaged by the founders of the Union may be summarized as follows:-

(a) Systematic linking of each Bantu national unit to its own homeland;
(b) opportunity for full development in all walks of life within the national unit and homeland;
(c) the initiation of services for and guidance to each national unit in order to develop its own territory systematically to the status of a true homeland;
(d) full protection of the Bantu's interest and rights in their homelands; and
(e) the creation of a living link between the national unit in the homeland and its members working in the European areas.

10. THE IMMEDIATE OBJECTS OF THE BILL.

By presenting "The Promotion of Bantu Selfgovernment Bill", 1959, the Union Government is giving an unequivocal assurance of its intention to create selfgoverning Bantu national units. The irrevocable first steps in this direction have been taken and we are now moving on to a further stage of this process.

The Bill accordingly makes provision for the gradual development of selfgoverning Bantu national units and for direct consultation between the Union Government and the said national units in regard to matters affecting the interests of those units.

The balanced development envisaged in this programme is determined on the one hand by the inherent vigour of the young Bantu communities and on the other hand on responsible guidance by the European guardian, which means that the guardian must meet his obligations on the basis of creative self-withdrawal.

Accordingly, formal and binding expression of this fundamental approach is embodied in the Bill in the provisions for -

(a) the recognition of Bantu national units and the appointment in respect of those units of Commissioners-General, whose main task will be to give guidance and advice to the units in order to promote their general development, with special reference to development in the administrative field;

(b) /........
(b) the linking of Bantu working in urban areas with territorial
authorities established under the Bantu Authorities Act,
1951, by conferring the power upon such authorities to
nominate, in consultation with the Minister, Bantu persons
as their representatives in urban areas;

(c) the transfer to territorial authorities at the appropriate
time, of the rights and obligations vested in the Trustee
under the South African Native Trust in respect of land,
and especially the powers, functions and duties vested in
the Governor-General and the Minister in this regard, in
order to confer administrative authority to the Bantu com-
munities in regard to those portions of the country which
comprise their respective areas;

(d) the vesting in territorial authorities of legislative authority
and the right to impose taxes, to undertake works and to give
guidance to subordinate authorities;

(e) the establishment of territorial boards for the purpose of
temporary liaison through Commissioners-General if, during
the transition period, the administrative structure in any
area has not yet reached the stage where a territorial
authority has been established;

(f) the abolition of Native representation in the highest European
governing bodies.

11. ENVISAGED EFFECTS OF THE BILL READ WITH KINDRED MEASURES.

It is impossible to predict to what extent the different Bantu
communities will make use of the opportunities for development now offered.
Success will depend on intelligent and dynamic leadership by territorial
authorities, each of which will in its own homeland be the core around
which the rehabilitation and progress of the whole national unit concerned
will take place. But the objects which the Government through its
Commissioners-General and its Departments of Bantu Administration and
Development and of Bantu Education wishes to achieve by creative with-
drawal can be outlined as follows:-

(a) The creation of homogeneous administrative areas for the Bantu
by uniting the members of each Bantu national group in one
national unit, concentrated in one coherent homeland where
possible;

(b) the education of the Bantu to a sound understanding of the
problems of soil conservation and agriculture so that all
rights over and responsibilities in respect of Bantu soil
may be assigned to them. This includes the gradual re-
placement of European agricultural officers of all grades
by qualified and competent Bantu;

(c) systematic promotion of a diverse economy in the Bantu areas,
acceptable to the Bantu and to be developed by them;

(d) the education of the Bantu to a sound understanding of the
problems and aims of Bantu education, so that by decentralization
of powers responsibility for the different grades of education
may be vested in them. This means the gradual and systematic
replacement of European teachers and administrative and professional
officers by qualified and competent Bantu;
(e) the training of the Bantu with a view to effectively extending their own judicial system, and their education to a sound understanding and the unimpeachable application of the common law so that responsibility for the administration of justice in their areas can be transferred to them. This means the gradual replacement of European judicial officers by qualified and competent Bantu;

(f) the education of the Bantu to a sound understanding of effective territorial administration and consequently the gradual replacement of European administrative officers by qualified and competent Bantu; and

(g) the exercise of legislative powers by the Bantu in respect of the Bantu area, at first on a limited scale but with every intention of gradually extending this power.

12. EXPLANATION OF THE DIFFERENT CLAUSES

Clause 1

Expressions used in the Bill to which a meaning has been assigned in the Bantu Authorities Act, 1951 (which is defined as the principal Act) bears the meaning assigned thereto in that Act, and provision is made for the interpretation of the other expressions specified in the clause.

Clause 2

The national units of the Bantu population are recognized; provision is made for the appointment of Commissioners-General and their general terms of office are prescribed.

Clause 3

The specific powers, functions and duties of Commissioners-General are set out in paragraphs (a) to (e). Further powers, functions and duties may in terms of paragraph (f) be entrusted to them by the Minister, but that paragraph expressly excludes powers, functions and duties which have by law been assigned to a particular office or person and there can, therefore, be no delegation in this respect.

Clause 4

Provision is made for the nomination by a territorial authority (including the Transkeian Territorial Authority) or a regional authority to which have been assigned the liaison powers of a territorial authority, or a territorial board of a Bantu person to represent the authority or board concerned in the area of an urban local authority with the Bantu community in that area, belonging to the national unit of the population residing in the area of that authority or board; for the recognition by the Governor-General of a nominee as the representative of the body which nominated him, and for the manner in which such recognition may be withdrawn.

Clause 5

The powers, functions and duties of a recognized representative are set out in sub-clause (1).

In terms of sub-clause (2) civil and/or criminal jurisdiction may be conferred upon such a representative on the basis on which such jurisdiction can be conferred upon a headman in terms of the Native Administration Act, 1927.
Clause 6

In terms of the proposed sub-section (8)(bis) of section two of the Native Administration Act, 1927, the territorial authority concerned must be consulted before a chief or headman is recognized, appointed or deposed.

In terms of the proposed sub-section (8)(ter) the Governor-General may entrust the power to recognize, appoint or depose a chief or headman to a territorial authority, which must exercise the powers as prescribed by the Governor-General. The recognition, appointment or deposition of a chief or headman will, however, be subject to the approval of the Governor-General or the Minister, as circumstances may require.

Clause 7

The proposed amendment of the Native Trust and Land Act, 1936, comprises the addition of two new sections, namely—

(a) section four bis, in terms of which the Governor-General may determine that any right or obligation of the Trustee in respect of land which has become vested in or has been acquired by the South African Native Trust shall vest in a territorial authority, including the Transkeian Territorial Authority;

(b) section four ter, in pursuance of which any power, function or duty vested in the Governor-General or the Minister by the Native Trust and Land Act, 1936, may be assigned to a territorial authority referred to in paragraph (a).

Clause 8

Provision is made for Bantu Authorities to issue enactments instead of by-laws.

Clause 9

"Bantu area" is defined in the principal Act; the substitution of the definition of "Minister" follows upon the change of designation and a definition of "territorial board" is inserted.

Clause 10

The constitution of a tribal authority is restricted to the Bantu area under the jurisdiction of the chief or headman concerned. From this it follows that regional and territorial authorities too may be instituted only in Bantu areas.

The amendment gives effect to the aim to develop Bantu forms of government in the Bantu's own areas and confirms the existing administrative arrangement in terms of which Bantu authorities are established only in Bantu areas.

Clause 11

Consultation is to take place with the Government and paragraph (a) gives effect to this principle in regard to regional authorities.

Paragraph (b) provides for the assignment, pending the establishment of a territorial authority in a particular area, of the powers, functions and duties of such an authority to a regional authority in that area. This
provision is necessary so that a regional authority can initiate essential services, pending the establishment of a territorial authority.

Clause 12

The existing powers, functions and duties of territorial authorities are being extended considerably and provision is being made for the manner in which those powers are to be exercised and those duties and functions are to be performed.

Clause 13

Provision is being made for the establishment of a territorial board in a Bantu area in which Bantu authorities are not functioning fully and for the determination of the powers, functions and duties of such a board.

A territorial board is a temporary body which ceases to exist in the circumstances set out in the proposed new sub-section (3).

Clause 14

The Governor-General is authorized to make regulations relating to the matters flowing from the foregoing clauses.

Clause 15

In terms of sub-clause (1) the Representation of Natives Act, 1936 is being repealed, but existing elected senators, members of the House of Assembly or a Provincial Council will remain in office for the remainder of the period for which they have been elected.

Sub-clause (2) retains the existing position whereby Natives are prohibited from having their names included in the ordinary voters' rolls.

In terms of sub-clause (2) a Native whose name has been included in the existing Cape Native voters' roll retains the rights and privileges to which he is entitled under other laws by virtue of being a registered parliamentary voter.

Clause 16

Short title.