

**THE FAILURE OF THE
COLOURED PERSONS' REPRESENTATIVE
COUNCIL AND ITS CONSTITUTIONAL
REPERCUSSIONS, 1956-1985**

T H E S I S

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THESIS ABSTRACT

The thesis starts by providing a brief overview of South African "Coloured" politics from the passing of Ordinance 50 in 1828 to the removal of the Cape Coloured people from the common voter's roll in 1956. It then goes on to discuss in detail the structures instituted by successive Nationalist Governments to serve as an alternative to parliamentary representation for the coloured people, the role of the various coloured political parties within such structures and the latter's gradual adaptation and development, culminating in the inauguration of the Tricameral Parliament in early 1985.

The thesis is, on the one hand, a detailed record of coloured political activity following the loss of common roll voting rights in the Cape, focusing on specifically coloured political parties rather than on broader, non-ethnic resistance movements in which many coloured people took part during the same period. This covers the rise and rapid decline of a conservative grouping within the coloured community which sought to foster an exclusively coloured nationalism operating within the Government's policy of parallel development, and attempted to use the Coloured Persons' Representative Council as a means towards achieving the economic, social and political upliftment of the coloured people. It also deals with the important role of the Labour Party after 1966, showing how a moderate resistance movement came to use the Council as a platform from which to

confront the Government's apartheid policies and to render the institutions of parallel development unworkable through non-cooperation and boycotting.

The second important preoccupation of the thesis concerns the ambiguous and often contradictory attitudes towards the "coloured question" within the National Party itself. This ambivalence, it is argued, not only had much to do with the eventual failure of the Coloured Persons' Representative Council to become a viable substitute for Parliamentary representation acceptable to the majority of coloured people, but was also a primary cause of the National Party split in 1982. It shows too how the collapse of Grand Apartheid had its origins in the failure to incorporate the coloured population within its framework.

The thesis is concerned primarily with coloured political developments. When relevant, however, the establishment and development of representative institutions for the Indian people is also dealt with, in so far as this overlaps with issues and events concerning the coloured Council. Finally, the five year period following the dissolution of the Coloured Persons' Representative Council in 1980 and the inauguration of the Tricameral Parliament in 1985 is briefly dealt with in a concluding chapter. This mainly concerns the gradual accommodation reached between the Government and the Labour Party when the latter eventually agreed, conditionally, to take part in the new constitution.

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LIST OF ABBREVIATIONS

A.P.O.	-	African Political/Peoples Organisation
C.A.C.	-	Coloured Advisory Council
C.A.D.	-	Coloured Affairs Department
C.P.C.	-	Coloured Persons' Council
C.P.N.U.	-	Coloured People's National Union
C.P.R.C.	-	Coloured Persons' Representative Council
F.P.	-	Federal Party
H.N.P.	-	Herstigte Nasionale Party
I.C.U.	-	Industrial & Commercial Workers Union
L.P.	-	Labour Party
N.E.C.	-	National Executive Committee
P.C.	-	President's Council
P.F.P.	-	Progressive Federal Party
R.R.S.	-	Race Relations Survey
R.D.M.	-	Rand Daily Mail
S.A.B.A.	-	South African Black Alliance
S.A.I.R.R.	-	South African Institute of Race Relations
S.A.P.	-	South African Party
U.A.L.	-	United Afrikaner League
U.C.C.A.	-	Union Council for Coloured Affairs
U.W.C.	-	University of the Western Cape

CHRONOLOGY : The Rise and Entrenchment of Political Segregation 1902-1984

- Pre-1902: Grant of representative Government to Cape (1853) and Natal (1856). Franchise colour-blind, based on property occupied and income levels.
- 1902: Granting of voting rights to "natives" (questionably extended to coloured people) in the defeated Boer republics postponed until after the granting of responsible government.
- 1903: All people of colour excluded from electing members to Johannesburg Town Council by Transvaal municipal ordinance.
- 1906-7: Responsible Government granted to Transvaal and Orange River Colony, but coloured people and Africans excluded from the franchise despite representations to the British Parliament.
- 1908: National Convention meets, no non-white delegates present.
- 1909: Draft South Africa Act emerging from the National Convention passed by the parliaments of all four South African colonies. It disqualifies all people not of purely European descent from standing for election to the Union Parliament. Sections 35 and 153 entrench but do not guarantee the retention of the Cape franchise. British Parliament passes Act in toto, despite appeals, petitions and deputations.
- 1919: Formation of United Afrikaner League (later the African National Bond), the first coloured organisation to be enticed into co-operating with the National Party's segregatory policies in the hope of political and economic advancement.
- 1926: Coloured Person's Rights Bill proposes the limited extension of voting rights to coloureds in the Transvaal and O.F.S. Bill never comes up for discussion in the Union Parliament.
- 1930: Women's Enfranchisement Act extends vote to all white women but excludes coloured and African women and thus effectively halves the value of the non-European vote in the Cape.
- 1931: Franchise Laws Amendment Act abolishes property and educational qualifications required of white males to vote, but retains them for coloureds and Africans.

- 1931: Electoral Laws Act enables anyone to challenge registered voters to prove they had fulfilled the franchise qualifications on pain of being struck off the roll.
- 1936: Representation of Natives Act removes blacks (but not coloured people) from the common voters' roll in the Cape. Native's Representative Council set up as an advisory body.
- 1937: Wilcocks Commission issues its report on the socio-economic and legal position of the Cape Coloured people. Minority recommendation suggests that separate sections in the different departments of state be set up to see to the needs of the coloured population.
- 1943: Coloured Advisory Council (C.A.C.) established, an entirely nominated body with solely advisory powers. Anti-Coloured Affairs Department (Anti-CAD) and Non-European Unity Movement (NEUM) emerge in opposition to this.
- 1944: Moderate Coloured Peoples' National Union (C.P.N.U.) set up to oppose radicalism.
- 1945-8: 1931 Electoral Laws Act amended three times, giving greater opportunities for challenging registered voters to prove their franchise qualifications and tightening up registration procedures. A significant drop in the number of coloured voters results.
- 1948: National Party victorious in election and declares its intention of removing coloureds from the common voters' roll as soon as possible.
- 1949: Abolition C.A.C.
- 1950: Population Registration Act - coloured people defined as anyone who was not white or Bantu and subdivided into categories of Cape Coloured, Malay, Griqua and "Other Coloured".
- Group Areas Act passed, leading to the removal of over 80 000 coloured families by 1980.
- Section 16 of the amended Immorality Act makes trans-racial sex illegal.
- 1953: Reservation of Separate Amenities Act.
- 1951-6: Prolonged constitutional and legal wrangling over the question of placing coloureds on a separate voters' roll. Separate Representation of Voters Act eventually passed, in terms of which the establishment of

Coloured Affairs Department and a coloured advisory board are also provided for.

- 1959: Coloured Affairs Department created with P.W. Botha as its first Minister. Union Council for Coloured Affairs also set up as a partially elected and wholly advisory body.
- 1964: Passing of the Coloured Persons' Representative Council Act, providing for the creation of a predominantly elected body with advisory, administrative and limited legislative powers.
- 1964-8: Emergence of coloured political parties, including the Federal Party (1964) and the Labour Party (1966).
- 1968: Passing of Prohibition of Political Interference, Coloured Persons Representative Council Amendment and Separate Representation of Voters Amendment Acts.
- 1969: First C.P.R.C. elections and the first time non-white elections on a nationwide basis had been held.
- 1970: White representatives of coloured people removed from the Assembly.
- 1971: Coloured municipal franchise in the Cape removed and management committees set up as a first step towards establishing autonomous coloured municipalities.
- 1974: Defeat pro-apartheid faction in C.P.R.C., despite aid Government nominees. Vorster outlines plans to elevate Council's executive to full "cabinet status" and the liaison committee of the C.P.R.C. into a consultative Cabinet Council.
- 1976-7: Refusal of majority Labour Party to co-operate scuttles attempts to get Vorster's Cabinet Council off the ground.
- 1976: Theron Commission issues its report on the economic, social and constitutional progress of the coloured people since 1960. Separate Amenities and Mixed Marriages Acts criticised and possible changes to the Westminster constitution recommended to accommodate the coloured and Indian minorities.
- 1977: National Party introduces a set of new constitutional proposals which allow for the creation of three ethnic parliaments (white, coloured and Indian) and a Council of Cabinets. C.P.R.C. and South African Indian Council reject the dispensation.

- 1978: South African Black Alliance formed by Inkatha, the Labour Party and the Indian Reform Party.
- 1979: New proposals gazetted in a draft Bill; split in the Freedom Party heralds the virtual demise of right-wing coloured political parties.
- 1980: C.P.R.C. dissolved and plans for the creation of a nominated Coloured Persons' Council dropped by the Government; Schlebusch Report recommends the abolition of the Senate and the establishment of a multi-racial President's Council; Dissident Labourites form the People's Congress Party.
- 1982: 1977 proposals modified by van der Merwe Report, a single-chamber Parliament with three houses replacing three separate Parliaments; Conservative Party formed by dissident Nationalists.
- 1983: Labour Party agrees to take part in proposed tricameral Parliament; new constitution endorsed by the white electorate in a referendum.
- 1984: First elections to the coloured House of Representatives and Indian House of Delegates held - Labour Party virtually sweep the board in a low poll.
- 1985: First session of the new tricameral Parliament.

A NOTE ON TERMINOLOGY

One of the main bugbears of any scholar writing on the group of South Africans so classified as "coloured" is what term to use when referring to them. "Coloured" has deservedly become a term of opprobrium, referring as it does to an attempt by previous Nationalist Governments to force South Africans of mixed descent into a separate racial category (and in so doing, "justify" their receiving different - and unequal - treatment from the "white" population group).

The personal interviews I conducted during my research did not clarify this question. Dr Willie Bergins spoke of 'Coloureds' and 'Coloured people' without self-consciousness and Professor R.E. van der Ross, in reply to my somewhat uncomfortable reference to "so-called Coloured people" remarked tartly that he made no apologies for using the term "coloured", adding that he did not use it with inverted commas, nor did he prefix it with "so-called". Norman Middleton on the other hand spoke of "so-called coloured people" throughout the interview and Allan Hendrickse, ruefully remarking that his people were the only ones who truly bore the stamp "made in South Africa", emphasized that the categorisation was an artificial one that had never been accepted by his party or the vast majority of people so classified.

I have sought to resolve this dilemma - not entirely to my satisfaction - by using the term "coloured people", spelling it with a small "c". The real answer, of course, is that the coloured people are Afrikaners, with as much claim to Afrikanerdom as their "white" cousins sitting in the House of Assembly, religiously, culturally, historically and linguistically. Much of the thesis concerns this fact and its relation to the events described.

CHAPTER ONE

A REVIEW OF SOUTH AFRICAN "COLOURED" POLITICS

FROM ORDINANCE 50 TO THE REMOVAL FROM

THE COMMON VOTERS ROLL

1828-1956

"The Coloureds are excitable, gregarious and noisy. They are fond of loud, rhythmic music, bright colours, talking at the top of the voice. They usually have none of the white instinct of keeping oneself to oneself".¹

"Next session we will take the Hottentots off the white man's voter's roll".²

"Whatever the sequel, the Coloured people have been at the centre of the National Party's attempts to entrench apartheid, and have not only seen it fail, but have to a significant extent contributed to that failure".³

When reviewing the political history of the coloured people from the early 19th century to the present day, it is useful to distinguish between two broad periods: the 1828-1902 period between the passing of Ordinance 50 and the end of the Anglo-Boer War, and the 1902-1984 period from the Treaty of Vereeniging to the inauguration of the tricameral Parliament. In the first period coloured people, at least in the Cape where the majority of coloured people lived, shared a common political destiny with whites and blacks. With a colour-blind franchise based on income and property qualifications, and later literacy levels rather than race, coloureds could vote and stand for election as they chose.

With this power came all the rights and privileges flowing from political equality - the right to own, acquire and dispose of property, to sell their labour freely, the legal upholding of their rights and the protection of their dignity and so on. The second period saw the gradual erosion of these rights, from the failure to extend them to the other South African provinces, to their being restricted and finally to their being taken away altogether. Together with this stripping away of political rights came the vulnerability associated with powerlessness: discrimination, exploitation, dispossession - in the job market, in education, in property owning, in the legal protection of human dignity and standards of civilization.

Bitterly against their will, coloureds came to be treated as a separate element in South African society, as a separate nation

whose supposed "difference" was used to justify their being treated separately from whites. The opening chapter of this thesis will briefly trace this trend towards differentiation in the 20th century, the political and socio-economic suppression of the coloured people and the struggles waged by coloured political organisations to protect their rights. The remainder of the thesis picks up the story from the validation of the Separate Representation of Voters Act in 1956 removing coloured people in the Cape from the common voters' roll to the relegation of the coloured people to a separate house in the Republican Parliament, with all the trapping but little of the substance of political authority.

The Political Position of the Coloured People before 1902

While most legislation passed by white political bodies dealing with people of colour in South Africa makes depressing reading, Ordinance No. 50 of 1828 is one of the few laws that can be looked at with favour. Henceforward the laws of the Cape Colony became "colour-blind" in that legislation differentiating between one inhabitant and another on the mere ground of colour became taboo.¹ Slaves freed between 1834 and 1838, together with whites and the old KhoiKhoi (Hottentot) race, the main progenitors of the coloured people, were also made free and equal before the law. In 1853 the Cape received Parliamentary (Representative) Government, and all persons of colour received the same franchise rights as those of whites.

A man was entitled to register as a voter and stand for election to the Lower House - The House of Assembly - if he earned 50 pounds a year, or if he earned 25 pounds a year and was also supplied with board and lodging, or if he occupied a house and land with a combined value of 25 pounds. The qualifications for membership of the Legislative Council (the Upper House) were considerably higher, being the ownership of immovable property worth 2000 pounds clear of mortgage or movable and immovable property together worth 4000 pounds above all debts.²

The great poverty of most coloureds meant that these qualifications acted as a de facto colour bar. However, coloured people could and did acquire the franchise in increasing numbers. In the constitutions of the two Boer republics, the Orange Free State and the South African Republic, coloureds (referred to as "bastards") were specifically excluded from standing for office or voting for candidates. It became the over-riding fear of educated coloureds that this Northern "illiberalism" would eventually pose a threat to the liberal tradition of the Cape.

By the end of the century, coloureds made up some 20 per cent of the Cape electorate, though only a handful had acquired the vote in Natal. The gradual emergence of a coloured elite led to organisations being established to advance coloured rights, particularly franchise rights. Coloureds had little incentive to rally around a unifying coloured identity, lacking as they were in homogeneity or any real group loyalty. Indeed, some of the most prominent and advanced members of the coloured community preferred to "pass for white" and become absorbed into the white

community, whose standards of civilization they wished to emulate. However, prominent coloureds gradually came to use their imposed identity to advance their interests as a group, a compromise necessitated by the realities of race politics.³

The first non-white political organisation to attempt to establish itself on a national basis was the Coloured Peoples' Association (C.P.A.). It was formed in Kimberley, 1892, in opposition to the Franchise and Ballot Act, a measure that had raised the franchise qualifications so as to exclude Africans in the recently annexed Transkeian territories. Raising the financial requirements and adding a simple education test also rendered many coloureds ineligible for the vote. In response, the C.P.A. forwarded a petition with a notable 10 341 signatures to the Colonial Office in October 1892, no mean achievement for a young organisation.⁴

Although the C.P.A. folded soon after its 1894 congress, black political awakening was well under-way by the late 1890s. The rise of white political parties and the pro-Boer and pro-British factions that appeared as a result of the Jameson Raid and the Anglo-Boer war, added significant value to the coloured vote. It also split it, however. By and large, coloureds supported Britain in the war, confident that their reward would be the extension of the Cape non-racial franchise to the two Boer republics once they had been annexed. However, a significant minority were pro-Boer, casting their votes for Jan Hofmeyr's Afrikaner Bond in the 1898

election. This was to be the pattern in coloured politics up to the late 1970s. From John Tobin's Coloured Men's Protectorate, to the African National Bond in the 1920s, to the Federal Party of Tom Swartz, there were to be conservative factions, often Pro-Afrikaans and prepared to co-operate with the authorities to advance their rights.

During the Anglo-Boer War, statements by the British authorities lent weight to the assumptions of many coloureds that a British victory would mean the extension of their rights to coloured people in the north.⁵ The British made it clear that they distinguished between aboriginals and those of mixed descent. However, when peace was made with the republics, Article 8 of the Vereeniging Treaty stipulated that the question of granting the franchise to natives there (emphasis added) would not be decided until after the granting of responsible government. The term "natives" in the treaty meant, in fact, that in any constitution restoring self-government to the ex-republics, the British could also grant political rights to the coloured people without a breach of faith.⁶ But it transpired that as early as 1902, the Colonial authorities had resolved, at least tacitly, not to interfere in the domestic affairs of the two colonies. The pleas of the coloured deputations to them in 1907 and 1909 were ignored.

1902-1910 - The Founding of the A.P.O. and the South Africa Act

Towards the end of the war and a few months after it, three notable coloured political associations emerged. The first of these were the Stone Meetings, open air meetings held every Sunday in District Six, the predominantly non-white suburb of Cape Town, and so-named because of the large boulders around where they were held. The acknowledged co-ordinator of these was John Tobin, a prominent local businessman. A second important coloured personality in this period was the immigrant F.Z.S. Peregrino, born in the Gold Coast and educated in England. Apart from funding a newspaper, the South African Spectator, Peregrino formed a number of black political organisations, the most important of which was the Coloured Persons' Vigilance Committee, in 1901. The main themes of the Spectator and the C.P.V.C. were the rejection of the stigma of "race inferiority", the adoption of habits of sobriety and respectability, and the nurturing of a sense of "race" pride and identity amongst the coloured people.⁷ Essentially conservative in their aims, Peregrino and his supporters advocated a qualified franchise and equal rights for all civilized men, there being a need for continued white guardianship of those non-whites who had yet to attain "civilized" status.

The most influential coloured organisation to be formed in this period was the African Political (later "Peoples") Organisation (A.P.O.). Its first leader was W. Collins, a lay-preacher, Tobin being elected vice-president at its founding conference in

February 1902. The two main strategies of the A.P.O. were the upliftment of the coloured community to "civilised" status and the directing of coloured votes to candidates favourable to their rights. By 1904, the organisation had over 2000 members in 33 branches, including some in the Transvaal.⁸ Apart from the en bloc mobilisation of coloured voters, its activities consisted of the sending of deputations and petitions and the forwarding of resolutions to the white authorities. Its main concerns in the decade leading up to Union were to combat threats of segregatory measures (for example, the unsuccessful fight against the School Board Act of 1905 which entrenched the principle of preferential treatment for white education) and to agitate for the extension of coloured voting rights to the northern colonies. It was to have little success. The coloured franchise, as the coloured elites were to discover to their cost, was an inadequate weapon to bring to bear against the white ruling class. A vote without power proved to be more demoralising than total disenfranchisement.⁹

Prominent coloureds could not have known, though some may have suspected, that soliciting the aid of the British Parliament in stemming the growing tide of discrimination would prove futile. The change in Britain's attitude could already be observed in 1903 when the municipal franchise was withheld from Transvaal coloureds. That year a draft Municipal Ordinance was introduced providing for the election of a Town Council for Johannesburg, following the principles of the Cape Municipal Ordinance of 1835 which had based the right to vote on qualification rather than

race. A minority of unofficial members on the Council, who nevertheless represented the views of the white inhabitants of the city, protested strongly at the omission of a colour bar. Rather than override the will of the governed, the Council then amended the draft so that all non-Europeans, including coloureds, were excluded from the franchise despite the wishes of the Attorney-General who had introduced the Bill.¹⁰

Lord Milner, the High Commissioner for South Africa and Governor of the Transvaal, refused to override this decision since, he claimed, it would have been autocratic to impose upon the right of Europeans to make decisions affecting their lives, and ultimately not in the best interests of the coloured people either.¹¹ In this matter, Milner was going back on a promise he had made to a coloured deputation in January 1901 in which he had rejected the offer that coloureds take up arms against the Boers, but undertaken to secured fair treatment for all persons of colour in the Transvaal.¹²

This set-back was correctly seen by the coloured elites as a harbinger of things to come. Abdullah Abdurahman, a medical doctor of considerable standing in the coloured community in Cape Town, attacked Milner's defence of the original Bill's defeat in his first important address. Prophetically, he pointed out that colour prejudice would come to exert a pernicious influence in the Cape. Instances of discrimination against coloured people in the North included being compelled to live in locations and observe rigid curfew laws.

It was beginning to dawn on the coloured elites that, given the realities of white racism with its emphases on "race inferiority" and the need to segregate blacks from whites, they would have their hands full merely holding on to what rights they already possessed. For this reason, they found it necessary to establish separate political organisations, and in so doing, tacitly accepted a separate coloured identity. However, while the A.P.O. strengthened this identity by obtaining exemption from discriminatory laws for coloureds rather than Africans, and by speaking out specifically only for the former, it nevertheless remained committed to equal rights for all civilized men.¹³ The choice between assuming a specific "coloured" identity, even for reasons of short-term expediency, and adopting a common "blackness" to oppose unjust laws became a highly contentious issue. It was to militate strongly against coloureds forming a strong united front against segregation and discrimination, even the strongest coloured political organisations like the A.P.O. and later the Labour Party never being able to claim to represent more than 20 per cent of the coloured population. The essential marginality of South African coloureds also crippled efforts to forge non-white unity. The non-European conferences in the early 1930s petered out, the Non-European Unity Movement failed to gain grass-roots support in the 1950s, and the South African Black Alliance, formed in 1978, was all but destroyed by the Labour Party's decision to enter the tricameral Parliament in 1983 (see Chapter 7, pp. 230-2). The political tragedy of the coloured people as a group has been their rejection by the whites and their failure to assume either a coloured or a black identity to

fight for their rights with any real conviction or uniformity.

Given the lack of homogeneity in the coloured community, factors like class, education, religion and language, not to mention skin-colour, often proved divisive. Thus, internal divisions often hamstrung effective political action. On the eve of the 1904 election, the A.P.O. faced its first major political crisis when its leadership was bitterly divided over which political party to support. The pro-Afrikaner, anti-Imperialist Tobin openly backed the South African Party, whereas Collins called for support for the Progressive Party of Dr Jameson. Both were expelled from the A.P.O. at its conference in April 1905 and Abdurahman was elected as its new president. An outspoken and powerful orator, Abdurahman became the first non-white to win election to the Cape Town city council in September 1904. He was to be a dominant figure in coloured politics until his death in 1940.

The imminent granting of responsible government to the Transvaal and the Orange River Colony raised the hopes of the young coloured organisations that the terms of the Cape non-racial franchise would be incorporated in the new constitutions there. When the British Colonial Secretary, Alfred Lyttelton, proposed such constitutions however, coloureds as well as Africans were excluded. He justified this by telling the British House of Commons that the Boers had interpreted Article Eight of the Vereeniging Peace Treaty as referring to all people of colour.¹⁴ Coloured leaders bitterly disputed this, arguing

that the term "coloured" and not "native" should have been used if the Article had envisaged their being left unenfranchised.¹⁵ The West Ridgeway Committee, that was appointed to follow up the proposals of Lyttelton, nevertheless found that in the opinion of most whites, all people of colour were referred to in Article Eight. Thus, when responsible government was granted to the ex-republics in 1906 and 1907, coloureds and Africans remained voteless. It was a heavy defeat for the coloured elites who rightly feared that the denial of their rights in the North would later be used as an excuse to remove their rights in the Cape.

The significance of the negotiations designed to bring about a union of the four colonies in South Africa was not lost on the coloured elites, who realised what the implications of a settlement unfavourable to their interests in a united South Africa would be. The A.P.O. favoured a federal form of government, since coloured voting rights in the Cape would be endangered by the hostility of the Northern MP's in a unitary constitution. The organisation thus decided, at its 1908 conference, to back Jameson's Progressive Party which advocated federalism. Jameson, who saw the coloured franchise question as being a major obstacle to union, believed that a federation would enable the Cape to maintain its native policy until such time as the neighbouring colonies became sufficiently enlightened to adopt such policies themselves. The rival South African Party of John Merriman, like the Het Volk party of Jan Smuts in the Transvaal, favoured a unitary constitution. When the S.A.P. won a comfortable victory over the Progressives in the 1908 Cape

elections, the federalists' cause was seriously weakened. It was further weakened at the National Convention by the absence of one of its most capable exponents, W.P. Schreiner, who at the time was defending the Zulu king Dinizulu on charges of treason. Natal, the only province to favour a decentralised constitution, had neither the bargaining strength nor delegates of sufficient skill to counter the well-prepared arguments of the unionists.¹⁶ The triumph of the latter became a foregone conclusion.

The draft South Africa Act that emerged from the convention confirmed the worst fears of coloured leaders. The franchise for non-Europeans was not extended to the Northern colonies, section 24 instead determining that they be represented by four white senators. The Cape franchise was retained under section 35, a two-thirds majority of both houses of the new bicameral Parliament present in a joint session being needed to change it. Section 35 was entrenched under Section 152. The British Prime Minister, Ramsay MacDonald, later pointed out in the British House of Commons that rather than safeguarding the non-European vote, Section 35 provided a means whereby coloured people and Africans could be legally disenfranchised.¹⁷ Non-European voting rights in Natal received little attention, largely because at the time there were only 186 non-Europeans on the voters' roll there. It was decided not to make Section 35 refer to the Natal as well as the Cape franchise.¹⁸

The most damaging provisions in the draft Act were contained in Clauses 26(d) and 34, which established a colour-bar in Parliament. This meant that people of colour were disqualified from standing for election to the House of Assembly or the Senate. Only one non-white, Ahmed Effendi in 1894, had previously stood for election to the Cape Parliament. Moreover, Effendi had been heavily defeated when the Cape Town electoral division's unique cumulative voting system, which enabled each voter to give four votes to one candidate, was prudently abolished to prevent his election.¹⁹

Nevertheless, the fact that non-Europeans were thenceforth to be permanently barred from standing for election was a grievous blow. Amendments to Clause 26(d) were defeated by 157 votes to 57. Clauses 70 and 71 did, however, allow non-whites to vote for candidates and stand for election to the Cape Provincial Council.

The A.P.O. and related organisations made concerted efforts to have the draft Bill changed, directing "a barrage of protests and Act appeals to the colonial and British governments".²⁰ The draft was passed unamended by the Cape Parliament on 16th April 1909. Nor were any changes made to it at the final session of the National Convention, though the delegates from the Transvaal and Orange River Colony complained about Section 35 - an ominous sign. As a last resort the A.P.O., together with delegates of the South African Native Convention, sent a deputation under Schreiner to appeal to the British Parliament.

Hopes ran high in South Africa after the deputation had left, coloured people little knowing that the British Government had already decided not to intervene in the affairs of the self-governing colonies.²¹ The insertion of a colour-bar was unfortunate, but essentially a domestic matter, and very little attention was paid to the unofficial delegation beyond windy assurances of goodwill. It did obtain an assurance that the Imperial Veto would be exercised if Parliament tried to disenfranchise the coloured people. Even this tenuous safeguard had fallen by the wayside following the 1926 Balfour Declaration guaranteeing the Union's legislative sovereignty. The South Africa Act, which put the final seal of Britain's approval on the betrayal at Vereeniging in 1902,²² was passed in toto by the two Houses and was signed by Edward VII on September 20th, to become effective on May 31st 1910. As Wilson and Thompson put it, "the price of unity and conciliation was the institutionalisation of white supremacy".²³

Hertzog and the Coloured Right Wing 1918-1933

After the 1910 elections, comfortably won by Louis Botha's South African Party, it became clear that Cape liberal and non-European fears that Union would threaten their existing rights had not been unjustified. Not only had the value of the coloured vote been lessened by the incorporation of white voters from the Northern provinces, but the new Government immediately embarked on a programme of segregation and discrimination aimed at

entrenching white supremacy. It was a trend the coloured elites soon found they were powerless to halt, let alone reverse.

The A.P.O. strategies of organising deputations and petitions and calling for the support during election time of the comparatively liberal Unionist Party were to be greatly discredited in the first two decades of union. The outspoken rhetoric of Abdurahman did not disguise the organisation's powerlessness, in fact angering the white press and alienating the more conservative elements in the A.P.O.

To counter their lack of influence, the A.P.O. made tentative efforts to forge links with other non-white organisations. To this end, it condemned the 1913 Land Act and the white preference labour policy on the mines and railways and welcomed the establishment of the South African National Native Congress (later African National Congress) in 1912.²⁴ It also set up an Indian Passive Resistance Fund to support Gandhi's campaign against discriminatory legislation affecting Indians. By and large, however, non-white solidarity remained on the level of rhetoric, and formal links were not forged until the late 1920s with the launching of a series of non-European conferences.

Discriminatory measures favouring whites in industry and education had a detrimental effect on the position of coloureds, whose situation was shown to be considerably worse than before 1910 by two commission reports of the Union Government in 1912 and 1916. In education, which coloured leaders had seen as "the key to their social, political and economic advancement", the

segregatory trend was particularly marked.²⁵ The case of Moller vs Keimoes School Committee confirmed the principle of segregated education. Dismissing an appeal against a school board decision not to admit the applicant's coloured children, the court found that the 1905 School Board Act not only made special provision for European children, but also contemplated separate schools for them.²⁶ Coloured education was further hamstrung by critical underfunding in relation to white education.

The merger of the South African and Unionist Parties just before the 1921 election was a further blow to the A.P.O. which was now forced, in the absence of a liberal alternative, to transfer its allegiance to the former, little though the S.A.P. had improved the coloured's position. Many coloured intellectuals had become disillusioned with the A.P.O.'s methods of protest since they yielded no significant gains. Distancing themselves from parliamentary politics, they became increasingly involved in non-white working class movements, in particular the Industrial and Commercial Workers Union (I.C.U.) of Clements Kadalie. Towards the end of the Great War, it became evident that the A.P.O. was shedding support to the right as well.

Though Abdurahman was for a time pro-Afrikaner and initially considered supporting the S.A.P., by 1915 he was a confirmed anti-Nationalist.²⁷ A number of prominent A.P.O. members, however, were more favourably disposed towards Hertzog's National Party, as were a number of other individuals outside the organisation such as Tobin. In the 1915 election, these dissident groups notwithstanding, most coloureds on the roll tended to back

Unionist or liberal S.A.P. candidates. This cost the Nationalists a number of seats, most notably in Paarl where Dr Bruckner de Villiers was defeated largely through the ballots of the 900 coloured voters.²⁸ As a result, the National Party made concerted efforts to win the Cape Coloured vote after the election.

Rising dissatisfaction with the A.P.O.'s methods, particularly in the light of the coloured people's continued economic decline in the post-war recession, made it easier to appeal to dissident factions within it. In early 1919, Dr D.F. Malan, then editor of Die Burger and Cape leader of the National Party, met with a number of prominent and disaffected coloureds, including Tom Le Fleur, future leader of the coloured Republican Party (see Chapter 2, pp. 56-7). To gain their support, much was made of the cultural ties existing between coloureds and Afrikaners, and the desire of many of the former to rise above the Africans.²⁹ Hertzog himself had distinguished between coloureds and blacks. Such people, he believed, had to be classed with Europeans, politically, economically and industrially, though he still advocated social segregation. In fact, he was strongly inclined to extend their political rights to the Northern provinces.³⁰

As a result of this meeting, the United Afrikaner League (later the African National Bond) was formed with C Dantu, a former A.P.O. member, as its first President. The tactics and objects of the U.A.L. were largely taken over from the A.P.O. but the call for non-white unity was rejected. This foreshadowed the Federal-Labour split after 1964 as well as bringing to the fore coloured

"nationalists" who believed that coloured people had to develop along the path to full nationhood apart from whites and Africans. These were to be prominent in the pro-separated development parties contesting the first C.P.R.C. elections in 1969.

In 1924, Hertzog's National Party, after making an electoral pact with the (white) Labour Party and with the aid of a considerable percentage of the coloured vote, defeated Smuts' South African Party in the general election. Bruckner de Villiers was elected on this occasion, having successfully cultivated coloured support. Thereafter Hertzog embarked on a programme protecting white workers from African competition in industry through the introduction of job colour bars. It had been promised to coloureds before the election that they too would benefit from this so-called "civilised labour" policy, and indeed the Colour Bar Act of 1926 expressly included them with whites while excluding Africans.

Although the Civilised Labour Policy appeared to favour coloureds, in practice it did not do so. For example, the number of coloured people employed as labourers by the South African Railways and Harbours, after rising from 5 628 to just under 8 000 in 1929, had actually fallen to 4 663 by 1933. The effects of the Great Depression had much to do with this drop, but Europeans suffered no comparable decline, their numbers employed rising from 5 000 in 1924 to almost 19 000 in 1934.³¹ The African National Bond's hopes that through supporting the Pact Government they would be rewarded by material advancement at the

expense of Africans were disappointed and the lion's share of the civilised labour benefits went to white labourers. It would not be the only time a minority within the coloured community would co-operate with the Government of the day in the hope of preferential treatment, only to be rewarded with crumbs from the white man's table. The failure of Nationalist governments after 1960 to make more than the most peripheral of concessions to the coloured people doomed the policies of parallel development and of Tom Swartz's Federal Party to failure.

On the political front Hertzog's Coloured Persons' Rights Bill, tabled in Parliament in July 1926, proposed some far-reaching changes to the political status of coloured people country-wide. The Bill, if passed, would repeal Section 35 of the South Africa Act entrenching the Cape franchise and provide for the registering of all coloureds in the Transvaal and Orange Free State eligible to vote, as well as those in the other two provinces. Coloured people living in the three Northern provinces could then elect, on a separate voters' roll, one white member to represent them in Parliament and the Cape franchise could be extended to those provinces after seven years if both houses of Parliament agreed to it.

The Bill and its scanty concessions, if they could be called concessions at all given their highly segregatory nature, never came up for discussion in the Union Parliament.³² Instead it was presented to Parliament in a revised form in 1929. Its acceptance was dependent on the Representation of Natives in

Parliament Bill aimed at removing Cape Africans from the common voters' roll, being passed with a two-thirds majority in accordance with Section 35. After the third reading of the Native Bill failed to produce the requisite majority, Hertzog announced the withdrawal of the Coloured Bill.

The Coloured Vote Devalued and the Wilcocks Commission

In 1930 and 1931, three measures were passed that greatly weakened the relative strength of the coloured vote in the Cape. The Women's Enfranchisement Act No 18 of 1930 extended the vote to all white women over the age of 21 years, but excluded coloured and black women. This had the effect of halving the value of the non-white vote in the Cape, reducing it from 11,45 per cent of the total in 1929 to 5,6 per cent in 1935.³³ The second discriminatory law was the Franchise Laws Amendment Act No 41 of 1931 which abolished property and educational qualifications required on white males if they were to register as voters but retaining them for coloureds and Africans. That same year, the Electoral Laws Act was passed, enabling anyone to challenge a registered voter to prove he had fulfilled the franchise qualifications before a magistrate on pain of being struck off the roll. This procedure, tightened up by amendments between 1945 and 1948, led to a significant decline in the number of non-whites on the common roll.³⁴ Thus, far from the Cape franchise being gradually accepted and adopted in the Northern provinces as Jameson et al had hoped at the National Convention,

Northern "illiberalism" had instead seen a steady erosion of coloured voting rights as Abdurahman had feared. The passing of the Natives Representation Act in 1936, which put blacks on a separate voters' roll, was another major step in this direction.

In the early 1930s, a Coloured-European Council emerged in response to the very severe poverty that was afflicting coloured people in the wake of the Great Depression and the segregatory policies of the Pact Government. These persuaded the Government to appoint a commission to enquire into the socio-economic conditions of coloureds nationwide in 1934. Known as the Wilcocks Commission after Professor R.W. Wilcocks, its chairman, its findings were published in 1938 and exposed in stark detail the depressed position of the vast majority of coloured people.

Although the Commission's terms of reference restricted it to socio-economic issues, it was decided to ignore these instructions. Hence, a substantial section of the Report was devoted to political issues and recommendations were made that were felt to be urgently required. Detailed proposals for the upliftment of the coloured people which dealt mostly with bread and butter issues such as health, working conditions, social welfare and pensions and education, were made. Members of the Commission were divided upon the crucial issue of segregation, a number of them, including Wilcocks, being anxious that existing segregatory policies be reinforced and extended. It was they who made a minority recommendation that special sections in Government departments be created to look after the coloured

peoples' interests. This was a forerunner of the Coloured Affairs Department set up in the late 1950s (see Chapter 2, p. 39). All the Commissioners recommended that the Cape franchise be extended to all coloured people in the Union, however.

The United Party Government, formed in 1934 when the South African and National Parties merged, took no steps to implement the Commission's proposals. In retrospect, the appointment of the Commission (which was all white apart from Abdurahman), would seem to have been no more than a device to pacify coloureds dissatisfied with Government policies concerning them.³⁵ In fact, by its very terms of reference, the appointment reinforced the tendency to treat the coloured people as a distinct group separate from the whites and for this reason may have proved positively harmful. It gave de facto recognition to segregation and the treatment of coloureds as a separate racial group.³⁶ Well-meaning liberal politicians, anxious that the Commission's recommendations be implemented, were responsible for the next major segregatory step when their suggestions that an advisory board be set up to facilitate such implementation led to the establishment of the Coloured Advisory Council (C.A.C.). It was a gigantic miscalculation, and the bitter controversy surrounding this ill-fated body was to provide a split in coloured political life that had been on the cards for a long time.

The C.A.C. was established in early 1943 and held its inaugural meeting on April 28th of that year. Its chairman was Dr L.H. Gow, who had replaced Abdurahman in 1940 as leader of the ailing

A.P.O. It had 15 members initially and 25 after October, and aimed at opposing segregation, interference with the Cape franchise and the establishment of a Coloured Affairs Department. Despite these good intentions, the C.A.C. members and their supporters became the targets of vitriolic abuse from a hard-line, non-collaborationist fraction that had first begun to emerge in the 1930s and now formed the Anti-Coloured Affairs Department (Anti-C.A.D.) to oppose what it saw as a "quisling-ridden body". A new element in coloured politics, that of militant non-collaboration, was thus born and voiced. Its proponents consisted mainly of left-wing intellectuals like Ben Kies and Cissie Gool.

In 1943 the Non-European Unity Movement was formed, a left-wing body that opposed compromise and collaboration and sought to submerge the Cape coloured's identity in a broader black united front. The N.E.U.M.'s leadership base consisted mainly of dogmatic Trotskyites who insisted on seeing the struggle in South Africa entirely in class terms and advocated the permanent revolution of the working class proletariat. The Movement was too elitist to have much popular appeal and in the 1950s was riven by ideological feuds and differences in strategy, alienating the rising African National Congress whom they described as "quislings" and "collaborators".³⁷

The savage and bitter nature of the invective hurled against those who accepted nomination to the hated C.A.C. took many, more moderate, coloured people by surprise and in response the

Coloured Peoples' National Union (C.P.N.U.), a middle-of-the-road organisation led by George Golding, was formed in 1944, largely to oppose attempts to intimidate those who believed that to reject any improvement offered, however small, was to bar the way to advancement.³⁸ The C.A.C. and C.P.N.U. strove, through negotiation and consultation, to achieve its main aims, which included the extension of the Cape franchise to the Northern provinces. Both were hostile to the coloured prejudice of the National Party and supported the United Party as the lesser of the two evils. The C.A.C.-Anti-C.A.D. clashes were a painful episode in the history of coloured politics and indicative of the growing frustration of coloured people. The rift was to widen as the years went by. The Anti-C.A.D. faction and the Non-European Unity Movement lost momentum in the 1950s but their philosophies continued to have a strong under-current influence.³⁹

The Coloured Policy of the Purified National Party
and the 1948 Election

In the 1920s, both the South African and National Parties accepted that a dividing line be drawn between black and coloured people. Between 1924 and 1933, while serving as Minister of the Interior under Hertzog, Dr D.F. Malan on a number of occasions firmly spoke out against the setting up of colour bars between coloureds and whites, notably in the House of Assembly in March 1928 when he said it was necessary to distinguish between blacks and coloureds and that he personally wanted to give the vote to

coloured women.⁴⁰ In 1929, in an election speech delivered at Stellenbosch, he said that the National Party wanted to extend the coloured franchise to all provinces. In the early 1930s, before the Purified National Party broke away from the United Party, prominent Nationalists spoke strongly in favour of retaining the entrenched clauses of the constitution during the debates on the status of the Union within the Empire.⁴¹

After the 1934 breakaway, however, there was a distinct shift in Nationalist Party policy. This clearly emerged for the first time during the debates in a joint sitting of both houses of Parliament over the question of removing Cape Africans to a separate roll. Now Malan and his party advocated that coloured people too should have been included in this separate representation scheme, and Malan moved an amendment to this effect.⁴² In seconding the amendment, Dr N.J. van der Merwe argued that political equality would lead to social equality, and this in turn would result in the "mixing of blood and the ruin of the white race".⁴³ In its 1938 election manifesto, the Purified National Party now called for separate representation for coloureds on separate rolls in all legislative bodies. Hertzog called the trend a breach of faith with the coloured people.⁴⁴

With a view of drafting an apartheid policy with electoral speech in the years leading up to the 1948 election, the Nationalists appointed a commission under Paul Sauer to determine a general policy with regard to the coloured people. The Sauer Commission's

findings formed the basis of the coloured policy which the Nationalist Party put before the electorate in 1948.⁴⁵ Proposals included a population register, a Department of Coloured Affairs, a representative council for coloureds, separate voters' rolls, three white representatives for coloureds for as long as blacks also had Parliamentary representation, the extension of apartheid to separate residential areas and the prohibition of mixed marriages and "bastardization". On the more positive side, the Commission also advocated better community services and housing schemes, the upgrading of social services, the improvement of coloured education and so on.⁴⁶ Indians were regarded as being unassimilable since they were an alien element whereas blacks would be accommodated in the reserves where separate political systems based on traditional forms of government would be set up once the reserves had been consolidated. The Commission did not rule out the possibility that a separate territory for coloureds might be provided.⁴⁷

The National Party's apartheid policy gained sufficient votes in the 1948 election for it to assume office. Thereafter it lost little time in the implementation of a programme of full social and political segregation for the coloured people. A series of Acts of Parliament between 1950 and 1956 revolutionised white-coloured relations, accelerating and legally entrenching segregatory and discriminatory trends that had been in evidence since the beginning of the century.

First of these laws was the prohibition of Mixed Marriages Act of

1949 which banned marriages between whites and coloureds (a law banning marriages between whites and blacks had already been passed in 1927).⁴⁸ The most revealing feature of the debates on this Bill, quite apart from the strong streak of race prejudice that emerged time and time again, was the way in which both sides of the House were in agreement as to the undesirability of mixed unions. United Party objections were limited to questioning the practicality of legislation designed to prevent them. It was left to the lone Communist member of the House, Sam Kahn, to point out that what was inherently evil in South Africa were not mixed marriages, but a social system that condemned the offspring of such marriages to positions of economic and social inferiority.⁴⁹

The Prohibition of Mixed Marriages Act was supplemented the following year by the amendment to the Immorality Act (Section 16), a measure that was to gain considerable notoriety over the years. This measure made extra-marital sex a more serious offence if indulged in across inter-racial frontiers.⁵⁰ As anticipated in the Sauer Report and in the Mixed Marriages debates, the division of all South Africans into population groups defined by race was achieved by the passing of the Population Registration Act. It was a pivotal measure, one that came to be regarded as a "foundation stone to the whole apartheid structure".⁵¹ However, it failed to provide a precise definition of what a coloured person was, saying that coloureds were all those who were not defined as "native" or "white", thus including Asians in their definition (see the comments of the Theron Commission, Chapter 5, p. 154). The sub-groups making up the group usually

known as "Coloured" were Cape Coloured (the great majority), Malay, Griqua and "other" Coloured. The Act stressed descent, rather than appearance and acceptance, as being criteria for classification. Thus "passing for white", which had enabled many lighter-skinned people of mixed descent to pass into the white community, was cut off as an escape route for members of the coloured middle class.

The Group Areas Act was also passed in 1950 and empowered the Government to proclaim residential areas for particular race groups. Perhaps no other apartheid measure was to cause so much hardship. The discriminatory nature of the measure is reflected by the fact that by 1982, 80 053 coloured families had been removed, often from homes their forefathers had occupied for centuries, whereas only 2 262 white families had been resettled.⁵² In 1953, following segregation on buses and trains in the late 1940s, the Reservation of Separate Amenities Act was passed, separating the different race groups in their use of public facilities which, according to the Act, did not have to be equal. The equivalent of the Jim Crow laws in some of the U.S.A.'s southern states, this Act was to prove one of the most hurtful and insulting of the apartheid laws for the coloured people, involving daily humiliation.

It is important to understand some of the reasons why the National Party felt so strongly about removing coloured voters in the Cape from the common roll. Firstly, many expressed the view that common roll enfranchisement was an ineffective weapon and resource for coloureds and that the new system would mean more

effective representation for them.⁵³ There was truth in the assertion that politicians had used coloured issues to gain votes at election time but taken little interest in them once elected. Separate representation, it was argued, would prevent coloured people from being used as a political football.⁵⁴

The presence of coloured voters on the common roll was also a threat to the whole separate development system. So long as they were allowed to vote on it, other non-white groups would come to demand the same privileges. It was also difficult to regroup the coloureds residentially without interfering with their voting rights which their property conferred on them in terms of the entrenched clauses of the 1909 constitution.⁵⁵ The entrenched clauses were thus a serious potential obstacle to the establishment of separate residential areas for whites and coloureds.

Traditionally, coloured voters had overwhelmingly supported the English-speaking parties at election time, a fact which the National Party, with its precarious majority after 1948, were well aware of. Moreover, there were other factors. The coloured community had supported Britain during the Anglo-Boer War and the two World Wars, showed strong sentiments of loyalty to English symbols such as the Union Jack and were mindful of the fact that slavery was abolished in South Africa by order of the British Government.⁵⁶ Some Nationalists feared a coloured-English alliance, claiming that throughout South African history, and particularly in the Cape, coloured voters had been "used as a

means to thwart the wishes of the white voters in the interests of imperial objectives".⁵⁷ The claim that coloured voters had been misused to keep whites, and particularly Afrikaners, in a subordinate position vis-a-vis foreign elements and interests was an important emotional justification for their removal from the roll. It also enabled Nationalists to argue that the presence of coloured voters on the roll soured relations between the two white groups in South Africa.⁵⁸

In assessing Nationalist motives, one cannot rule out ingrained race prejudice as a factor. Common sentiments such as that coloureds were lazy, ignorant, given to drunkenness, thriftlessness, illegitimacy and crime, made it distasteful for many whites to vote side by side with them.⁵⁹ Minister of Transport, Ben Schoeman, would not have said in a speech at Vrededorp on 3 July 1949 that the "Hotnots" would soon be removed from the "white man's roll" had he not known that so offensive a statement would strike a sympathetic cord with at least a section of his audience.

The well-known series of events that led to the removal of coloureds in the Cape and Natal from the common roll began in March 1951, when the Separate Representation of Voters Bill was introduced in the Assembly. The Bill aimed at putting coloured voters on a separate roll with power to elect four members to the Assembly, one to the Senate and two to the Cape Provincial Council. It was passed as a bicameral measure, even though, according to the constitution, a joint sitting of both Houses

voting as a single chamber and with a two-thirds majority was required to change Section 35. Soon afterwards, application to test the validity of the Act was filed in the Cape Provincial Division of the Supreme Court in August in the name of four coloured voters on the existing roll. The case was lost since in terms of a decision of the Appellate Division in 1937, where a disenfranchised African failed to have the Representation of Natives in Parliament Act overturned (Ndlwana's case), the court was precluded from questioning the validity of an Act of Parliament. In March 1952, however, the Appellate Division overruled the decision as well as overturning the Ndlwana judgement, ruling that so far as amending the entrenching clauses in the South Africa Act went, Parliament could only be defined as a legislative body that functioned unicamerally.⁶⁰ It was the first major rebuff for the Government and a head-on collision between the judiciary and the legislature resulted.

In April 1952, the High Court of Parliament Bill was introduced in the Assembly, a "fantastic measure ... conceived in the curious and contorted brain of the Minister of the Interior, Dr Donges".⁶¹ It provided for the reconstitution of Parliament itself as a High Court with power to review all legislation which the Appellate Division declared invalid. The Bill was passed and the newly-constituted High Court set aside the Appellate Division's judgement in August. Soon afterwards the High Court itself was declared invalid by the Appellate Division and the Government had suffered a second set-back.

In November 1954, following the retirement of Dr D.F. Malan, J.G. Strijdom took over the premiership. His views on the coloured people were very much those of a Transvaal Nationalist. Like Connie Mulder after him, he in no way saw them as being potential allies of whites, but as non-whites whose political strength had to be curtailed to ensure white supremacy.⁶² He was accordingly determined to resolve the impasse and break the back of legal resistance to separate representation. This was achieved by two measures, one which increased the membership of the Appellate Division of the Supreme Court to 11 judges in cases dealing with constitutional appeals and the other which entailed reconstituting the Senate in order to engineer a two-thirds majority for the National Party.

The Senate modification had already been discussed in party circles in 1953. Strijdom at the time had felt little enthusiasm for the plan, not because he doubted its legality, but because he doubted the advisability of putting the matter before the same Appellate Division that had thrown out the High Court of Parliament Act.⁶³ His reservations throw light on the subsequent enlargement of the A.D. under the Appellate Division Quorum Act in which the six new judges appointed were sympathetic to the Government's case. Next came the notorious Senate Act which proposed the dissolution of the existing Senate and doing away with the old system of equal representation for the Provinces as well as the proportional system of electing senators in reconstituting a new one. Instead the members of the Senate (whose numbers were to be increased from 48 to 89) would be elected by the party which could muster the majority of votes in

the electoral colleges of each province (which included Provincial Council members). Since the National Party commanded a majority in all the provinces except Natal, it meant that it could elect the great majority of senators and in this way gain the requisite two-thirds majority.⁶⁴

In February 1956, the Separate Representation of Voters Act became law and Section 35 was repealed, the National Party gaining 171 votes against a combined opposition total of 71. In October, the Appellate Division dismissed an application to have the legislation again declared invalid, only one judge (O.D. Schreiner) dissenting. It has been assumed that the court's hands were tied and that they had no choice but to declare the Senate Act to be valid. Interestingly enough, however, this has come to be challenged by recent opinions which favour Schreiner's judgement.⁶⁵ They argue that a packed Senate had lost its original and distinctive features (for example, the system of proportional representation in Senate elections enabling the minority views in each province to be heard was lost). Whereas Centlivres C J, who delivered judgement on behalf of the majority in the Appellate Division, was of the opinion that the motive with which a measure was enacted was of no consequence to its validity, Schreiner believed the two could not be separated. Hence, the use of legislation in one field in preparation for legislation in another led to the two becoming one, and for this reason the creation of an ad hoc Senate was in conflict with the provisions of s 152 of the South Africa Act.⁶⁶ One wonders how the Government would have reacted had the rest of the court shared this view!

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CHAPTER TWO

THE UNION COUNCIL FOR COLOURED AFFAIRS AND

THE FOUNDATION OF THE COLOURED PERSONS'

REPRESENTATIVE COUNCIL

1956-1969

"What matters for the present ... is that this Kleurling parlementjie must help to dissipate the will and energy of the unenfranchised for true democratic rights ..."¹

"Just as the U.C.C.A. was a phase in your constitutional development, so is this Council a phase in your constitutional development".²

"The urbanised Black proletariat will by way of miscegenation with the Coloured occupy the position of control over the common voters' roll throughout South Africa. You thereby ensure that the Coloured becomes the channel through which the Black proletariat gets onto the White man's voters' roll".³

¹ The Education Journal, April-May 1968, p.10

² C.P.R.C. Debates, Vol 1, 1969, p.14, Opening address by Mr J.J. Loots, Minister of Coloured, Rehoboth and Nama Relations

³ P.W. Botha, first Minister of Coloured Affairs - Senate debates 11 May 1964, Col 3447

The Establishment of the U.C.C.A.

The original draft of the Separate Representation of Voters Act also made provision for the setting up of a Board for Coloured Affairs (s. 14). This body could advise the Government on the interests of the Coloured people and carry out such statutory or administrative tasks as might be assigned to it as well as acting as a consultative body. In the amended Act of 1956, the name of the board was changed to the Union Council for Coloured Affairs (U.C.C.A.). In April 1958, the Coloured Affairs Section in the then Department of the Interior attained departmental status, P.W. Botha, who was to play such a vital role in the political life of the Coloured people in later years, becoming the first Minister for Coloured Affairs. The establishment of the new council was gazetted on 22 May 1959, to come into operation as from 1 June.¹ It lasted for just under ten years, being abolished early in 1969 when the Coloured Persons' Representative Council came into operation.

The U.C.C.A. has received little attention from historians of this period, as it was so obviously a puppet of the Nationalist Government as to be called "the most despised, abject and sterile coterie on the South African political scene" by its opponents.² In fact, this shadowy body was the C.P.R.C. in embryo. It was to consist of 27 members, 12 elected and 15 nominated (unlike the C.A.C. that had been wholly nominated). Of the nominated members, eight were to be from the Cape, four from the Transvaal, two from

Natal and one from the Orange Free State. It was the first time Coloureds in the two Northern provinces had had any representation at all on an official Government body.

The only Coloured political organisation that might have had any orientation towards the U.C.C.A. was the Coloured Peoples' National Union of George Golding (see Chapter 1, p. 25). Golding, however, decided to oppose the Council, perhaps because he saw it as a threat to his C.P.N.U., but also because his whole-hearted support of the United Party in the 1948 and 1953 elections may have given him good reason to anticipate that he would not be chosen as its chairman by the National Party.³ In this matter Golding thought he had the support of his Vice-President, T.R. (Tom) Swartz. It came as an unpleasant surprise to him when the names of the nominated members of the Council were announced as they included Swartz, as Chairman, and C.I.R. (Chris) Fortein, another prominent C.P.N.U. member.

Tom Swartz was to be the acknowledged leader of the conservative, pro-Government sector of the Coloured community for the next 15 years, and while serving on the U.C.C.A. he was clearly being groomed by the Government towards becoming the first Coloured "Prime Minister". He was already a veteran of Coloured politics by 1959, having first served as an A.P.O. delegate in 1923 at the age of 19.

Widespread apathy as well as an active boycott saw all 12 members who stood for election elected unopposed, and nearly all were

virtually unknown in their communities. A number of the 27 members who made up the first U.C.C.A. were to be prominent C.P.R.C. members. These included future Federal Party stalwarts like S.S. Cloete, W.J. Louw, P.J. Petersen and H.J. Coverdale and a future leader of the Labour Party, M.D. Arendse. Arendse earned a certain amount of notoriety for serving on this discredited body, but he was also the only member constantly to oppose the pro-Government stance of the Swartz faction. (When accused of inconsistency by Swartz in the first C.P.R.C. Session, he retorted: "I had to keep an eye on your misdemeanours".)⁴ Another prominent Councillor was T.L. (Tom) le Fleur, like Swartz a seasoned politician, who aimed at achieving autonomy for the Griqua community.

At its meetings in 1960, the new Council made a number of recommendations that were passed on to the central Government. These included requests that arrangements be made for the granting of loans to coloured farmers, for the establishment of an agricultural gymnasium for coloureds and for the founding of a Coloured Development Corporation to assist coloured businessmen.⁵

The broader coloured community showed little interest in developments on the U.C.C.A. Even the moderate C.P.N.U. had boycotted elections to it, and the left-wing S.A. Coloured Peoples' Organisation (which was banned two years later) declared at its 1960 Congress that it was not prepared to endorse any "new deal" for coloured people at the expense of other non-white

groups.⁶ Significantly, many coloured people were leaving South Africa in frustration.⁷ Political interest in the coloured community at large was at an extremely low ebb. The S.A.I.R.R. found that 30 per cent of coloureds in Cape Town and 50 per cent of those in the rural areas were more concerned with the struggle to make ends meet than with politics, and estimated that only 10 to 15 000 coloured people were actual paid-up members of any political organisation in 1961.⁸

An important development in the first half of 1961 to a degree served to lift the apathy. This was the meeting of the Coloured National Convention on 7 July following a series of preliminary meetings between coloured community leaders to discuss ways to bring together organisations and individuals opposed to apartheid and white domination.⁹ The Convention met in Malmesbury as meetings in Cape Town were banned at the time under the Suppression of Communism Act. This highlights the difficulties caused by State harassment which need to be borne in mind when assessing the motives of certain organisations when they decided to participate in the workings of the C.P.R.C.

The Coloured Convention pledged to work for a democratic, non-racial South Africa in which a new constitution, embodying a Bill of Rights, would be drawn up by representatives of all races.¹⁰ R.E. van der Ross, who was elected deputy chairman of a continuation committee set up to negotiate with other bodies, wrote that the convention had insisted that coloureds were "not content to be sedated with sundry aids which did not recognise

their rights to full citizenship.¹¹ Several important delegates at the convention, including van der Ross himself, Edgar Deans and Sonny Leon, were to play an important role in the founding and activities of the Labour Party after 1965.

Party Political Developments and the Coloured Question

1960-1964

Although by 1960 the objective of removing coloured voters from the common roll had been achieved and the U.C.C.A. seemed to be running smoothly, all was not well in the National Party over the coloured question. Already there were signs of a deep split within its circles, a split that was to involve the cabinet, the party caucus, Nationalist newspapers, Afrikaner cultural organisations, Afrikaner academics and the party rank and file.¹² The controversy that flared up in the early 1960s flared up again with greater intensity in the early 1970s (see Chapter 5, pp.137-47) and in the early 1980s played an important role in splitting the party altogether. Points of friction included the question of allowing coloureds to be represented in Parliament by their own people, the prospect of perpetual coloured subservience under the apartheid structure, the possible removal of all coloured representation in the white Parliament and the beginnings of the "coloured homeland" controversy that perhaps most clearly served to divide Afrikanerdom along North-South lines. It was this opposition between hardliners, of which Prime Minister Verwoerd was one, and moderates like P.W. Botha

and B. Schoeman, that led R.E. van der Ross to write in April 1961 that there had never been a time in the history of the country when the position of the coloured people had been as important as it was then.¹³

In essence, the National Party was split between its more progressive Cape wing that sought a closer alliance with coloureds, in many cases seeing them as "brown Afrikaners" and part of the Western community, and the hardliners in the Transvaal who denied any such linkage and demanded their complete segregation, if possible in their own geographical area. Cape Nationalists were able to frustrate this latter scheme, but were unable to prevent the further separation of white and coloured political and social life. This was attributable to the grip the Transvaal National Party had over key ministries of Bantu Affairs and Community Development and to conflicts within the Cape National Party over coloured social and political identity.¹⁴ Paul Sauer, a Cape Nationalist who saw himself as a champion of the coloured people, believed that increased separation and the granting of more autonomy to them was the solution. That relations between Afrikaners and coloureds went badly was a source of disappointment to him up until his death in 1976.¹⁵

Although by 1960 there were already serious differences in principle over important issues within the National Party, the basic tenets of what was to become the policy of parallel development for whites and coloureds had also begun to be clearly demarcated. There was a strong emphasis on the socio-economic

upliftment of the coloured population whose depressed position was said to take precedence over their political rights for the present.¹⁶ Die Burger (19 April 1961) appealed to moderate coloured leaders not to join forces with African extremists but be patient while their friends in white circles made the necessary adaptations. At the end of August the Deputy Minister of the Interior, P.W. Botha, told the National Party Congress of the Cape that while the party saw the coloured people as being part of the Western group, it nevertheless had to be accepted that 60 to 80 per cent of them were economically weak and backward. For this reason their socio-economic upliftment was a priority.¹⁷ The demand for political rights, Botha and other Nationalists claimed, was limited mainly to the intellectual elite of the coloured population whereas the vast majority were more concerned with bread and butter issues. The Nationalist approach, according to C.V. de Villiers, National Party M.P. for Vasco, was that the development of the coloured people and the improvement of their standard of living had to be seen to, before the idea of giving greater political rights to a small group that merely formed the top layer of the coloured community could be entertained.¹⁸ Botha himself claimed in Parliament that 80 to 85 per cent of coloureds were not bothered by questions of a separate voters' roll. This was the concern of the vocal minority of coloureds who wanted to "escape from the masses of their own people" by absorption into the white community.¹⁹ These views and attitudes need to be borne in mind when assessing the decision of the Labour Party to take part on the C.P.R.C. since by doing so it aimed to make the coloured community's

dissatisfaction with their situation known to a Government that continually made claims to the contrary.

Between 1956 and 1964, the Government took a number of steps aimed at raising the living standards of the coloured community, steps which in part were to be compensation for the loss of political rights. In 1956, the Western Cape was declared a coloured labour preference area, and not uncoincidentally, this was the same year the removal of coloureds from the common roll was completed.²⁰ In 1962, the Coloured Development Corporation was established to provide financial assistance, advice and training for coloured businessmen so that they could take over in coloured areas and make them self-sufficient. By June 1972, the body had received 1 367 applications for financial assistance, 38 per cent of which had been granted.²¹ During the early 1960s, the Coloured Affairs Department busied itself with building up rural homes, upgrading rural areas and setting up educational and training centres, notably the University of the Western Cape, but also a coloured technical high school at Athlone and an agricultural gymnasium near Stellenbosch.²²

Despite putting an emphasis on socio-economic upliftment, the National Party was not bypassing the issue of political representation completely. Speaking in the Assembly on 25 January 1961, P.W. Botha revealed that the U.C.C.A. was to be reorganised and further developed until it could be used as an overall organisation covering all the local government areas. It could at first advise and later be given administrative powers and could

also be so developed that eventually it could be given legislative power as well. On this basis of consultation and parallel development there would be liaison between the U.C.C.A. and the Government of the day at the highest levels.²³ Botha emphasized at the same time, however, that socio-economic considerations had to precede the extension of political rights. Nevertheless, his speech had foreshadowed the key functions and characteristics of the Coloured Persons' Representative Council as it was constituted eight years later.

According to Verwoerd, coloured politics would develop along the lines of a state within the white state. This did not mean a coloured homeland, which was impractical, but by ensuring that the white and coloured groups developed side by side while maintaining the principle of separation between them in every social and political field.²⁴ A reorganised U.C.C.A. with extended powers would be the mechanism by which coloureds could be given further rights of self-government over their national interests. Should it in fact develop to the stage that it in effect took the form of a sovereign Parliament, it could happen that coloured representation in the white Parliament could be dispensed with.²⁵

It was the question of coloured representation in Parliament that revealed serious differences within the National Party and sparked a sharp controversy. There was a strong move among Cape Nationalists for the representation of coloured people in Parliament by coloured rather than white M.P.'s. Late in 1960 the

South African Bureau of Racial Affairs (S.A.B.R.A.) believed this to be possible if not imminent.²⁶ It came as a shock to some, therefore, when Verwoerd quashed the idea, saying that Nationalist leaders had to stand "like walls of granite" on their colour policy because the existence of a nation was at stake.²⁷ This led to a minor revolt in the Cape National Party. In a strongly-worded article on 7 December, Die Burger said that it was not the official, agreed position of the party that coloureds would never be represented in Parliament by their own people, and to say otherwise was not necessarily liberalistic or treasonable. Later that month it argued that the door to direct coloured representation had never been closed and to do so would have incalculable consequences for the National Party and for white/brown relations.²⁸ Simultaneously, delegates of the N.G.K. at an inter-church conference issued a statement saying that if complete territorial segregation was impossible, then full rights could not be indefinitely be withheld from those Africans who lived in white areas.²⁹ This broadening of the debate had ominous implications for the whole apartheid policy since it brought into focus the question of citizenship rights for all unenfranchised South Africans. If a solution could not be found to the coloured question, Nationalists were realising, this would lead to a breakdown of black-white relations as regulated by apartheid throughout the Republic.

Verwoerd had already ruled out both integration and the homeland theory as solutions to this problem. On 12 December 1961, in a speech before the Council for Coloured Affairs (as the U.C.C.A.

was now called), he outlined a third pathway, one of separate parallel development through the creation of a coloured state within a white state.³⁰ Here he laid down guidelines for converting the C.C.A., which had been established as an advisory body, into a Coloured Persons' Representative Council. This would function as a Coloured Parliament with administrative and legislative powers and officials to carry out its decisions. There would be a five-man executive consisting of a Chairman, who would be in charge of finance, and four ordinary members holding the portfolios of education, social welfare and pensions, labour and local government. The coloured people, Verwoerd asserted, would themselves be running all important aspects of their lives within ten years.

Verwoerd's address clearly impressed the members of the C.C.A. who gave him a prolonged standing ovation at its conclusion.³¹ Elsewhere, enthusiasm was muted, not least within the ranks of the National Party itself where many M.P.'s, particularly in the Cape, were disturbed by a system that proposed to keep the coloured people indefinitely subservient to whites. The coloured people were being asked to raise themselves by their own initiative and to render service to their own people. At the same time whites were bent on maintaining their dominance of the political process, making it impossible for coloureds ever to reach the stage where they would fulfil their potential. R.E. van der Ross wrote that the coloured person's being was, as the Greek philosopher wrote, a becoming, whose fate it was to be perpetually maturing, never to mature.³² In February 1962, the

Minister of Defence, J.J. Fouche, when outlining the political future of the Indian community, said that Indians would not get the same degree of freedom as whites, but would be granted freedom to the extent that they would not threaten the continued existence of the white man in South Africa.³³ In 1965, Verwoerd frankly admitted that this was to be the case with coloureds as well. It would be much better for the coloureds to be given limited powers and opportunities than nothing at all, even if this meant that they would be continuously subject to the authority of the entire State as controlled by the majority group.³⁴

The C.P.R.C. Act

In September 1964 the C.P.R.C. Act No. 49 was passed in the Assembly. It aimed to set up "a representative body for the Coloured population" and to determine the powers, functions and duties of it. The Statute, amended four times, in 1968, 1972, 1975 and 1977, can be called the cornerstone of the Government's policy of parallel development. Section 1 stipulated that the Council would consist of 46 members, 30 of whom would be elected and the remainder nominated by the State President, no persons other than those classified Coloured being eligible for election or nomination. Two of the 16 nominees would come from the "race group" known as Malays and two from the group known as Griquas. The remaining nominees were to be chosen proportionately from the four provinces of the Republic, eight coming from the Cape, two

from the Transvaal and one each from Natal and the Orange Free State.³⁵

Sections 3-7 dealt with the registration of voters, every coloured person who was a South African citizen and over the age of 21 being entitled to vote for a representative in his electoral division. It was the first time coloureds in the Transvaal and the Orange Free State were to be registered as voters. It was also the first time coloured women anywhere in the Republic were being given the opportunity to register.

Section 8 of the Act went into detail over the electoral divisions, laying down that 18 would come from the Cape, six from the Transvaal and three each from Natal and the Orange Free State. Council members would hold office for five years. There was no mention of payment in the original Act though it later transpired that ordinary Council members would receive R 150.00 per month. Later, in an attempt to encourage more capable people to stand for election, the Government increased the amount to R 500.00 per month.

The Chairman of the Council was to be elected by the members, the Secretary for Coloured Affairs chairing the Council when the election took place. Section 14 determined that such a duly elected chairman would have a casting as well as a deliberative vote in the event of a deadlock. The Executive Committee would consist of five members, four of whom would be elected by Council members with the Chairman of the Executive being designated by

the State President. The Minister of Coloured Affairs justified this in the Assembly by saying that since the Executive Chairman would also be responsible for handling the finances of the Council, it was necessary to ensure that he could be relied upon not to fail in his duties or be deemed unfit to remain in office as a result of personal action.³⁶

The executive committee was to carry out the functions of the Council except where the making of laws was concerned, when the Council was not in session. Apart from the executive chairman, who was to hold the finance portfolio, the remaining four executive members would be allocated the portfolios of education, local government, rural areas and coloured settlements, and social welfare and pensions. Power could be delegated by the Minister of Coloured Affairs or an Administrator by notice in the Gazette to any executive member responsible for the matter pertaining to such powers (s 18).

The impotent nature of the C.P.R.C. was most clearly shown in Sections 20-25 dealing with liaison with the Government and the Council's power to make laws. The Council could, on request, advise the Government or make recommendations in regard to all matters affecting the economic, social, political and educational interests of the Coloured population. It was also to serve as a means of contact and consultation between the said population and the Government, the latter for the most part being represented by the Minister of Coloured Affairs. The Council could acquire and dispose of property, appoint servants and do anything else

necessary for the exercise of its powers, but only with the approval of the Minister and after consultation with the Minister of Finance (s 20(5)(a)).

The Act gave the Council limited legislative powers (the power to make laws), these having to be promulgated by the State President through proclamation in the Gazette. No law, however, could be introduced in the Council except with the approval of the Minister of Coloured Affairs after consultation with the Minister of Finance and the Administrators.

Every Bill passed by the Council, moreover, had to be submitted to the Minister. From there it had to be presented to the State President for his assent, and this could be given, withheld or referred back to the Council for further consideration (s 23(1) and (2)(a)). Laws assented to would have the force of law, so long as they were not repugnant to any Act of Parliament and only affected coloured people. Monies required for the discharge of the Council's duties would be made available annually out of the monies appropriated by Parliament for that purpose (ie. the Council would have no say in the preparation of the estimates).

In the debate in the Assembly, the opposition United and Progressive Parties as well as the four representatives for coloureds elected on the separate voters' roll, criticised the Bill. Speaking on behalf of the United Party, Mr J.M. Connan pointed out that the C.P.R.C. had only the trappings of power without the reality and that the coloured people as a whole had

not been consulted about it. Helen Suzman, the only Progressive Party representative, asserted that the new Council could not take the place of participation in elections of representatives to the Assembly where real power was vested.³⁷

Tom Swartz accepted the Act as a sound beginning in the granting of increased powers and opportunities to the coloured people. Soon after its passing, he and his supporters on the C.C.A. formed the Federal Coloured Peoples' Party in the Transvaal, Cape Province and Orange Free State. The party aimed at promoting the interests of the coloured people in the spiritual, social, educational, cultural and economic fields and leading them to the attainment of full citizenship within the framework of parallel development.³⁸ Hoping to promote a spirit of pride and independence in coloured people and of loyalty to South Africa, it also saw coloureds as being part of Western civilization, capable of achieving full citizenship and the abolition of discrimination through contact and dialogue.³⁹

The F.C.P.P., by supporting apartheid, Christianity and the promotion of a coloured identity, thus hoped to protect and advance coloured rights, resembling the earlier, pro-Nationalist coloured organisations such as the African National Bond of the 1920s.⁴⁰ Its support-base was drawn largely from the ranks of coloured businessmen, government appointees and those who benefited directly from coloured labour preference policies or the reservation of separate business districts for coloureds only.⁴¹ Dr W.J. Bergins, executive member of the party after

1970 and its leader after 1975, later stressed that the Federal Party wanted to improve the coloured people, especially on the socio-economic level, political education being a part of this, but not a priority.⁴²

The F.C.P.P. became the chosen instrument of the Government in the implementation of its parallel development policy. This led to considerable dissatisfaction within the C.C.A., several of its members resentful of the fact that Tom Swartz was so obviously being favoured by the authorities while they were being disregarded.⁴³ Later in the decade, these dissident members formed their own political parties with policies similar to those of the F.C.P.P., but before this, a new party with a different orientation had emerged.

The founding of the Federal Party led to a number of intellectuals, concerned lest it be seen to be representing the majority of coloured opinion, founding the Labour Party of South Africa in Cape Town, 1965. Its first president was Dr R.E. van der Ross, an academic and later rector of the University of the Western Cape. "The boycottist ethic had a very strong under-current influence", van der Ross was later to comment, "but we believed this to be unproductive. Our only alternative therefore was to form another political party and participate in order to expose the inadequacy of the C.P.R.C. It would have been a poor show if the pro-separate development parties went unchallenged".⁴⁴ Van der Ross resigned his position as party leader in 1967 and was replaced by M.D. Arendse.

Labour was the only coloured political party in this period that unequivocally opposed apartheid in all its forms and which committed itself to working towards the elimination of all statutory colour bars. Its ultimate aim was the effective participation of all South Africans in the government of the country, all those qualifying for the vote being eligible for membership of Parliament, the Provincial Councils and all other instruments of central and local government.⁴⁵

The Labour Party never accepted parallel development as being the salvation of the coloured people, nor was the C.P.R.C. regarded as a viable instrument whereby full citizenship could be achieved. So as not to be accused of legitimising an iniquitous system by participation, Labour leaders declared their intention of rendering the Council unworkable through gaining control of it and then refusing to co-operate. It is hard to see how otherwise the party could have captured the anti-apartheid vote, as they were in the invidious position of having to oppose the exponents of the boycott as well as the pro-separate development opposition (by no means a negligible force in 1969).

Between 1965 and the 1969 election, three more parties were formed, all with policies similar to those of the F.C.P.P. The first of these was the Republican Coloured Party under the leadership of Tom le Fleur which hoped to win the votes of the Griqua element of the coloured people as well as being largely reliant on the personal appeal of its leader. The Republican Party stated its belief in a separate identity as well as a

separate culture of the coloured people with their own "ethnic values", and disapproved of miscegenation. It undertook to strive for a coloured Parliament and "national independence" based on communal nationhood, mutual trust and co-operation between white and non-white.⁴⁶ It stated its belief in the building of a coloured farming population and approved of the Group Areas Act, offering to advise the Government in applying it.

A second pro-separate development party to be formed by disaffected members of the C.C.A. resenting the favouring of Swartz and the Federal Party was the Conservative Party of C.I.R. Fortein. It was formed largely as an extension of the old Kleurlingvolksbond, a rural-based movement that had been active in the 1950s. The party supported separate development but wanted a more favourable application of the Group Areas Act, a common voters' roll and the representation of coloured people in Parliament by six white experts.⁴⁷ Other long-term aims were the attainment of equal opportunities as those for whites, and equal pay.⁴⁸

The National Coloured Peoples' Party was formed in 1966 as a breakaway from the Federal Party because of personality differences with the party hierarchy in the Transvaal.⁴⁹ Its founder and leader, Dr Clifford Smith, was more outspokenly pro-coloured than any of the Conservative Party leaders. Smith regarded the Group Areas Act as being "one of the finest laws enacted for the coloured people" since it broke down artificial class barriers within the coloured community as well as giving

its members greater opportunities than ever before to build and buy their own homes on a large scale.⁵⁰ He supported the removal of coloureds from the common voters' roll and also supported the Prohibition of Mixed Marriages Act. The N.C.C.P. held strong anti-Muslim and anti-Indian views during the election, accusing the Labour Party of being "kaffir-boeties" and "koelie-boeties".⁵¹ There were indications that the party would poll well, at least in the Transvaal, when it won all five seats for the coloured management committee of the Johannesburg City Council in 1967.

It would be incorrect to claim, as A.L.J. Venter did, that the five parties formed to contest the 1969 election, represented the broad spectrum of coloured opinion nationwide.⁵² Ever since the launching of Anti-C.A.D. and the Non-European Unity Movement in the 1940s and 1950s, a strong tradition of non-collaboration had existed amongst the more educated and politically aware coloureds, particularly in the Western Cape. These used the Educational Journal, the organ of the Teachers' League of South Africa (formed in 1913) to launch savage and scathing attacks on the proposed new Council and on the Federal and Labour Parties for deciding to participate in it.⁵³ Throughout the painful and turbulent history of the C.P.R.C. these academics kept up a bitter and sustained stream of invectives against it and all those who participated in its workings. Terms like "kleurling parlementjie", "white herrenvolk", "quislings", "collaborators", "dummy representation", "carpet-bagging opportunists", "social parasites" and "servile, self-effacing unpersons" were used

constantly, and people were encouraged to boycott all the institutions of parallel development. Compelling as their arguments were, they could not disguise the fact that no constructive alternatives could be proffered. For the most part, all the boycotters could do was involve themselves in cultural circles and educational associations, "endlessly elaborating their own particular doctrine and damning those who disagreed with them as revisionists, collaborators, C.I.A. agents, quislings or lackeys".⁵⁴

The Prohibition of Political Interference Act

The leading coloured political organisations which opposed separate voters' rolls and regarded separate representation as ineffectual, had decided in 1961 to boycott the election of four white M.P.'s to represent coloured voters in the Cape. The Progressive and Liberal Parties decided against putting up candidates in view of this attitude. In fact, part of the reason why 12 United Party M.P.'s broke away in 1959 to form the Progressive Party, was the United Party's decision to participate in elections on the segregated roll for Cape coloureds.⁵⁵ Later, however, this policy was reversed and candidates were put up in the 1965 Cape Provincial Council elections in the South Cape and North Cape constituencies which were the two coloured seats. This new involvement resulted in an awakened interest in politics in the coloured community which was reflected in the dramatic rise in the numbers of registered voters on the roll. In

the South Cape the 4 113 voters on the roll in February 1964 had grown by an additional 12 000 by the end of the year and in the North Cape the numbers grew from 9 389 by 5 000.⁵⁶ In the 1965 elections the Progressives won both seats, in the process defeating two United Party candidates and an unofficial Nationalist one.

The Government reacted with considerable concern, not only because it did not wish to see the Progressives add to their single representative (Helen Suzman) in the Assembly, but because coloured voters were now showing renewed interest in white politics when the National Party's aim was to direct their interests towards their own political affairs.⁵⁷ One should not exaggerate the effect the Progressive role had in removal of the four coloured representatives in Parliament. Verwoerd had indicated before that the system of separate representation would become redundant once the coloured people had achieved full autonomy through their own Council.⁵⁸ Verwoerd had been reluctant to remove coloured representation in Parliament because certain members of his cabinet, notably Ben Schoeman, were opposed to it. Schoeman, in fact, threatened to resign if he did so.⁵⁹ Verwoerd was aware, however, that the presence of four representatives for coloureds in Parliament was obviously inequitable, and would in time lead to demands for the numbers to be increased in proportion to the relative size of the coloured population. An important reason why he opposed direct coloured representation was that it would speed up this process.⁶⁰ The Progressives' entry onto the scene, though unwelcome,

nevertheless gave him the opportunity to remove the four coloured representatives without splitting his party.

In September 1965, the National Party published the Prohibition of Improper Interference Bill. In terms of this Bill, no one could, directly or indirectly, be a member of, take part in or give assistance to any political organisation or member of another racial group.⁶¹ Representatives of coloured voters were to be required to sever all connection with any white political party after the Bill became law.

Both the United and Progressive Parties showed their strong opposition to the Bill by fighting its introduction in the Assembly. The Bill was eventually passed on its first reading, but on 26 September it was announced that it would be referred to a Select Committee before the second reading. The committee was empowered to convert itself into a commission and did so, publishing its report on 16 February 1967.⁶²

The majority report recommended that the Prohibition of Improper Interference Bill not be proceeded with. It considered, however, that legislation preventing the interference of one race group in the politics of another was necessary. It was recommended that the representation of coloured people by white M.P.'s in Parliament should be abolished and that a Coloured Legislative Council be created in place of the Council for Coloured Affairs, with extended powers. Three important pieces of legislation affecting the coloured people were passed as a result of the

Commission's findings. The first was the Separate Representation of Voters Amendment Act No. 50 of 1968, which provided that coloured representation in the Assembly, the Senate and the Cape Provincial Council should cease. The second was the Prohibition of Political Interference Act No. 51 of 1968, making it illegal for individuals or political organisations to be in any way active in the political affairs of another race group. As a result of this Act, the small, multiracial Liberal Party decided to disband.⁶³

The third Act, the Coloured Persons' Representative Council Amendment Act No. 52, modified the 1964 Act and cleared the decks for the first coloureds-only elections the following year. The Council was now to consist of 60 members, 40 of whom were to be elected and 20 nominated. All the extra members were to come from the Cape Province, including 12 instead of eight nominees and 28 instead of 18 electoral divisions.⁶⁴ As previously, the State President would designate the Chairman of the Executive, but now could also remove him from office at any time. The power to make laws no longer had to be promulgated in the Gazette by the State President, but no proposed law could be introduced without the approval of the Minister as in the principal Act. Slightly more latitude than before was to be given to the Council in the preparation of its estimates of expenditure, but these would still require the Minister's approval in consultation with the Minister of Finance. The Minister would then decide the total amount to be submitted to Parliament for appropriation and, once the total sum had been voted, submit the estimates to the

Council. The Council would then appropriate the monies for the services it controlled, within the limits of the sum voted, by resolution.

One important difference in the amended Act was that registration of voters was made compulsory, penalties for failure to register being three months' imprisonment or a R 50 fine. The reason for this given by the Minister of Coloured Affairs in the Assembly was that since the vast majority of coloureds had never been on a voters' roll, it would be impractical to allow registration to take place voluntarily, steps needing to be taken by the Government to ensure that they did indeed register.⁶⁵ The measure can also be seen as an attempt to preempt a large-scale boycott of registration which was anticipated.

Before 1960, the political fate of the Indian population was quite distinct from that of the Cape coloured. Indians had never had the vote nor any Parliamentary representation whatever. In 1946, the Smuts Government made an attempt to accommodate them when it passed the Asiatic Land Tenure and Indian Representative Act, a measure which restricted Indian land ownership and occupation to particular "uncontrolled" areas of Natal but gave them token political representation as a palliative. This would have meant three white representatives in the Assembly and two in the Senate, plus two provincial councillors who could be Indians.⁶⁶ The Natal Indian Congress rejected the offer and the Act was scrapped by the National Party after 1948.

A major shift in the National Party's attitude towards the Indian community occurred after 1960 when steady moves towards reorganising its political future along the same lines as that of the Cape coloured community began to be made. A Department of Indian Affairs was created on 1 September 1961 and in May the following year the new Minister for Indian Affairs, W.A. Maree, admitted that the Government's repatriation scheme had failed and that consequently Indians had to be regarded as permanent inhabitants of the country.⁶⁷ At the same time he indicated that the Government intended to set up a consultative council which would gradually take over the functions of his department. The Government's policy for Indians was thus the same as that for coloured people, political rights for the latter to be limited to self-government within their own community.

The Minister met with over 100 representatives of the Indian people in December 1963 to discuss the plans for a National Indian Council, which was to be a non-statutory, wholly nominated body that would deal with matters of local government, education and welfare services. The conference eventually resolved to accept the establishment of the Council as an interim measure, despite there being considerable opposition to this among many in the Indian community who felt that the acceptance of such a body would destroy their hopes of ever being granted direct representation in Parliament. On 3 February 1964, the names of 21 prominent members of the Indian community were announced as members of the first Indian Council. They represented such interests of their community as religion, education, welfare

services, sport, business, finance, industry and labour, and were drawn from three towns in the Cape, four in the Transvaal and nine in Natal.⁶⁸ The Council held its first meeting in March 1964 at which its name was changed to South African Indian Council.

The South African Indian Council Act of 1968 turned the S.A.I.C. into a statutory body with 25 members to represent the three provinces (excluding, of course, the Free State, in which Indians were barred from settling). It remained an advisory, wholly nominated body, but a partially elected Council with administrative powers was envisaged in the future. It is important to note that although these provisions were meagre, they did represent a marginal improvement in the political position of South African Indians, whereas the C.P.R.C. Act downgraded that of the coloured people. Perhaps this was why the S.A.I.C., unlike the C.P.R.C., tended to avoid confrontation with the Government throughout the 1970s.

The First C.P.R.C. Elections, September 1969

Of the 802 500 people qualified to register, 637 936 had done so by election day.⁶⁹ The election and the build-up to it led to a revival of political interest in the coloured community, the emergence of exclusively coloured party politics being an entirely new phenomenon in South African history.

The Federal Party was the best organised and financed of the coloured parties and it alone was able to contest all 40 seats. It had used the years prior to the election well to co-ordinate its campaigns and make its policies and leader known to the people, putting special effort into the rural areas where the traditional subservience and conservatism of the electorate would give it much greater appeal.⁷⁰ Party candidates were fairly lavish in their promises to their largely illiterate supporters, their appeal being based largely on local interests of voters such as the establishing of post offices or police stations in their constituencies. The Federal Party also largely had the support of the white employers of many voters. Uncertain of the secrecy of their votes and afraid of repercussions, many were supposedly intimidated into voting Federal for fear of losing their jobs.⁷¹ Arendse later claimed that coloured voters had been threatened with the deprivation of their jobs and homes in the country areas if they did not vote Federal.⁷²

It transpired later that the Federal Party's election campaign had received extensive support from the Afrikaner Broederbond. It was revealed in the Sunday Times that after the death of Verwoerd, the Prohibition of Political Interference Bill had been postponed as a direct result of Bond pressure on the Cabinet. This allowed the organisation to legally assist the F.C.P.P. up to 1968, registering coloured voters and advising Federal candidates, but even after the passing of the Act it continued to play an important role behind the scenes. A donation of R 50 000 was made to assist in the election campaign and a special

circular, dated 14 August 1969, was sent to all members in which it was urged that they do all they could to encourage coloureds, in their employ or otherwise, to vote and to propagate the views of Swartz's party and provide transportation to the polls on voting day.⁷³

Hopes of personal gain also favoured the Federals. It was widely believed that favours in the form of shop sites, liquor licenses and business loans followed support for the party. The spectre of the swart gevaar proved effective, particularly in the Transvaal where the idea of a pure coloured nation protected from non-coloured non-whites gained votes.⁷⁴ The Labour Party was also hampered by the fact that the election had been called in July to take place in September, giving them only three months to prepare for it, whereas the Federal Party had been organising for years.

Despite these advantages, Swartz's party suffered a heavy defeat in the elections held in September 1969. Contesting 36 seats, Labour won 26 of them and gained 136 845 votes in all. M.D. Arendse was the only party leader who was successful, winning the Tafelberg seat with a majority of 3 058 in a 26,3 per cent poll. Prominent Labour candidates like Norman Middleton (Wentworth, Natal), Sonny Leon (Diamant, Kimberley), David Curry (Pniel, Western Cape), Allan Hendrickse (Bethelsdorp, Eastern Cape), Fred Peters (Heideveld, Western Cape) and Edward Rooks (Greenwood Park, Natal) all won with substantial majorities.⁷⁵

The Federal Party gained 90 055 votes and 11 seats, three of

which (Karee, Free State South, Free State North) were uncontested. Four of those elected, H.J. Coverdale (Northern Transvaal), P.J. Petersen (Wupperthal, Cape), W.J. Louw (Protea, Transvaal) and S.S. Cloete (Steinkopf, Cape) had served on the old U.C.C.A. The luckless Swartz, standing in Kasselsvlei (Bellville South, Western Cape), suffered the humiliation of being beaten by both the Labour and Republican candidates, gaining only 1 677 votes out of a total of 9 326 and nearly losing his deposit.⁷⁶

Fortein's Conservative Party was virtually eliminated, polling a dismal 3 216 votes. The National Coloured Peoples' Party polled fairly well only in the Transvaal where it won one seat (W.J. Swartz, Witwatersrand) and totalled 23 260 votes in all. Tom le Fleur's Republican Party, the only organisation to survive until the 1975 election, gained 30 241 votes and one seat (S.M. Brown, Haarlem). Solly Essop (Bokkeveld) was the only successful independent candidate out of eight, though he joined the Federal Party immediately after the election.

The fact that the Republican and National Parties each managed to attract a fairly large number of votes is worth noting at this point, particularly as both parties rapidly lost support after 1969 and in fact played little further part in coloured politics after the election. The N.C.P.P. did especially well in the Transvaal where, by a narrow margin, it emerged as the majority party (11 301 votes to the 10 962 of Labour and the 10 826 of the Federals). The party's success in the Transvaal can be attributed

partly to the fact that it was best organised there but also to the sympathetic chord its stridently anti-black and anti-Indian views struck with many coloured voters. The Transvaal coloured community, less well established than that in the Cape, was a vulnerable and insecure one. Assimilation with the numerically superior blacks was perceived by some as being a constant threat to the few privileges, such as exemption from carrying passes, that coloured people possessed. There was also a supposedly higher degree of African admixture than in the Cape, an assumption which led to coloured fears of "racial degeneration" if blacks were admitted to their ranks.⁷⁷ Anti-Indian fears were primarily linked to economic jealousy and the fear that Indians would monopolise all trade concessions in coloured areas if the Group Areas Act was allowed to lapse.

The success of the Republican Party, which was placed third with more than 30 000 votes, despite contesting only Cape seats, indicated a fairly wide response to its appeals for a strong coloured ethnic consciousness and autonomy. Most votes were gained in the rural constituencies of the central and Eastern Cape where there was a strong Griqua presence. Here it is important to note the attitude of the Griqua, a people by definition and name of mixed stock but who, by the 1960s, were intolerant of further race mixture and showed a strong group consciousness and race pride.⁷⁸ Few in number and scattered over a wide area, the Griqua spoke Afrikaans and claimed responsibility for its origin, referred to themselves as "Die Volk", and continued to yearn for an independent nationhood. (In

1981, Eric le Fleur, President of the Griqua National Convention, gave evidence before the constitutional committee of the President's Council (see Chapter 7, pp.228-9) in which he called for the more efficient application of the Population Registration Act and for consolidating all Griquas and coloureds who were accepted as being part of the Griqua people, in their own national territory.)⁷⁹

The Decline of the Smaller Parties after 1969

The Republican, National and Conservative Parties lost support rapidly after 1969, and only the Republicans survived to contest the 1975 election. This was a consequence of their being unable to formulate distinctive policies to distinguish them from the Federal Party. This was particularly true of the Conservative Party which made little impact on the electorate in 1969.⁸⁰ The Republican and National Parties differed only in their relative emphasis on certain policies that were already incorporated in the Federal Party's platform. In the case of the National Party, it was protection from interracial competition, in that of the Republican Party, the propagation of a separate coloured identity. A second reason for the decline of the other pro-separate development parties was their lack of support from Government sources which concentrated on keeping the Federal Party on its feet and discouraging the further splitting of the conservative coloured vote.⁸¹ A clear sign of this came soon after the 1969 election when none of the 20 Government nominees

to the C.P.R.C. represented any of the pro-separate development parties. An analysis of the 1969 election results shows that the participation of the smaller conservative parties cost the Federal Party three seats in the Cape (Visrivier, Haarlem and Genadendaal) and three more in the Transvaal (Newclare, Rus-Ter-Vaal and Witwatersrand). Without that participation and including Solly Essop's seat, the Federal Party could have had 18 seats in the Council as against the Labour Party's 22, a defeat for the Government certainly, but by no means the humiliating rejection that the 1969 election in fact turned out to be.

Including the uncontested seats, the overall percentage poll of those registered was 48,7 per cent, ranging between 66,6 and 81 per cent in the three Northern provinces and being fairly high in the rural constituencies of the Cape where the Federal Party was strong. In the seven urban constituencies of the Cape, however, it was below 30 per cent, the lowest being the 12,9 per cent recorded in Liesbeek. Low as the overall poll was, it was to drop drastically in future elections (37,2 per cent in 1975, 30,9 per cent in 1984 and barely 20 per cent in 1989). The boycott notwithstanding, pro-separate development parties overall managed to gain nearly 15 000 votes more than Labour (151 179), this indicating that at least a sizeable minority of coloured people had hopes that parallel development might be beneficial to them.⁸²

The 1969 election and the election that followed it in 1975, revealed much about the voting patterns and political divisions

amongst the coloured people. In essence, the two elections showed just how fragmented the coloured electorate was with factors of age, socio-economic status, geography, education and language all serving to divide it into various groupings and factions. In both elections, supporters of the Federal Party and other pro-separate development movements tended to be from the rural areas of the Cape, the Orange Free State and the Transvaal, were usually Afrikaans-speaking, and represented people of middle to lower socio-economic status.⁸³ Of the 11 seats won by the Federals in 1969, five were rural Cape constituencies where the party was best organised and the electorate least sophisticated in terms of educational standards and degrees of politicisation. The remaining six seats were equally distributed between the Transvaal and the Free State where the coloured communities, less well established than those in the Cape and more vulnerable to African competition, tended to support those parties that sought to protect their rights as a group. Had the National Coloured Peoples' Party not split the pro-apartheid vote in the Transvaal, the Federal Party would have won all six seats there in 1969.

Those who voted for the Labour Party in 1969 and 1975 tended to be people of comparatively high socio-economic status, who were under 45 years of age and who lived in the urban areas.⁸⁴ The party gained most of its seats in the urban constituencies of the Western Cape, the Eastern Cape and Natal, where the electorates were relatively politicised and where there was considerable opposition to parallel development and a separate coloured identity. After 1969, following disillusionment over the

C.P.R.C.'s failure to bring about the hoped for improvements in the coloureds' status, Labour steadily made inroads in Federal areas, but even in 1975 there was still sufficient support for parallel development for the Federal Party to gain eight seats, three from Cape rural constituencies and the remainder from the Transvaal and Free State.

There was, however, a "third constituency", made up of the majority of potential coloured voters who consciously boycotted the election. Least inclined to vote were those under 35 years of age, those with post-school training and those in the top income group. The majority of doctors, nurses, lecturers and ministers of religion did not vote while a majority in other occupational categories (especially teachers) did.⁸⁵ Although there was a tendency in the lower and middle income levels for involvement in political activity to increase in proportion to wealth, there was a significant tailing-off of political involvement in the highest income groups. Coloured people in the northern provinces and in the Cape rural areas were much more active politically than those in the Cape urban areas, especially in the Cape Town constituencies where participation was very low indeed. Proportionally, Afrikaans-speaking coloured people took a more active part in C.P.R.C. politics than English-speaking.⁸⁶ The low poll was not entirely due to dissatisfaction with the system of representation, however. Factors like illiteracy, ignorance, the migration of potential voters and the inability to get to polling booths also played their part.⁸⁷

The C.P.R.C.'s support base was to shrink steadily after 1969. Many voters who had supported the Labour Party in the first election did not vote in 1975 while a large number of those who had voted for the pro-separate development parties transferred their allegiance to Labour. In the 1980s, the demise of the Federal Party was complete and the Labour Party came to replace it as a focus of moderate and conservative coloured opinion. An analysis of the Labour Party's support base after 1983 does not fall within the ambit of this thesis, but it could well lend substance to Norman Middleton's claim in 1989 that the Labour Party was essentially the old Federal Party in a different guise and should have changed its name (see Chapter 7, p.240).

The 1969 election was the first of a series of set-backs suffered by the Vorster Government in its coloured policy. It was expected that at least a handful of the nominated seats would be allocated to the victors and it came as a shock when all 20 of those nominated on 7 October belonged to the Federal Party. Of these, 13 were candidates who had been defeated in the elections, including Swartz who was appointed Chairman of the Council's Executive. Only Federal members had been nominated since the Government evidently hoped to encourage the development of a two-party system and to discourage divisions in the pro-apartheid sector of the coloured population. J.J. Loots, the Minister of Coloured, Rehoboth and Nama Relations (as he was now officially called), said bluntly: "I admit the Council was loaded and I would do so again if necessary".⁸⁸ The Federal Party was thus presented with a slight overall majority (32 to a combined

opposition total of 28), but any limited credibility the Council might have had was further weakened. The Education Journal, hard-put to disguise its glee, provided the following comment: "Surprised and stripped naked by the boycott, the collaborators are frantically casting about for something, anything, with which to cover their (political) puddenda, not from any sense of shame, but merely because of the freezing draught. They are nailed to the scaffolding of Uncle Tom's Cabin, and nothing can save them."⁸⁹

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CHAPTER THREE

"UNCLE TOM'S CABINET":

THE EARLY YEARS OF THE COUNCIL

1969-1972

"Mr Chairman, politics is the art of the possible. You cannot get things which are impossible, but you can try to get things that are possible."

Tom Swartz¹

Mnr Swartz en die Federale Party is bereid om soos honger hondjies die krummels van die wit man se tafel op te lek."

George Fortuin²

¹ C.P.R.C. Debates, Vol 25, 22 August 1973, p.751

² C.P.R.C. Debates, Vol 23, 6 August 1973, p.133

Opening of the First Council

The C.P.R.C. was opened on 6 November 1969, in an official ceremony at Proteaville, Belville South in the Cape Flats. The Prime Minister, B.J. Vorster, and the Minister for Coloured, Rehoboth and Nama relations, J.J. Loots, both officiated. The Government was embarrassed by the non-attendance of the Labour Party who boycotted the occasion in protest at the packing of the Council. Labour did attend the first short session of the Council on 20 and 21 November, however, a lively meeting that anticipated the nature of future sessions.

The C.P.R.C. had clearly been cast in a mould to make it function, look and sound like the House of Assembly. This was shown in the terminology used to describe the functions and functionaries (eg. "honourable members", "no-confidence motion", "Leader of the Opposition", "Leader of the House", etc., the procedures followed by meeting in general assembly and meeting in general committee), and the general wording of the provisions in the Standing Orders of the principle Act.¹ One important difference was that private members motions could be introduced quite freely and these motions came to form almost the entire substance of the Council's business in view of the lack of real legislative authority. Commentators noted that the Government had provided nothing but the best in decor and materials for the new C.P.R.C. building, going to a great deal of trouble to create a good impression, if only for outside consumption.²

M.D. Arendse, who to the annoyance of many in his party referred to himself as 'Leader of the Opposition' and was, it was felt, generally giving the proceedings a dignity they did not deserve, submitted the first No-Confidence motion. In the ensuing debate Norman Middleton, who was to distinguish himself as one of the most uncompromising of Labour Party hardliners, introduced an unwelcome note of realism into the proceedings. "Mr Chairman", he said with crushing sarcasm, "may I with humble respect ask you not to make this Council a bigger circus than what it is already?"³ This showed how even at this early stage there were Council members who had no intention of giving the Coloured Parliament even a chance of functioning smoothly.

After the No-Confidence motion had been defeated, Labour walked out en bloc. When they returned, a motion by Arendse that equal salaries on the same basis as whites should be paid to all professional and medical personnel, teachers, public servants and nurses holding the same qualifications was unanimously agreed to. It was the only motion passed at the first C.P.R.C. session, proceedings being brought to a close soon afterwards.

The Labour Party, having decided to continue participation in the working of the Council despite being prevented from taking it over, were careful not to give the institution any unnecessary legitimacy. This was reflected in some of the main principles and tactics adopted by it in the late 1960s and early 1970s. It was decided in November 1969 that no member of the party caucus would serve on any committee brought into being by the C.P.R.C. (This

was followed up by an undertaking the following year not to serve on the liaison committee linking the Council to members of the Republican cabinet). At the same meeting it was decided that the National President would refuse to accept the Chairmanship of the Council Executive if chosen by the Government, nor would any caucus member serve on the executive.⁴ At the same time resolutions were passed not to participate in or attend the non-white South African games and to boycott the festivities commemorating the tenth anniversary of the South African Republic in May 1971.⁵

All was not well in the party, however, dissatisfaction over M.D. Arendse's leadership having become increasingly apparent after the 1969 election. In February 1970, he unilaterally appointed himself and another party member to serve on a liaison committee between the Council and the Government, despite the recent conference resolution forbidding this. That same month, without informing his executive, he met with Vorster where, it transpired, he was asked to weed out the more radical members of the party, including Norman Middleton and Deputy Leader Sonny Leon.⁶

It became clear that the forthcoming Labour Party congress in April would be an explosive one, Arendse declaring his intention of possibly expelling from the party caucus those members who would not toe the line and Leon threatening to resign if Arendse was retained as Party Leader.⁷ In his opening speech on the first day of the congress, Arendse made an ill-advised speech

suggesting that the Western Cape be partitioned off from the rest of the country as a fully autonomous state. This was clearly orientating coloureds to the Council with its implications of separate treatment. In short, Arendse had failed to follow the party line at non-collaboration within the collaborationist area, and this speech was the last straw.⁸ At the final sitting he was voted out and replaced by Sonny Leon as Party Leader. The Reverend H.J. Hendrickse became National Chairman, Norman Middleton National Vice-Chairman, David Curry Deputy Leader, and Fred Peters, National Secretary. All five men were to dominate party policy for most of the decade.

The son of a cabinet-maker and a Regimental Sergeant Major in World War Two, Lionel Samuel (Sonny) Leon was to prove himself to be a strong and capable leader, despite his lack of formal education. Arendse refused to take his defeat gracefully, however, at first threatening to contest Leon's election in court on the grounds that the voting had been irregular. This he did not do, but in the following years, tensions ran high between the two, threatening at times to split the party altogether.

Coloured people were represented in the Assembly for the last time on 27 February 1970. Two of their M.P.'s, Graham Eden and Bill Holland, said that they regretted being legislated out of office, but nevertheless saw the Council as being a step in the right direction. A third member, Abe Bloomberg, was less optimistic, saying in the Assembly on 3 February that the Government's packing of the Council had disillusioned him, despite initial hopes.⁹

The Second C.P.R.C. Session October-November 1970

The C.P.R.C. had had a bumpy start, but was still very much an unknown quantity when its members gathered at the end of 1970 for the first full session. It was opened by Prime Minister Vorster on November 6th, an occasion again boycotted by Labour. In his opening speech, he appealed to all coloured leaders to work together alongside the Government for the advancement of their people and promised that great developments were awaiting them.

Vorster's address was followed by the No-Confidence motion moved by Leon and reading:

"That this Council places on record its no confidence in the Chairman of the Executive Committee and the members of the Executive Committee of the Coloured Persons' Representative Council."

Later No-Confidence motions were to concern the policy of Separate Development and the institution of the C.P.R.C.. The C.P.R.C. Executive had been elected at the previous short session and apart from Swartz consisted of S.S. Cloete, W.J. Bergins, W.J. Louw and P.J. Pietersen. Already people had come to refer to it as "Uncle Tom's Cabinet".

In the ensuing debates, L.P. members attacked their opponents for being nominated, for co-operating with the authorities and for not taking a strong stand on crucial issues in coloured politics.¹⁰ Swartz replied by criticizing the ousting of Arendse

and reaffirming his party's support for parallel development. "We may have helped the white man build up this country", he said, "we provided the labour, but with the white man's initiative, the white man's know-how, the white man's capital, the white man's Christianity, the white man's education, the white man's civilization, everything."¹¹ The No-Confidence motion was defeated 32 to 27.

Twenty-four motions were agreed to during the session. Four of these submitted by the Labour Party were agreed to unanimously, including calls for the repeal of the Immorality Act and the appointing of an independent commission of experts to enquire into the serious housing backlog. After the equal-pay-for-equal-work resolution of the previous year had been side-stepped by the Government on the grounds that present circumstances prevented it, Labour proposed that this be found totally unacceptable. The motion was also passed.

A number of amendments to Federal Party motions were submitted, these being controversial requests for the abolition of job reservation and the repeal of the Group Areas Act, that the Council resolve that all forms of discrimination by one group of people against another be found totally unacceptable and that the system of management committees be abolished in favour of an extended municipal franchise.¹² The job reservation and Group Areas amendments, while not being accepted, did lead to the original Federal motion, which called for a tightening up of these laws in favour of coloureds, lapsing in terms of Standing

Order No. 9 (laying down that a private member's motion could not be discussed for more than 2,5 hours). A third controversial motion, by the sole N.C.P.P. representative, W.J. Swartz, calling for the reclassification and removal of all non-coloureds, also lapsed after an introduction by Labour of an amendment demanding the repeal of the Population Registration Act. None of the Labour amendments were accepted because of the built-in Federal majority, but the heated opposition of its members did prevent the smooth passage of pro-apartheid legislation as well as bringing about the gradual conversion of many Federals to their cause.

A fourth motion to lapse was that by a Labour member calling for a boycott of the forthcoming Republican celebrations. Unanimously agreed to, however, was the Labour motion that the terms of the Industrial Conciliation Act be extended to coloured farm labourers. The motions were forwarded to the Minister by the Council secretary at the end of the session, but in the end not one of them was accepted by the Government.¹³

The Federal Party decision to allocate a large sum toward coordinating the tenth anniversary of the Republican celebrations for coloureds caused much resentment, not least within the party itself. Coloured people had not voted in the Republican referendum in 1960, even those able to vote on the separate roll being excluded. "The Federals are organising the Coloured kitchen celebrations for their masters", commented the Educational Journal bitterly, "and indeed, the C.R.C. voted R 75 800 for the

klonkie celebrations."¹⁴ The Labour Party actively campaigned against participation, asking instead for a day of prayer on the Sunday nearest Republic Day for all people suffering under apartheid legislation. Coloured people had not been consulted over the Republic, it was argued.¹⁵ At least four Federal members of the Council boycotted the celebrations which were a massive flop, only about 2 500 people attending the official opening of the festivities at the Athlone stadium (70 000 had been expected).¹⁶

Rifts in the Labour Party, 1971

In January 1971, Leon met informally with Chief Buthelezi, then Executive Officer of the Zulu Territorial Authority which had been established by the Government the previous year. Amongst the issues discussed were the future of the coloured people in Zululand and the question of granting self-rule to the homelands.¹⁷ This was the first step in a gradual process of toenadering that characterized Labour-Inkatha relations throughout the 1970s, a courtship that culminated, as will be shown, in the short-lived South African Black Alliance (see Chapter 6, pp.200-5). Many within the Labour Party, particularly those influenced by the Black Consciousness Movement (see Chapter 4, pp.113-5) like Norman Middleton, wanted the party to diffuse its coloured identity within a broad black front against apartheid. An important achievement for this group came in April 1973 when Buthelezi was able to address the 7th Annual Conference

of the Party. In it, he emphasized that the challenge for coloureds was to defeat Government attempts to keep them apart from blacks by having them cling to the white power structure in the hope of better things to come.¹⁸

Many in the Labour Party were unhappy about Leon's initiative, however, particularly E.G. Rooks, member for the Natal seat of Greenwood Park and a founder member of the Party. Rooks openly criticized Leon, saying that he had had no mandate for meeting with Buthelezi. He also made insulting remarks to the Natal Mercury about Buthelezi, referring to him as the "so-called Zulu King" (22 January 1971). Rooks' anti-Buthelezi statements angered protagonists of Black Consciousness and many were demanding his expulsion from the party, not least Middleton, who claimed he was "finished with the old bastard" and would "destroy him even in his sick bed".¹⁹

Rooks was nevertheless not without allies of his own, and at a stormy regional meeting on 21 February in which he had allegedly packed the conference with his branch members and where his daughters apparently threatened to beat up the daughter of his opponent, he was elected leader of the party for Natal. This was seen as a swing to the right for Labour, and moves were quickly afoot to purge the leadership of its "moderate" elements. In March, Rook's Transvaal ally, Domingo, was ousted at a regional congress and replaced by Don Mattera. Moves were then taken at the party congress in April to discipline Rooks who responded by leaving the party.²⁰

At the same congress a new Labour executive was elected. Arendse stood against Curry for the position of Deputy Leader and was heavily defeated. R.E. van der Ross, the first leader of the party, who had left politics in 1968 after being appointed Assistant Educational Planner in the Administration of Coloured Affairs, was expelled from Labour. The reason given was his acceptance of the appointment as chairman of the Coloured Committee for Cape Town to co-ordinate the Republican celebrations.

The April congress had been a comprehensive victory for the party militants. Arendse resigned from Labour in October, declaring his intention of forming a new, more moderate party which, he claimed, had the support of at least 15 C.P.R.C. members.²¹ Before his resignation, Les du Preez (Newclare) and E. Domingo had been expelled for advocating "Brown Power", a philosophy which sought to apply the principles of Black Consciousness specifically to coloureds and was spear-headed by Lofty Adams after he had left the Federal Party. Adams was sympathetic towards Black Consciousness and foresaw the possibility of the upper structure of black solidarity linking up with the upper structure of Brown solidarity, but for the present, the emphasis had to be for each group to develop itself independently.²² The Labour executive were quick to reject this movement for its exclusively coloured orientation.

The Labour Party had lost other members; L. Julies (Gelvandale), who had resigned from the C.P.R.C. and J.D. Petersen, who had

been expelled from the party caucus at the beginning of the 1970 session. An amendment to the party constitution did, however, allow Jaap Muller to join Labour (as a nominated C.P.R.C. member, he would not have been allowed to do so prior to the amendment).

When the C.P.R.C. convened for its third session, however, Labour was down from 26 members in 1969 to 21, making it well-nigh impossible for it to overturn opposition motions, even if several Federal members did cross the floor.

The musical chairs nature of the Council politics, in which both main parties were constantly weakened and disrupted by defections, usually to the independent benches but sometimes, in the Federal Party's case, to the opposition, characterised Council proceedings throughout its history. The reasons for this difficulty in maintaining internal cohesion was partly due to lack of experience, but mostly a result of the little impact, and therefore prestige, which the parties could demonstrate.²³ While the individual member standing as an independent in elections was at a disadvantage, he nevertheless had far greater scope for the building up of his political personality during Council sessions. The significance of the independent members was increased by the fact that they could hold the balance between the two dominant parties since they could vote as they saw fit whereas party stalwarts, who could be relied upon to vote for their party at all times, tended to recede into the background.²⁴ Council members who had the highest profile, for example Lofty Adams, Solly Essop and Jaap Muller, tended to be independents.

The Third C.P.R.C. Session, August-September 1971

The third C.P.R.C. session saw a continuation of Labour's spoiling tactics and more outspoken opposition to Government policies by Swartz and his party. Leon's No-Confidence motion on August 6th called for the total abolition of the Council, for the 40 members elected to it to be included in Parliament and for those 40 members to constitute an electoral college for the nomination of senators.²⁵ Swartz was forced to concede that he agreed with much of what Leon said, but held that the C.P.R.C. had to be accepted as a medium through which the coloured people could achieve full citizenship, even if at that stage it did not provide adequate machinery for their political aspirations.²⁶ The No-Confidence motion was defeated in favour of Swartz's amendment supporting parallel development and the granting of further powers to the Council, but only by three votes (31 to 28), the independents and members of the minor parties voting with the Labour Party.

Labour boycotted the budget debate after proposing an amendment to the Appropriation Resolution that it was unacceptable since the Council had had no say in the preparation of the estimates and had no power to change it. The budget of R 76 000 (up from just under R 50 000 in 1969) was adopted without discussion. Leon later gave his party's reason as being an unwillingness to convey to the nation the impression that the C.P.R.C. was handling its own finances.

Labour during the session were invited to send four of its Council members to participate in the Government, these dealing with such issues as the improvement of liaison machinery between the Council and the Cabinet and the possible extending of the powers of the former. The invitation was refused in view of recent Labour conference decisions not to give unnecessary credibility to the C.P.R.C. by serving on its sub-committees, in particular liaison committees (caucus meeting, November 1970).

Many nominated councillors had begun to chafe over their status, particularly as their opponents lost no opportunity of taunting them over it. Consequently, none of the 20 nominees opposed a Labour motion asking for legislation to provide for the election of all 60 members in the Council. To allow this, representation to the Minister would be made to amend the C.P.R.C. Act of 1964 as well as to allow for the leader of the majority party to be automatically appointed Chairman of the Executive. Swartz, mindful of the difficulties surrounding the registration of new voters and the redelimitation of the country into 60 constituencies, decided to propose to the Prime Minister that the 1974 elections be held on the current basis and that the following elections (in 1979) be fully elective.²⁷ This proposal was later included in a memorandum handed to the Government in a liaison meeting on 21 February 1972. The Minister accepted this in principle in May, but stressed, as Swartz had anticipated, that the decision could only be implemented in 1979.²⁸

The Council passed its first Act, the Coloured Persons' Rehabilitation Centres Law (No. 1 of 1971), during the third session. Although a relatively large part of the overall proceedings were taken up with the various stages of the legislative processes, the significance of the Act was limited. An almost identical Act pertaining to the other racial groups, covering more or less the same ground but excluding coloured people, had already been passed in the central Parliament. This Act had an appendix to the effect that, as Curry put it, if their little Council did not pass it, the Minister could the next year in Parliament merely by a simple amendment pass the Bill so that it applied to coloured persons also.²⁹ The first C.P.R.C. passed only two more laws after this, a Coloured Farmers' Assistance Law (No. 1, 1973) and a Coloured Social Pensions Law (No. 1, 1974), both having equally little effect. According to the Theron Report (see Chapter 5, p.159) the laws had little effect since they were "largely duplications of existing legislation of the white Parliament which applied to the South African Parliament at large".³⁰

Despite a built-in majority, the Federal Party sustained its first defeat when several of its members crossed the floor to vote with the opposition. The Labour Party had submitted a motion urging the Government to take over the administration of nursery schools and places of care from private organisations, and also urged that the state build such schools. W.B. Pieterse, a nominated member, watered down the motion with an amendment urging the Government to increase state subsidies to such

institutions. Four Federal members crossed the floor to vote against the amendment which was defeated 31 to 26. It was a minor set-back, but showed how even a packed Council could not guarantee the continued rubber-stamping of pro-separate development policies.

Swartz, who in April had stressed the dangers inherent in discrimination on the grounds of colour alone and the possibility of a disloyal and dissatisfied fifth column arising because of it, was further outspoken by his standards, attacking the Government for its "evasive and negative" replies to previous Council resolutions in the Executive Chairman's Progress Report.³¹ Deadlock was reached on a number of emotive issues, however, the Federal Party supporting exclusively coloured emancipation whereas Labour continued to be committed to equal rights for all South Africans. A Federal motion to the effect that non-coloureds be removed from coloured areas was amended to read that any open area be open to all race groups who could occupy trading and occupational rights there. The motion lapsed in terms of Standing Order No. 9. When the Federal Party moved that coloured or Malay identity cards should not be issued to non-coloureds, Labour proposed instead that the "Race Classification" (ie. Population Registration) Act be repealed, but the motion also lapsed after exceeding the two and a half hour limit.

Concurrence was reached on a few counts, however. Motions passed unanimously were requests that the Government implement equal pay

for equal work for all South Africans, that all laws relating to job reservation be repealed, and that solidarity be expressed with the people of Port Elizabeth in their protest against increased bus fares and other injustices. (The last issue referred to three weeks of rioting which had occurred for most of March in the Port Elizabeth coloured township of Gelvandale.) A motion by Arendse that the Government be urged to appoint a judicial commission to review all discriminatory legislation with a view to its ultimate annulment was passed 30 to 27 after being amended by the Federal Party to the effect that coloured people themselves and not a judge should identify such laws.³²

While the Council was still in session, the last vestiges of coloured voting rights on the common roll were finally removed. In a press statement on 26 September, the Minister of Coloured Relations, J.J. Loots, said it was Government policy to enable coloureds to have their own municipalities as soon as possible. One of the provisions of the C.P.R.C. Act had been the promotion of local government through the gradual implementation of completely independent councils. Management committees would be succeeded by fully elected management councils which in turn would be replaced by autonomous municipalities. The franchise would be a national basis and an alternative to full national independence.³³

What this meant was that coloureds were to lose their municipal franchise in the Cape, something that had been left untouched by the Separate Representation of Voters Act of 1951. Sonny Leon was

thereby disqualified from being a member of the Kimberley city council. The Local Authorities Voters' Roll Amendment Act became law on 10 November 1971 and only afterwards did the Minister in charge of Local Government, Franz Conradie, call for talks between coloureds and whites.

A comprehensive analysis of the C.P.R.C. in action was published by Professor W.H. Thomas after the close of the third session.³⁴ Eighty-seven motions had been tabled of which six had lapsed and more than half (42) had been passed unanimously. The highest degree of unanimity had been on those concerning remuneration and work conditions.³⁵ The motions could be roughly divided into three categories: general political and organisational (10), general aspects of discrimination (14) and socio-economic development, including Group Areas, work conditions, social services and housing, business and enterprise and education training. In addition, six general motions were passed unanimously in which the Council expressed its opinion on some contemporary issues, for example a motion of sympathy for those left homeless by the flooding of the Gamtoos River in 1971.³⁶

Council members' performances in the three sessions were assessed by an initiative ranking based on the number of motions proposed, the number of amendment put, the number of formal questions tabled for oral and written reply by members of the executive and the number of other contributions during the proceedings. Of the 20 members with the lowest initiative rankings, only 20 per cent came from the Labour Party, 50 per cent being Federal members

with four of them taking hardly any contribution at all. The relatively large number of inactive Federal members indicated a problem the Government had in finding Federal Party orientated persons willing to become C.P.R.C. On the whole the Labour Party, despite their commitment to boycott and non-collaboration, had been more active in Council proceedings.

The F.C.P.P.'s shift to the left, 1969-1972

The F.C.P.P. continued to have a strongly pro-coloured leaning as shown by caucus and conference resolutions. However, the Government's negative and non-committal response to Council resolutions and in liaison meetings gradually led to a hardening of attitudes of many Federal members whose approach became less conciliatory. In November 1970, the caucus resolved that finality over living areas for coloureds should be reached by the authorities, that coloured workers in Zululand be exempted from having to obtain work permits and that job reservation be relaxed also as to allow coloureds to acquire skills whereby they could serve their own communities.³⁷ At the same meeting, it was pointed out that since the homeland option had been ruled out, the Government had no excuse to withhold full citizenship rights on the grounds of colour alone. These exclusive ethnic concerns were reflected in resolutions of a party congress in July 1971 where the authorities were called upon to take more drastic prosecutory steps against those falsely obtaining coloured I.D. cards, and to establish larger and better consolidated coloured living areas.

Despite a continued commitment to a group identity separate from whites and blacks, Government policies came to be more forthrightly criticized. At its annual conference in Durban, July 1971, the party scrapped all references to "apartheid", "separate development" and "parallel development" in its constitution. A month later, at a N.E.C. meeting, two of the more progressive members of the party, Jac Rabie (Transvaal leader) and W.D. Plaaitsies, were of the opinion that representation in the central parliament was best in view of the insufficient attention given by the Government to the previous year's Council resolutions.³⁸ Swartz, however, still claimed in April 1972 that he supported parallel development and that it was not for the Federal Party to strive for representation in Parliament.

The Formation of the Social Democratic Party

Towards the end of 1972, unity talks between the various C.P.R.C. parties were held, but before this a new political party was formed and Labour very nearly pulled out of the C.P.R.C. The expulsion or resignation of a number of Labour councillors after the 1969 election left a vacuum in the C.P.R.C. which E. Domingo, former Transvaal leader of the party, sought to fill when he formed the Social Democratic Party in February 1972. The party was "unashamedly and unambiguously anti-apartheid", despite Rabie's suggestion that it might make common cause with the Federals.³⁹ It criticized Labour for hypocritically making use of the Council while claiming to reject it, and for rejecting

dialogue with the Government. It accepted the C.P.R.C. as a stepping stone to full common citizenship with the whites and as a means towards attaining the socio-economic upliftment of the coloured people in the interim.⁴⁰ The short-lived movement failed completely to come up with a coherent policy to distinguish it from other parties, and was never more than a poor cousin of Labour. In the 1975 election, it was almost wiped out, even the moribund Republican Party polling more votes. Domingo's death in April saw Rooks take over the leadership.

In March, the Transvaal branch of the Labour Party passed a resolution to withdraw from the C.P.R.C. following increased outside pressure to take such a step. A motion to withdraw from the Council as soon as possible was then put at a full party conference in East London (6-8 April). Leon and the party leadership, afraid that such a motion might succeed, had anticipated this, so it was arranged that the editor of the party's newsletter, Carter Ebrahim, should give an address entitled The Labour Party and Participation in the C.R.C. before voting on the motion took place. It was an important speech, highlighting some of the central issues that had dominated "coloured" politics since the inception of the C.A.C. and the Anti-C.A.D. in the 1940s. No matter what the reasons for doing so might be, merely taking part in apartheid structures made the fineness of the line between a "quisling" and a "realist" all the more apparent. What were the differences, if any, between the Swartzites and their opponents?

Ebrahim began by setting out the main grounds of opposition to participation, these being firstly that the C.P.R.C. had been set up to implement separate development and that any association with it meant the acceptance of apartheid.⁴¹ Next he pointed out that it was a worthless institution because it was powerless to enact any laws, that Labour's presence in it contradicted its demands for direct representation in the central Parliament and other governing bodies and that the "intelligentsia" were opposed to participation. He went on to dismantle these arguments by pointing out the bankruptcy of alternative strategies of the boycotting and emphasizing the achievements of Labour since entering the C.P.R.C.

Proponents of a walk-out, he argued, were like fighters who would rather shadow-box in the dressing room than come out to fight and risk falling victim to the apartheid disease (Hendrickse was to use a similar sporting simile when justifying the decision to enter the tricameral Parliament in 1983, comparing remaining outside to trying to play a game of rugby on the touchlines). By doing so they would remain "Simon-pure and uncontaminated, with their principles intact on the day when full democracy dawns. How equal rights will come about we are not told ... perhaps while we remain in a state of virgin purity, a miracle will occur and equal rights will fall from heaven."⁴²

By taking part in the C.P.R.C., Labour had demonstrated to the world the utter rejection of apartheid by their victory at the polls and the insincerity of the Government in being forced to

resort to the expedient of packing the Council. The C.P.R.C., instead of becoming "the quiet, efficient machine designed to smoothly implement and rubber-stamp separate development", had instead become a public forum where the inequities of apartheid had been exposed and debated. Relatively modest though these victories were, they were what people needed to inspire them to greater achievement in the future. The Council had indeed been designed for stooges and yes-men, and a danger did exist that those who took part in it might be sufficiently deluded by the forms rather than the substance of Parliamentary representation. Labour's record thus far had not seen this happen. The party was there in the capacity of watchdogs of the people's interests so that nothing could be done against them without their knowledge and without their protest. Labour members had to "buckle down to the glorious task of helping themselves", Ebrahim concluded, "Does the mere sounding of the ram's horn of equal rights bring the apartheid walls of Jericho tumbling down?"⁴³

The motion to withdraw from the C.P.R.C. was then amended to the effect that the party should stay in the Council until they controlled it and then force the Government to dissolve it. The amendment was carried.

Ebrahim's speech has been given much attention since it provides a useful summary of the motivations behind Labour's continued participation at a time when such a policy was under attack from all sides. Non-collaborationists held that merely to take part in racist structures served to foster racism, no matter what the

intentions of doing so were. Moderate and conservative groups accused Labour of serving no constructive role since the only consequence of their participation on the Council was to block whatever progress could be achieved through it. Indeed, the Labour Party's position was rather anomalous. It was non-racial, but it increasingly identified with Black Consciousness and tacitly accepted their coloured identity by participation on the C.P.R.C. It would frequently boycott Council proceedings but at other times attempt to use it as an arena for confrontation. It would advise coloured people not to register and at other times to vote for them. Later, senior Labour members would accept posts on the Council Executive and then refuse to fulfil the duties attached to those offices.⁴⁴

Was the Labour Party's acceptance that it was compelled to work within Government policy "fatalistic"?⁴⁵ Were there, in fact, other motives rather less idealistic than those outlined by Ebrahim? It is certainly true that to a large extent the Government's coloured preference policies were aimed at buying the loyalty or at least acquiescence of the coloured elites. Arendse commented that none of those who had received Coloured Development Corporation loans were politically active in the anti-apartheid movement.⁴⁶ Lofty Adams, when resigning from the Federal Party, accused many of its members (specifically Tom and Peter Swartz) of using the Council to feather their own nests. They had used their positions of power to obtain liquor licenses for themselves, and the reason why they had called on the Government to proclaim more coloured townships was for them

to have the opportunity to open more bars.⁴⁷ But even if this argument holds, there were more far-reaching implications of the coloured preference policy. Essentially, the need to protect coloured entrepreneurs from white competition was used as a justification for a policy of economic compartmentalisation.⁴⁸ This meant that the aspirations of the coloured middle class would be channelled into specifically coloured areas of development. In this way they would provide the economic and intellectual core of the new coloured nation and not be tempted to pass for white.⁴⁹

It is likely that at least some Labour members were in the Council for what they could get out of it. Leon was later to attack certain members who just before the announcement of salary increases by the Government had indicated that they were not available for election but afterwards changed their minds.⁵⁰ He was to launch a similar attack at a later stage in which he accused certain Labour Councillors of being more concerned with their salaries and benefits than with party loyalty and devotion to principle.⁵¹ On the other hand, Leon himself was to lay himself open to accusations of self-interest when, in the late 1970s, he moved into a house which the State had paid for, something which added to the estrangement between himself and the rest of the party executive (see Chapter 6, p.209). A defence of Labour's participatory role appears at the end of Chapter 6.

Unity Moves, June 1972 and Rus-Ter-Vaal

All political parties in the C.P.R.C., excluding the Republican Party, met in June 1972 for unity talks. The talks collapsed over the failure of delegates to choose a common candidate for the forthcoming Rus-Ter-Vaal by-election (the seat having been left vacant by the death of Domingo), each party wanting its own man.⁵²

The Rus-Ter-Vaal by-election attracted considerable interest since it was the first time coloureds were going to the polls since 1969 and was regarded as a mini-referendum on parallel development. Labour had won the seat by only 79 votes in 1969, mainly thanks to the National Coloured People's Party splitting the pro-separate development vote. The N.C.P.P. again put up a candidate, but were not expected to gain many votes, and the Federal Party launched a vigorous campaign to capture the seat. Its exploitation of the anti-black fears of many Transvaal coloureds and attacks on the Labour Party for its Black Consciousness sympathies were effectively employed. Circulars were issued to voters in the area in which questions like "Do you want to live in Soweto?", and "Do you want to be a servant of Black Solidarity?" If not, then you will agree that the multi-racial society of the Labour Party will bring about a change of rulers, but it will aggravate the subservience of the coloured people", were posed.⁵³

The Federal tactics, if crude, were effective, and the party gained 1 898 votes as against 1 751 for Labour and just 333 for the Nationals, thus winning by 147 votes and picking up more than 12 per cent on their 1969 performance. Having unexpectedly bloodied their opponents' noses, the Federal councillors could look forward to the fourth session of the C.P.R.C. with a little more confidence, but by this stage patience and optimism were wearing thin.

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24. Ibid.
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26. R.R.S. 1971, p.17 .
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28. Hansard, no 17, Tuesday 30 May 1972, Cols 8449-8450.
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CHAPTER FOURTHE C.P.R.C. IN DECLINE 1972-1975PROTEAVILLE

Wat maak die volkies daar?
 Wat maak die volkies daar
 Hul raas
 Hul fop
 Hul dop
 maak hulself belaglik
 veraglik
 maar al verwerplik
 Arbeider, 'afhanklik, Federaal
 se politiek is ewe kaal
 en ewe sonder skaam;
 jol hul ook almal saam.
 Hul doen hul narredans
 'n hotnotsriel
 op wysie
 en op maat
 van saamwerk
 saamspeel
 net en vir
 Die Baas¹

¹ The Educational Journal, October-November 1972, p.9

The C.P.R.C. Act Amended

By mid-1972 it was evident that the C.P.R.C., having started out with a limp, had slowed down to a crawl. Swartz's shaky credibility had been further undermined the previous year by shock allegations in the Sunday Times that the Federal Party's election campaign had indeed received extensive backing from the Afrikaner Broederbond (see Chapter 2, pp.66-7). Even before this, the rift in the party's ranks had been caused by the circulation of a "colouredstan" document. Purportedly written by Jac Rabie, it bore a suspicious resemblance to a paper written by Louis van der Walt, who controlled the coloured campaign of the Broederbond. It advocated the possible establishment of a coloured homeland in Malmesbury, despite the homeland option having been ruled out by the National Party.¹

In future sessions the "Bond Scandal" was to be frequently brought up. Curry was quick to comment: "We will use the Government's platform to expose them and to expose you."² Rabie was accorded the unenviable nickname of "Tuislander".

Defections to the opposition benches saw the Federal Party lose its overall majority, and there was a danger the Labour and Independent members would combine to wrest control of the Council from it. Afraid that Labour might then carry out its threat of rendering the institution unworkable by voting down the budget, the C.P.R.C. Executive made a point of discussing with the Minister ways of amending the principal Act of 1964 to ensure the Council's continued functioning. This resulted in the Coloured

Persons' Representative Council Amendment Bill being put before the Assembly on 2 June 1972 and passed on its third reading on the 12th. It was an emergency measure, a safeguard against "any breakdown on the political front", as Swartz put it, preventing the maintaining of essential services such as the paying of teachers and pensioners.³

The relevant clause (6)(c) provided that if the Council failed to provide the funds generally voted by Parliament, the Executive could do so. If the Executive also failed to make the necessary appropriations, the Minister for Coloured Relations would be vested with the necessary powers to implement the Budget. The measure was sharply criticized by the Opposition in the Assembly as being an ill-disguised usurpation of the Council's functions.

Speaking for the United Party, Catherine Taylor remarked that had the Government not packed the Council after the elections but had instead allowed the victorious party to take it over, it would not have been necessary to resort to extraordinary legislation or ministerial interference. There was only one possible interpretation of the Bill, namely that it was "a grave admission of failure on the part of the Government to handle the electoral scene for the coloured people". Far from bringing stability to the institution, the system of nominated members had boomeranged to the extent that the foundations of the Council itself were clearly being endangered.⁴ Nonetheless, the Amendment was passed, even though it represented an important admission by the Government that the C.P.R.C. was failing.

The United Party and the Coloured Question

After the removal of coloured voters from the common roll, United Party policy had been that they should be restored and that furthermore, coloureds in the Transvaal and Orange Free State should also have some form of Parliamentary representation. From the early 1960s, the party's race policies had revolved around a proposed "race federation" in which a central federal Parliament composed of representatives of races rather than territories would be established.⁵ The first stage of this plan would be the review and dismantling of controversial apartheid laws such as separate amenities and bans on mixed marriage. Next, coloured voters in the Cape and Natal would be restored to the common roll and coloured people in the Transvaal and Free State would be given some representation on the Senate. At the same time, African representation on a separate roll would be restored and enlarged in both houses and Indians would be accommodated in a manner to be determined after consultation. Finally, a number of communal councils for each race would be set up and representatives elected through them would sit in a central Parliament.⁶ In terms of the party's race policy, it was admitted that a coloured person could become Prime Minister.⁷

The United Party's decision that coloureds in the two northern provinces would be given only Senate representation on the grounds of their political inexperience was probably a political argument designed to appease Northern whites, as the constitutional compromise in 1910 had done.⁸ It was a

compromise which exposed a deep ambivalence that characterised the party's race policy after 1948. It was recognised that United Party opposition to the removal of coloureds had cost it many votes in subsequent elections⁹ and that to call too stridently for coloured representation in Parliament would further weaken it. In August 1971, it was reported that the United Party advocated six M.P.'s for coloureds in the Assembly, eight for blacks and two for Indians, all three groups to be represented by their own people.¹⁰ These numbers were to be subject to change only by a referendum of white voters. It would not be inaccurate to claim, however, that the party's race policies relating to the coloureds, as well as those of the Progressive Party which advocated no coloured policy as such but regarded all South Africa as a single viable multi-racial unit¹¹, were relatively unimportant during this period. As Rapport commented (15 August 1971), the debate was essentially one between coloured people and Afrikaners. Nor were coloured leaders particularly impressed with the United Party and its attitudes. It has been shown how Progressive Party candidates easily defeated their United Party opponents in the 1965 Cape Provincial Council elections (see Chapter 2, pp.59-60). In the early 1970s, when commenting on the United Party, leaders like Arendse, Adams, Curry, Leon and Middleton made it clear that they regarded it as crypto-Nationalist although admittedly the lesser of two evils.¹²

The C.P.R.C. and Black Consciousness

The Fourth Session of the First C.P.R.C. was opened on 6 August 1972 at a time when the ideology of Black Consciousness was having a profound impact on non-white South Africans, including coloured people. The Black Consciousness Movement had established itself as a major force on the South African political scene in the late 1960s when the South African Students' Organisation (S.A.S.O.), an exclusively black student movement under the leadership of Steve Biko, was formed after breaking away from the National Union of South African Students (N.U.S.A.S.). In 1972, B.C.M. intellectuals formed the Black People's Convention. The Black Consciousness philosophy sought to instil a sense of pride and dignity in black people and to free them psychologically and physically from the inferior position to which apartheid had relegated them. It was, R.E. van der Ross wrote, a "new perception of human dignity, organisational independence and a realisation of an innate power yet to be translated into structural or political forms".¹³ Together with the rise of militant independent black trade unionism and the revolt of the black youth, Black Consciousness was one of the pillars of the black political renaissance in the 1970s.

The coloured community was profoundly affected by the new ideology. Franklin Sonn, rector of the Cape Peninsula College, said later that it was an important catharsis for the coloured people, giving them a sense of pride and self-discovery after years of alienation.¹⁴ The question of coloured-white

relations, then so sore a point in Afrikaner nationalist circles, was becoming of less and less concern to a growing number of coloured people, particularly in the Western Cape and particularly the youth. Coloured students at the University of the Western Cape "totally immersed themselves in the Black ideal" and this led to the temporary closure of the University in June 1973 when unrest followed the refusal of the university authorities to allow a S.A.S.O. speaker to deliver a lecture there.¹⁵

Black Consciousness ideals were whole-heartedly taken up by the Labour Party leadership in the early 1970s (David Curry and Norman Middleton advocated them particularly strongly). In 1972, the term "coloured" was omitted from the party's constitution and the amendment read that it was the intention of the party in the first instance to consolidate the position of all oppressed South Africans.¹⁶ In June that year, Leon said that coloureds could not talk politics on racially isolated lines and had to talk on the basis of their oppression with other black groups.¹⁷ Meetings between Leon and Buthelezi as well as with Knowledge Guzana, leader of the opposition Democratic Party in the Transkei, had been part of a strategy of building a broad non-white front to oppose racial discrimination.¹⁸ It is noteworthy that in 1972 invitations were issued to Labour members to share political platforms with Black Consciousness representatives at U.W.C.¹⁹ This showed that the party still had a fair degree of credibility in more radical political circles. By 1980, the issue of such invitations would be inconceivable.

The Fourth C.P.R.C. Session

The Government's response to requests and resolutions put to them at the end of the third session had again been discouraging for the dwindling number of parallel development advocates in the Council. For example, the equal-pay-for-equal-work resolution elicited nothing further than a promise that the matter would be looked into in the future, and the request for the abolition of job reservation was turned down outright since the system was, according to the Minister of Labour, Marais Viljoen, "nothing more than a safeguard against inter-racial competition".²⁰

Heated debates took place between advocates of Black Consciousness and those in favour of having apartheid laws enforced to the benefit of coloureds. Middleton moved that the Council express its agreement with Black Consciousness and that the term "non-white" be replaced by "black" as the former was humiliating and negative. Rabie moved an amendment that the terms "black consciousness" and "black" be rejected and the term "coloured" be used for the race group represented in the Council. The motion lapsed in terms of Standing Order No. 9. Later W.J. Swartz put a motion that the Government be requested to remove all disqualified persons living in houses or owning property in coloured areas in terms of the Group Areas Act. The motion was carried 18 to 4, Leon, Middleton and Hendrickse abstaining in disgust.²¹ A second motion by Swartz, that the procedure whereby a person was classified coloured be tightened up so as to prevent non-coloureds from obtaining false I.D. cards, was also

carried. When the Federal Party moved that the term "other coloured" in the Population Registration Act and similar terms be replaced by "coloured", Labour moved an amendment that the Race Classification Act be repealed. The amendment was defeated 30 to 21.

Labour succeeded in getting a motion condemning all forms of apartheid, be it called great or petty, passed unanimously after having been defeated the previous session. However, a motion by Tom Swartz calling on the authorities to end restrictions on the entry of coloured South Africans into South West Africa caused the fur to fly again when Labour moved that the words "coloured citizens" be substituted by the words "all the citizens of South Africa". The chairman ruled that the amendment was not acceptable, and the Labour members walked out. The party's withdrawal left the Council "in a lifeless condition, like a mechanical doll", as A.L.J. Venter put it.²² On September 8th, the Council adjourned until August the following year although there were 51 motions still on the Order Paper.

"The fourth session again demonstrated the inability of the C.R.C.'s architects to get the Council moving", commented the Education Journal, "They have to face the fact that they cannot breathe life into the skeleton they have assembled and consequently, have to inter the bones."²³ Indeed, the sheer futility of debating resolutions over whose ultimate acceptance or rejection they had no say whatever, was brought home to the disgruntled Councillors soon after the end of the session.

Government response to key resolutions was once again negative or evasive, underlying the powerlessness of the C.P.R.C.

As to the condemnation of apartheid, great or petty for example, the executive had to be satisfied with assurances that in future, Government policy would be applied "in the most human way possible" and that the Theron Commission (see Chapter 5, pp.153-62) would identify irritating measures that served no useful purpose.²⁴ The request that coloureds be allowed to enter South West Africa without restrictions, as in the case of whites, was turned down outright.

Swartz further outraged his opponents and alienated his supporters by a number of undiplomatic utterances soon after the adjournment of the session. During the session, one of his party's most capable members, Lofty Adams, had resigned and only hours after doing so launched a scathing personal attack on Swartz and his son Peter in which he accused them of using their positions to line their pockets, among other things.²⁵ Infuriated, Swartz asked the Government for the power to dismiss nominated members who crossed the floor. He also expressed his distaste for the rising tide of Black Consciousness in no uncertain terms. In a "swart gevaar" speech in December 1972, he rejected majority rule and pointed to Uganda as an example of what might happen if it were granted. Coloureds, he claimed, were in danger of being swallowed by the new ideology.

Swartz's anti-B.C.M. statements were broadly shared by other prominent members of his party who genuinely feared that the numerically inferior coloureds, whose distinct and separate identity they sought to protect, would be swamped by the overwhelming majority of blacks and lose what little privileges they had. During the 1972 session, Bergins appealed to the Government to "protect the Coloured from the Black man" and warned against racial intermixing between the two groups, further adding that it was wrong to allow thousands of Transkei blacks to establish homes among the coloured townships.²⁶ Rabie claimed in 1975 that Black Consciousness was a racist philosophy, stirring up only hatred and envy. Blacks had their own historical homelands and, more importantly, their own nationalisms. Furthermore, they themselves saw coloureds as being different from them and were racially prejudiced in that regard.²⁷ As we have seen, the Federal Party's attack on the Labour Party for its flirtation with Black Solidarity was enough to win it the Rust-Ter-Vaal by-election in June 1972 (see Chapter 3, pp.104-5). At its National Congress in August 1973, the Federal Party rejected Black Consciousness on the grounds that it was "opportunistic, negative, anti-white and did nothing for the coloureds."²⁸

1973 was a stormy year for the Republic in terms of its race relations, the Durban Strikes and unrest at the University of the Western Cape bringing normalcy in those areas to a standstill. It was also a year in which very little happened in the C.P.R.C., the Government's negative attitude towards its own creation being made apparent by a number of insulting remarks or actions

concerning it by certain top Nationalists. The Minister of Coloured Relations, Dr S.W. van der Merwe (who had replaced J.J. Loots in 1972), was particularly undiplomatic, remarking that the Government had "given the coloured people their own little Parliament where they could talk as much nonsense as they wished."²⁹ In response, Leon commented: "We will take his advice and make this a nonsense institution."³⁰

Labour's 7th Annual Conference

The more militant stance of the Labour Party was reflected at its seventh annual conference held in May. The most notable development of the Conference was the decision of the parent body to allow the Labour Youth Organisation (L.Y.O.) to open its membership to all races. L.Y.O. was particularly sensitive to criticism from S.A.S.O. for its exclusively coloured composition since the coloured youth at the time were most attracted to the Black Consciousness ideology. Under the leadership of Achmat Dangor, it had taken the decision to go non-racial the previous year, and as a result 6 000 more coloured youths had joined. After the Conference decision, Dangor said there were strong indications that many young blacks in the Transvaal and Indians in Natal had indicated their willingness to join.³¹ In fact, as the years went by and the Labour Party came increasingly to be seen as upholders of the apartheid system, the Youth Organisation's numbers dropped drastically.³²

The Fifth C.P.R.C. Session

The 5th C.P.R.C. Session was opened on 7 August. Before normal Council business could proceed, a storm broke out over remarks and action by Dr Connie Mulder, Minister of the Interior and widely tipped at the time to be the new Prime Minister. Both Swartz and Leon were seriously offended, and relations with the Government were strained to a breaking point.

In June, Mulder, in an address to a congress of the Afrikaner Studentebond, insisted that coloureds were not "brown Afrikaners" and had no claim to Afrikanership, a statement that elicited a bitter response from coloureds and unease in Afrikaner Nationalist circles. Two months later, Leon was refused a passport by the Minister after he had come out strongly in favour of sanctions and disinvestment while visiting Britain and the United States the previous year.³³ Within a few days of this snub, Mulder deeply offended Swartz when speaking at a National Party meeting where he ridiculed the United Party for allowing the nominated chairman to address their Transvaal congress, the first time a non-white leader had attended a United Party Congress.³⁴ Swartz had "looked ridiculous" by speaking at the congress, Mulder said, and despite his nominated status was "accepted as a great coloured leader", even though previously the party had claimed in Parliament that he had no standing in the coloured community.³⁵

Anger and sympathy over the affronts to Leon and Swartz, who broke down in tears during the Council session, brought about unprecedented unity in the Council. A 16-man delegation representing all the parties was nominated to meet with the Ministers of Coloured Relations and the Interior early in September. The seven Labour members chosen later withdrew because a liaison committee rather than individual council members were to meet the Ministers and stated party policy was not to serve on liaison committees.

The delegation, mostly Federal, met with the Prime Minister on September 11th. Swartz was assured that a misleading account of Mulder's speech had been given by Die Burger. This was sincerely regretted by all concerned and a correction was promised. As for the withdrawal of Leon's passport, Mulder was unrepentant. "The newspapers", he said, "can scream until they are blue in the face."³⁶ Leon's application would be reconsidered on its merits if he gave an undertaking not to harm South Africa's interests while overseas. Leon retorted that he would rather die on his feet than crawl on his belly, fitting terms from an ex-serviceman.³⁷

Council business was half-heartedly proceeded with in August and early September. Labour motions calling for the repeal of the Group Areas Act and for all persons other than whites residing in the Republic to be officially known as blacks, lapsed in terms of Standing Order No. 9. It was unanimously decided that the executive negotiate with the Government for the declaring of

December 1st a national day to commemorate the abolition of slavery. (This was subsequently turned down by the central Government on the grounds that there were too many national groups in South Africa for holidays to be declared for all of them.)³⁸

Amongst other motions emerging from the session was a call for the repeal of the Masters and Servants Act. However, 27 motions remained on the Order Paper when the Council voted to adjourn until July 1974.

Labour on the Mend

Labour had for several sessions been hamstrung by a spate of expulsions and resignations that had reduced their numbers from 26 Council members in 1969 to 21 in mid-1973. By the end of the year, the pendulum was beginning to swing back in their favour. This was in part due to a shift in party policy at the 8th caucus meeting where it was decided that Labour would now serve on any committee of the Council that was potentially useful to it. Much later in the decade, Curry was to say that the party was determined not to repeat the mistakes and follies of the past, a cardinal one among them being "transforming the tactic of boycott into an iron principle".³⁹

In contrast to the ideological rigidity and repressiveness of the 1960s, South African politics began to show increasing signs of

fluidity in the early 1970s. Technological advancements, the slow but steady advancement of non-whites in the job market and growing pressure on apartheid from within and without the Republic all put pressure on the maintenance of the status quo. Moreover, South African blacks had begun to experience a revival in political thought and organisation, articulated in the philosophy of Black Consciousness while Afrikanerdom, particularly following the 1969 H.N.P. split, had lost much of its formidable ethnic solidarity. Events in the C.P.R.C. after 1973 reflected these trends, a sharp swing to the left finally breaking the conservative hold and sweeping Labour into the ascendancy.

By-elections, Resignations and the Federal Decline

The Labour Party began steadily replenishing its numbers, winning two by-elections in November 1973. The Eastern Cape seat, left vacant by the death of J.E. Nash, was recaptured after a comfortable victory by Peter Mopp over Peter Swartz. The Newclare seat of Les du Preez, who had resigned from the C.P.R.C. during the previous session, was contested by the Labour, Federal and Social Democratic Parties. Labour won it, albeit with a greatly reduced majority (869 votes to the 776 of the Federals and 772 of the Social Democrats in a 32 per cent poll).

At the beginning of 1974, the Federal Party was still comfortably the majority party in the Council with 29 seats to Labour's 23.

The odds were evened out somewhat in February when Mogamat ("Barkie") Savahl, a nominated Federal member and Malay representative, went over to Labour and M.D. Arendse rejoined his old party. In March, a by-election was fought in the Swartberg constituency, formerly a Federal seat, between D.C. Loubser (Labour) and D.C. King (Federal). Labour captured the seat with a narrow majority of 300 votes (3 507 to 3 172 in a 35 per cent poll). The Federal Party was now down to 28 seats against the 26 of their opponents, and for this reason the forthcoming Karee by-election was of crucial importance, coming as it did just before the July short session.

A Federal win, together with the expected pro-Federal nominee to take the place of Peter Swartz, would give Swartz 30 seats to the 30 of the combined opposition, the Federals retaining control of the Council through the casting vote of the chairman, Sanders. Labour put up Barend Andrews in a constituency where the Federal Party had been active since 1964. He made some inroads, but Louis Hollander ran out an easy winner on June 5th with 4 169 votes to 2 538 in a 37,3 per cent poll.⁴⁰

In a brochure put out by the C.P.R.C. Executive at the beginning of the 6th Session, the achievements of the Council since 1969 were listed. It was pointed out that the Council's budget had been increased from R 46 550 000 in 1969-1970 to R 11 143 500 in 1973 and that the salaries of coloured personnel had been increased by 17 and a half per cent as opposed to 15 per cent for whites. (Overall parity in salaries and pensions was as far away

as ever, on the other hand, and the substantial increase in the budget had come nowhere near to remedying this.)

There had been some modest advances on the educational front, compulsory education starting with seven year olds from 1974 having been introduced and the numbers of primary and secondary school pupils and teachers in training showing a significant increase. Technical education had been promoted by, inter alia, the establishment of training centres and the converting of vocational schools offering tuition to apprentices into technical colleges. There was an increase in the number of people taking part-time classes and achieving Senior Certificates.

Over the vital questions of housing and living areas, the extension of political rights and the abolition of at least the hurtful and unnecessary aspects of apartheid, the authorities had turned largely a deaf ear to the Council's requests. A Federal resolution asking that removals under the Group Areas Act be suspended until the areas proclaimed Coloured had been fully developed and the housing needs of applicants catered for, for example, was turned down. Even requests that the obviously absurd system of taxi apartheid be abolished were met with nebulous generalities, half-promises and evasiveness.⁴¹ By July 1974, the writing was clearly on the wall for the C.P.R.C. and its backers.

The July 1974 Session

The sixth Session of the Council was opened on July 19th. It was to be brief and stormy, ending in chaos. Leon's No-Confidence motion called for the abolition of all parallel development institutions and for the granting of direct representation in Parliament to all South Africans.⁴²

On the 23rd, Rabie moved an amendment to Leon's motion to the effect that the C.P.R.C. be retained until coloureds, on a separate roll, obtained direct representation in Parliament. This would take the form of 60 M.P.'s who, together with a further 40 M.P.C.'s, would constitute an electoral college to elect coloured representatives to the Senate. Swartz bitterly opposed the amendment since it not only represented a radical departure from his party's policy, but also an undermining of his leadership by the more progressive Federals.

That same day W.D. Plaaitjies, an elected Federal member for Free State Central, dropped a bombshell when he crossed over to the Labour benches. With the two independents, Essop and Adams, and one Social Democrat, Rooks, expected to vote with the Labour councillors, and the sole Republican, S.M. Brown, expected to abstain, the Federal Party faced defeat. To make matters worse, the piqued Swartz and three others abstained from voting on the 25th and the Labour motion was carried 30 to 25.

Swartz refused to resign as chairman, despite the vote of no-confidence in him, and introduced the part appropriation resolution on the 25th. On the 26th, it was defeated and he moved that the Council be prorogued. Pandemonium ensued as this extract from the C.P.R.C. debates shows:

Mr. Leon: He is calling for this Council to be prorogued. If he said that this Council should be abolished I would agree with him. Change it to abolish.

Hon. members: Change it! Change it!! Abolish!!!
(UPROAR)⁴³

The harassed chairman of the council had no choice but to adjourn the Council until after the weekend. The mask of parallel development had finally slipped; the C.P.R.C. had become a circus.

On the 29th, Swartz moved that the Council adjourn until prorogued. Leon accused him of being advised to do so by white officials to save face for the white Government and the motion was defeated. At this, the Federal members walked out of the Council chamber, returning the next day only to listen to a statement by the Minister proroguing the Council.

The End of Tom Swartz

The defeat in July was the end of the road for Tom Swartz. Moves were afoot behind the scenes within his party to oust him as leader and change the party's name since it was synonymous with him. At the Federal Party's National Congress in October, Rabie stood against the ailing veteran in a bid for the leadership, but was defeated 43 to 25 after the Cape unanimously stood behind Swartz. Not to be denied, Rabie threatened that he and his supporters would vote with the opposition in the Council's forthcoming budget debate if he did not stand down. Soon afterwards a stroke removed Swartz from the scene. Bergins took over as acting leader for the forthcoming session.

Tom Swartz died in September 1975 at the age of 71. According to Dr Bergins, he had been a very honest man who genuinely had the interests of the coloured people at heart. His views just before his death had become "rather radical" and it was sad that he died at a time when he had been about to present a different angle on things.⁴⁴ It should be noted that by the end of his life, even the attitude of Swartz's enemies towards him had come to be tinged with a measure of sympathy. Leon was able to write: "Tom, in spite of our political differences, was a friend."⁴⁵

Tension mounted before the opening of the seventh C.P.R.C. session in November 1974. It was opened by Vorster who, in a key speech, outlined some far-reaching changes in the composition and functions of the Council envisaged by the Government (see Chapter

5, pp.151-2). In an amendment to the No-Confidence motion, Bergins rejected the principles of separate development, but accepted the C.R.C. as an interim measure. W.J. Swartz, now an independent, complained that he was the only member in the Council who still supported separate development. Godfrey Julies called him "Gifkopjie", earning himself a rebuke from the chairman.⁴⁶ The absence of M.R. Fakier and Rooks wrecked Labour's chances of repeating their July triumph when it came to the vote, and with the two sides deadlocked at 29 votes each, Sanders' casting vote settled the matter in favour of the Federal Party. The budget, increased to R 140 000, was passed in the same way and shortly afterwards, the first C.P.R.C. adjourned for the last time.

The Second C.P.R.C. Elections, 1975

The gradual radicalisation of coloured politics and the failure of the Council to win more than minor concessions for coloureds resulted in a far less enthusiastic response by potential voters to the announcement that elections would be held in March, 1975. Of the estimated 900 000 persons qualified to register nationwide, only 521 557, or 58 per cent, did so.⁴⁷

Just before the election, the Anti-Coloured Representative Council Committee (ACRCOM) was formed. It was not a political party, but believed that any involvement in the policy of separate development, whether direct or indirect, fostered

racism. Its aims and objects were to vigorously campaign against the March elections, informing voters of the dangers of continued participation in the C.R.C. and to discourage the so-called "coloured" people from continued participation in such institutions.⁴⁸ It rejected the rationale of those advocating participation, and argued that to make the best of a bad situation was to yield to blackmail since the state had counted on certain coloureds being willing to accept half a loaf in preference to none in order to get its oppressive structures to function. ACRCOM was composed of members of the South African Students Organisation (S.A.S.O.) and the Black People's Convention, both Black Consciousness movements which had considerable influence in the coloured communities, particularly in the Western Cape.⁴⁹ It was actively involved in the boycott campaign during the election, and was later estimated to have had considerable influence.⁵⁰

At its annual conference in Umtata, the Labour Party decided to contest all 40 seats and found candidates in all but five. One surprise was the axing of Peter Mopp in the Eastern Cape in favour of Jody Nash. Mopp decided to stand as an independent. M.D. Arendse was also not considered as a candidate as were nine

(Swartberg) and Lofty Adams (Kasselsvlei), both of whom had long chafed at being nominated Federal members of the Council before joining Labour (Adams had only done so at the end of 1974).

The Federal Party showed renewed vitality, its ideological shift at least partially countering its "stooge" image. At its 1974 Transvaal congress it declared that the C.P.R.C. would never satisfy the peoples' aspirations and should be abolished, and in its election manifesto stated that the party would settle for nothing less than direct representation in the Republican Parliament. The faltering Republican Party contested seven seats, all in the Cape, and the Social Democratic Party contested six, four in the Transvaal and two in Natal. There were eleven independents including four piqued Labourites who had been overlooked for nomination (Arendse, Mopp, Esau Jones and the Excitable Norah Potts).

That Labour would win easily was never in doubt, and the real question was how many would turn out to vote for it in the face of strong boycott campaigns. Just over half (251 631) of those registered cast their votes in a 48,3 per cent poll (25,3 per cent of potential voters as opposed to 35,7 per cent in 1969).⁵² Labour gained 151 410 votes to the 75 851 of the Federals. The Republican party was reduced to 2 934 after polling over 30 000 in 1969 and the Social Democrats fared even worse. Neither minor party won a seat and both dissolved themselves soon afterwards. That the discredited Federal Party at this late stage could still attract at least a fair percentage of the coloured vote would seem surprising but for two factors: the almost complete demise of other moderate parties and the fact that what supporters they had were not of a boycottist temperament, usually making the effort to cast their votes. The only successful

independent was again Solly Essop, who substantially increased his majority in Bokkeveld. Defeats meant the end of the road for figures like Rooks, S.M. Brown, Norah Potts and Peter Swartz, who narrowly lost to Jaap Muller in Swartberg.

The Labour Party executive retained their seats with ease, Hendrickse routing H.A. Mallick of the Federal Party with a majority of nearly 10 000 votes in Bethelsdorp, there being a high percentage poll of 74,5 per cent. The wretched S.M. Brown, who had been unwise to contest this Labour stronghold, could muster only 323. Federal majorities were reduced everywhere except in Reigerpark where Rabie increased his majority thanks to the absence of the N.C.P.P. whose candidate had nearly defeated him the previous time. Three U.C.C.A. veterans retained their seats (S.S. Cloete in Steinkopf, P.J. Pietersen in Wuppertal and H.J. Coverdale in Northern Transvaal, by four votes!) and the party managed eight seats in all.

Labour made no inroads in the Free State apart from W.D. Plaaityies comfortably retaining the seat he had won as a Federal candidate, their other two candidates losing heavily. The party again made a clean sweep of Natal, however, the only real opposition coming from Social Democrats. The six Transvaal seats were shared three apiece with Labour narrowly capturing Rus-Ter-Vaal.⁵³ Whereas a majority of votes had been cast for conservative parties in 1969, barely one third were in 1975, this despite the Federal and Republican Parties having removed all references to separate development in their constitutions and

identifying themselves with the aims of Labour almost completely.

In all, Labour won 31 seats and were thus assured of a majority, no matter whom the Government nominated for the other 20 positions. This time the Government did not pack the Council, nominating four Labour members (who would be invaluable when the party faltered badly later in the decade), nine Federals (including Bergins, like Swartz before him, beaten in Kasselsvlei and W.S. Africa) and one Social Democrat (Morris Fynn). Of the non-party nominees, Alatheia Jansen was the most notable for the role she was to play later. Victory for the Labour Party, convincing as it had been, in the end caused as many problems as it solved whereas the Federal Party, later to rename itself the Freedom Party, was to be considerably more effective as opposition later in the decade.

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CHAPTER FIVETHE COLOURED QUESTION AND THE NATIONALISTRETHINK 1971-1979

"Whether we acknowledge it or not, the National Party's policy of separate development will succeed or fail with the implementation of its coloured policy."¹

"Deep down, every thinking Nationalist knows that parallel development must one day give way to either integration or separate development based on a coloured homeland."²

¹ Dr Andries Treurnicht, Hoofstad, 23 April 1971

² John D'Oliveira, Argus, 9 July 1971

The Coloured Question under Vorster

In the early 1970s, the profound differences within the National Party over the political future of the coloured people were manifested in a series of bitter debates and controversies, not so much at Cabinet and caucus level as amongst its membership throughout the country. Pundits included, among others, sociologists, historians, economists, mathematicians, members of law faculties, clergymen and student leaders. Had the C.P.R.C. been running smoothly, it is doubtful whether the debates would have had the same urgency or intensity or even if they would have taken place at all. What the evident rejection of parallel development by most coloureds demonstrated to party members was that the Government's policy would not work in the long term and that a new solution had to be found. The Government as much as admitted this when Vorster said in Parliament that the final formula for the nature of liaison between whites and coloureds would have to be solved by future generations.¹

Broadly speaking, the National Party was divided into three camps: the Parallelists, the Integrationists and the Homelanders. The Parallelists advocated the Government view, namely that coloureds were a nation in the making whose destiny it was to develop separately but within the same geographical territory as whites until it had complete autonomy over its own affairs. This meant that whites and coloureds could not evolve too close to one another. Therefore, the latter would vote for C.P.R.C. candidates and for elections to coloured local government bodies.² There

was to be no coloured involvement or representation on white government institutions and instead there would be liaison between the C.P.R.C. Executive and the white Parliament. In the fullness of time, twin Parliaments could develop in which coloured leaders could govern their own people independent of the white one.³

The Parallelist's view was only superficially persuasive, a fact of which Nationalist ideologies were well aware. Verwoerd had already admitted that for the system to work, one Parliament necessarily had to have greater powers than the other (see Chapter 2, p.50). In May 1968, the Minister of Interior said in the Assembly that coloured people would never have exactly as much say as the white man in the country that was governed by the white man.⁴ It was this admission that the present system of representation in fact doomed the coloured people to a permanent position of inferiority, that many more enlightened Nationalists, particularly in the Cape, found unacceptable. Their reservations were not new. Not all Cape Nationalists supported the removal of coloured voters from the common roll in the 1950s.

Malan had at first delayed the introduction of the Separate Representation of Voters Bill so as not to alienate Havenga, leader of the Afrikaner Party and loyal to the memory of Hertzog who had undertaken to protect coloured voting rights.⁵ In 1960 D.P. Botha, a Sendingkerk minister, published Die Opkoms van ons Derde Stand, a moving and influential book that recognised the role coloured people had played alongside Afrikaners in their

history. The well-known Afrikaans poet and playwright, N.P. van Wyk Louw's haunting assertion in the foreword to the book, "Die bruinmens is ons mense", touched on what was for many a bitter dilemma.⁶ Coloured people shared a common language (Afrikaans) and historical homeland (the rural areas of the Western Cape) and many individual Nationalists shared a common ancestry, seldom as this was admitted. Many Cape Nationalists were well-disposed towards coloured intellectuals and regarded coloured people as Brown Afrikaners deserving a closer association with the whites.⁷ As has been shown, the coloured question emerged as a hotly debated issue in the early 1960s. Dawie, political columnist for Die Burger, wrote (Die Burger, 10 December 1960) that there had not been as great a flood of letters to the newspaper on a single topic as there had been on the National Party coloured policy. When Verwoerd indicated that coloured people had to remain a minority group with restricted economic, political and social rights forever, it came as a shock to those Nationalists who had regarded the existing arrangement as being temporary or transitional while coloureds were being raised socio-economically by a "new deal" to better things.⁸

Somewhat unexpectedly, the first important articulation of the integrationist point of view appeared in a Transvaal publication, the Afrikaanse Calvinistiese Beweging's Woord en Daad in an article entitled Volk? Sonder Land? (April 1971). The article urged that coloureds be treated as citizens, not subjects, with personal and political rights equal to whites.⁹

Also in April, Professor S.P. Cilliers, Head of the Department of Sociology at Stellenbosch University and one of the most outspoken proponents of coloured advancement, gave an address in which he stressed that while homelands provided a partial answer to accommodating non-white political aspirations, those permanently domiciled in the country, including coloureds, Asians and urban blacks, ought to be given the opportunity to attain full citizenship in a common society.¹⁰ Cilliers was noted for his thorough knowledge of the coloureds, their history and present-day social conditions. For this reason his views were widely noted. In the same year he published his book Appeal to Reason, in which he argued that the National Party policy of postponing political rights while the process of social, cultural and economic upgrading was proceeding, was not working and that an equitable power-sharing solution had to be found quickly.¹¹

In July the integrationist cause was further boosted when 29 academics, mostly from UNISA but also from the Universities of the Witwatersrand and Pretoria, issued a public "Declaration of Faith" in which they came out strongly in favour of the social and political integration of coloureds and argued that a middle course between this and the homeland option was not a permanent solution. Four of the 29 signatories later clarified their position by distancing themselves from concepts like "full citizenship" and "integration" but calling for the repeal of all "negative" legislation such as group areas and job reservation, a common franchise for whites and coloureds, equal salary scales and equal access to all public amenities.¹²

Nationalists' newspapers in the Transvaal, traditionally more conservative and suspicious of liberal tendencies within the party than the Cape's Die Burger, reacted to the declaration with considerable hostility. Die Transvaler rejected it "in the strongest terms" and Hoofstad said that the road indicated by the academics would be fraught with wrangling, enmity and rejectionism which in turn would permanently sour and embitter the country's political life.¹³ Die Burger, on the other hand, while not endorsing what the declaration said, nevertheless praised its authors for clarifying the issues of the controversy and using reason rather than emotionalism to deal with it.¹⁴

Die Burger's attitude accentuated the growing cleavages in the Nationalist press that were eventually to go well beyond the coloured question. It also indicated that the Cape paper was regaining its status as a cornerstone of Afrikaner political thrust which it had largely lost to Northern papers like Die Vaderland and Transvaler after 1948.¹⁵ The North-South split was to an extent mirrored in the division into two main press groups, the southern Nasionale Pers (consisting, inter alia, of Die Burger, Beeld and Volksblad) and northern Afrikaanse Pers (Dagbreek en Landstem, Vaderland and Hoofstad). The two were particularly divided on the coloured issue. When, for example, the Stellenbosch Student Representative Council decided against effective contact with that of U.W.C. and 2 000 students demonstrated against the decision, Nasionale Pers supported the latter's show of independence while Die Vaderland and Hoofstad rejected it.¹⁶

In the view of the Homelander faction, the coloured population was a nation in the making, not appendages of the whites, and therefore it was necessary that they be given the opportunity to develop to the status of a nation. This meant that they would have to control their own affairs and the assurance that they would have their own country in which to do so.¹⁷ In the Assembly in 1968 Connie Mulder, Minister of the Interior and leader of the National Party in the Transvaal, rejected that coloureds were brown Afrikaners. The fact that they used the Afrikaans language and belonged to the same creed made no difference at all.¹⁸ The creation of a coloured homeland was put forward by Dr Andries Treurnicht in March 1971 in Hoofstad, a right-wing Pretoria newspaper of which he was editor. When the Conservative Party was formed under his leadership just over a decade later, it adopted the creation of a "colouredstan" as a key aspect of its policies.¹⁹

The Coloured Homeland idea had first gained prominence in the early 1960s. It was rejected by Verwoerd and continued to be rejected by the Party for years afterwards, but a minority within it continued to discuss the question. Although a homeland might accommodate only a small part of the total coloured population and appear illogical as a result of the majority of its citizens being absent in the "white" areas, it would be no less different from the situation in the bantustans, a large proportion of whose putative "citizens" lived and worked outside of them.²⁰ Some commentators noted that the support for the idea was particularly strong in the Transvaal because it would not be their land that would be used for creating such a homeland.²¹

The homeland issue and the issue of coloured identity was particularly hotly debated at a congress of the Afrikaner Studentebond in June/July 1971. Vorster opened the Congress, repeating his earlier statement that the coloured question was not for his generation to solve but the next's, and reminding his audience that the homeland option had been ruled out at Cabinet level on 4 December the previous year.²² This did not discourage the student delegates from hotly debating it, however.

In a much reported address, the Rector of the Rand Afrikaans University, Professor G. van N. Viljoen argued that the gradual and systematic build-up of coloured areas could eventually lead to their consolidation into viable geographical units. It was vitally important that these areas should not remain dormitory locations for coloured workers dependent on the white areas, but that they become economically self-sufficient.²³ To have sundry coloured group areas scattered haphazardly across the country, as was presently the case, would have politically fatal consequences for the future and to resolve this, coloureds had to be restricted to specific areas of development.

Viljoen also attacked the "violent, often bitter and fundamentalistic rejection and condemnation of any thinking in the direction of a coloured homeland" which had emanated from certain Nationalist newspapers. While fully aware of the practical difficulties, he found it strange that the mere possibility that something might come of it and that circumstances could develop in such a way as to make separate

freedom in a sovereign geographical territory, was being so vehemently precluded.²⁴

In essence, the Colouredstan option was ruled out because of its impracticality. Coloured people were scattered too thinly around the country and the enormous cost of settling even a portion of them in a separate area (which as later estimated, probably conservatively, at 20 billion Rands²⁵) made most Nationalists wary of the idea. Had the creation of a homeland been feasible, it might well have come about. In 1961, Verwoerd said that if the National Party could have settled coloureds in a part of the country quite on their own, in their own area like the blacks, they certainly would have done so.²⁶ One should not discount the role played by the more moderate Nationalists in the continued rejection of the colouredstan theory by the Cabinet, however. Nor can the strong opposition of such newspapers as Rapport and Die Burger be ignored. In response to Viljoen's speech, the latter newspaper attacked the "deadly error" of making the political future of the coloured people a straight choice between a homeland or integration when in fact a third way, the Government's policy of parallel development, existed.²⁷ Furthermore, the homeland option was "practically, morally and politically indefensible" and threatened not only to drive a wedge between whites and coloureds, but also between Afrikaners.²⁸ The result was that the homeland idea was stillborn and the debate on it remained merely at an academic level.²⁹

The Parallelists believed, meanwhile, that in order for the system of parallel development, as envisaged by Verwoerd, to work, the existing representative machinery for coloureds would have to be extensively upgraded. The first hint at what would become of the tricameral Parliament was made by Professor Nic Rhodie of Pretoria University in an interview early in August. He pointed out that a new "umbrella constitutional body" or super parliament in which whites, coloureds and Indians would be represented, might have to be established eventually. Whites, because of their level of development, would play a major role but representatives of the other two communities would share in the decision-making process.³⁰ Rhodie later wrote that the solution to the white-coloured problem was "democratic pluralism". This would entail a) giving maximum autonomy to each group with regard to their own communal affairs, and b) consultation and co-operation at the highest levels of government to discuss matters of common interest.³¹

Dr Dennis Worrall, the future Nationalist Ambassador first to Australia and then to Great Britain, foresaw things remaining as they were for perhaps two decades, and a confederal type constellation of states emerging afterwards in each of which one race group or another would be dominant, irrespective of numbers. This foreshadowed some of the key findings of the constitutional committee he was to chair in 1982.³² Thus Nationalist ideologies were beginning to move away from a constitution based on the one-person-one-vote concept towards that of a parliament of communities sharing in the decision-making process.

The wrangling over a coloured homeland meanwhile had accentuated the North-South split, verligte Nationalists in the Cape like Defence Minister P.W. Botha clashing with Transvaal hardliners like Treurnicht and Connie Mulder. Mulder, in particular, angered many Cape Nationalists with a number of ill-timed and uncompromising statements as well as bedevilling chances of negotiating with an offended C.P.R.C. In 1973 he declared that coloured were no "brown Afrikaners", having no claim to Afrikanership and also made hurtful and insulting remarks about Tom Swartz, belittling his nominated status (see Chapter 4, pp.120-1). His worst diplomatic blunder came in July 1974 when opening a National Party congress in Windhoek. Re-emphasizing that coloureds were not appendages of the whites but a people in their own right on the road to full autonomy, he then insisted that there would never be any representation for them in the white Parliament, then or at any time in the future.³³ Rapport lashed the Minister's bluntness, saying on 28 July that he was the wrong man saying the wrong thing at the wrong time in the wrong place. Mulder reacted bitterly with a fierce attack on Rapport in Die Burger, saying that it was a sad day when newspapers in South Africa prescribed political policy to the political party to which they belonged.³⁴

Tensions were heightened when Mulder claimed that the Cape did not have special rights in deciding upon the coloured question. Piet Marais (Karoo) rejoined in the Assembly that it had to be borne in mind that two-thirds of South Africa's coloureds lived in the Western Cape and the Boland. In a verligte speech he went

on to argue that points of contact between white and brown South Africans would have to be greatly augmented.³⁵ It can be argued that Mulder's attitudes greatly harmed his chances of becoming the next Prime Minister. The rift between him and Cape M.P.'s never really healed.

National Party Coloured Policy in the Early 1970s

During the 1970s the Government came gradually to realize that its apartheid policy was failing. Despite the huge number of arrests for pass law infringements, the process of African influx into "white" areas could not be halted, let alone reversed. Bannings and arrests had temporarily quelled the forces of black political and industrial resistance in the 1960s, but these forces returned in a more powerful and durable form after 1970. The spread of the Black Consciousness ideology and the rise of independent black trade unions were two important aspects of this revival. Abroad, anti-apartheid sentiment was growing in intensity and manifested itself in South Africa's expulsion from international sport. In 1970 the New Zealand national rugby team toured South Africa, but only after Vorster had agreed to the inclusion of several Maori players in the side³⁶, a departure from apartheid orthodoxy that contributed to the breakaway of the Herstigte Nasionale Party. The realization that certain aspects of apartheid were morally indefensible led to a selective relaxation of certain more peripheral measures such as those relating to separate amenities, particularly in places where there was a high degree of sophistication.³⁷

It was also coming to be openly acknowledged within Nationalist circles that the C.P.R.C. was not functioning in the manner intended and merely gave coloured leaders the opportunity to blow off steam.³⁸ Die Burger returned to the theme of coloureds as brown Afrikaners, despite Mulder's denial thereof in the Assembly two years previously³⁹ (2 December 1970) and it was reported in a survey by Mark-en-Meningsopname that 45 per cent of white respondents considered coloured people to be Afrikaners and 18 per cent were unsure.⁴⁰ The idea that race could not remain the basis of discrimination was, in fact, taking root in Nationalist thinking. The emphasis was now shifting from rigid biological characteristics to more cultural and spiritual ones.⁴¹ What was of concern to an increasing number of Nationalists, particularly in the Cape, was that coloured people were coming actively to reject their Afrikaans roots and were relating increasingly to Black Consciousness philosophies. This is shown to an extent by the fact that the special coloured supplement (Ekstra), published by Die Burger, had a very low circulation in coloured areas, notwithstanding the fact that 80 per cent of coloureds in Cape Town spoke Afrikaans.⁴²

The important shifts in sentiment within its ranks and within a large part of its constituency were, by and large, not reflected in the National Party's stated coloured policy which remained, at least outwardly, firmly wedded to parallel development which, through a concerted effort by all concerned, would become a viable alternative to integration or a coloured homeland.⁴³ In January 1972, Dr S.W. van der Merwe delivered a paper to the Abe

Bailey Institute for Intergroup Studies in which he stated the Government's position. In it, he held that while coloureds were not yet a nation, nevertheless they could become one since they showed "certain distinctive characteristics" and most had had coloured forebears for many generations. The first and main objective of the Government was coloured socio-economic improvement, and already progress had been made in the fields of education and social welfare. Both representation of coloureds by coloureds in the central Parliament and a coloured homeland were rejected. Political development under the Government's policy would be pursued alongside socio-economic upliftment but more cautiously so as not to bring about heightened expectations leading to disillusionment and friction. Part of this programme would be liaison between the C.P.R.C. and the Government at the highest levels, and this liaison machinery would be extended and improved upon in the future. If coloureds co-operated to make such a system work, great advances could be made, particularly in coloured socio-economic upliftment.⁴⁴

What the Government would do, if the coloured people did not in fact co-operate, Dr van der Merwe did not say. Nor did his party set about upgrading the C.P.R.C.'s liaison machinery as promised. The National Party coloured policy can best be described as Hamlet-like, characterised as it was by indecision, half-heartedness and procrastination. When the Theron Commission was appointed in 1973 (see Chapter 5, pp.153), it was intended to remove a thorny issue from the party's agenda for the time being as well as to contain a growing revolt in party ranks.⁴⁵

In the middle of 1974, the disastrous near-collapse of the Council (dealt with in the previous chapter) made it clear that the Government could delay no longer. Afrikaans newspapers like Rapport, Die Burger and Vaderland joined English newspapers in calling for a decision on the coloured question. Rapport acknowledged (28 July 1974) that parallel development was not going to work as a long-term solution and that the fiasco on the C.P.R.C. had been a long time in coming. Vaderland, a Transvaal paper, said that it had come about following years of white indecision of the coloureds' political future.⁴⁶ Much of the criticism was levelled at the C.P.R.C. itself. R.E. van der Ross, writing under the pseudonym of Gus Adams in Rapport, said that it had no philosophers, no planners, no intellectuals, none to advise caution and no political theorists.⁴⁷ In November 1974, Council members were attacked for their puerile interjections, barracking and their "dreary arguments over preposterous motions" (Cape Herald, 23 November 1974). "Na vyf jaar", commented Die Burger on the Council, "is dit pateties."⁴⁸ If this was true, much of the credit should go to the Labour Party for making it so. The crisis on the Council and reaction to it had the effect of shaking the Government out of its lethargy.

Vorster made an important speech at the opening of the seventh session on 8 November 1974, in which he spelled out a number of proposed changes in its composition and functions. He distinguished between three spheres of interest under parallel development, being spheres where coloured interests were decisive and to be dealt with by coloured institutions, white spheres of

interest to be dealt with exclusively by white institutions and finally, spheres where overlapping interests required joint deliberation and decisions by means of suitable liaison machinery. This anticipated the divisions into "own" and "general" affairs in the Government's 1977 constitutional proposals and in the tricameral Parliament.

Vorster conceded that the C.P.R.C. Act had become restrictive and had to be changed since it no longer served its objects. It would have to be transformed into a body with concrete powers, its executive being given cabinet status with the means to enforce its own decisions by means of its own administration. Complete control of coloured urban areas, as was already the case with rural areas, would be attained by the extension to full municipal status of township management committees. The Administration of Coloured Affairs could be reorganised into separate departments, each under the authority of an executive member, as was the case with Ministers of the Republican cabinet. The Council would be fully elected from the commencement of its third term.

Vorster emphasized that while there could not be two sovereign parliaments in one land and power would remain vested in the white Assembly, nevertheless coloured leaders would be allowed to have a say in matters mutually affecting the two population groups. Therefore the time had come to transform the Liaison Committee into a Consultative Cabinet Council which would function under the chairmanship of the Prime Minister and would consist of the C.P.R.C. Executive and an equal number of white

Cabinet Ministers. The decisions of this body, to be reached through consensus, would carry much weight by themselves, and the vesting of it with statutory legislative authority as well as its meeting for a fixed number of times annually could also be considered. Direct representation in the Republican Parliament was out, however, and Vorster advised coloured leaders not to dissipate their energies by making this a central goal.⁴⁹

Vorster had clearly not differed from the National Party's stated policy in his speech. What he meant was that the existing system of representation would be modified and upgraded as Government spokesmen had already indicated. Parallel development was not being moved away from, but was being refined. For this reason, the Labour Party decided not to involve itself in the new initiatives, although the Federal Party accepted them in principle.⁵⁰ In an address to the House of Assembly, Vorster justified the scheme by claiming a coloured person could air his grievances far more effectively and have far more opportunities to speak in the new system than he would otherwise have in Parliament.⁵¹

The Appointment, Proceedings and Findings of the
Theron Commission, March 1973 - June 1976

On 2 February 1973, it was announced in the Assembly that the Government had decided to appoint a Commission of Enquiry to make a thorough evaluation of the socio-economic and constitutional

progress of the coloured people since 1960, examine their present position and make recommendations for their future development.⁵² Professor Erika Theron of Stellenbosch was appointed chairman of the Commission, which was requested to report within 18 months. The Commission differed from its predecessors, the Wilcocks Report (see Chapter 1, pp.21-3) in that political as well as socio-economic issues had to be looked into, a clear admission of how the C.P.R.C. was failing as a viable political body. Six coloured men were appointed to serve on the Commission, including Professor R.E. van der Ross, Jac Rabie and M.D. Arendse's son, Dr. S.I. Arendse, who was a nominated C.P.R.C. member after 1975. (The others were Dr H.M. Beets, A.J. Arendse and J.S. Feldman.)

Soon after the decision to appoint the Commission, Labour at an N.E.C. meeting in February 1973, rejected it since its terms of reference did not include the recognition of full citizenship rights for the coloured people of South Africa. The Government, it was claimed, was shifting its responsibilities by not clearly defining how it would deal with the resolutions and demands passed by the previous C.P.R.C. sessions.⁵³ Labour members undertook not to serve on the Commission if asked to do so.

The report took more than twice as long to complete than expected, coming to a massive 567 pages divided into 22 chapters with five main sections and appendices. Its findings showed up in grim detail the full extent of coloured poverty and the destructive effect of Government legislation concerning the coloured people.

It was found that the Group Areas Act considered "appearance and acceptance" to be valid criteria for group membership whereas the Population Registration Act emphasized descent, leading to situations where, for example, a person could cohabit with a "white" person in a "white" area but not own property in such an area. It was recommended that the Population Registration Act be amended so as to make both acceptance and descent valid criteria for classification purposes.⁵⁴ Apart from the serious moral and religious issues involved in the Prohibition of Mixed Marriages and Immorality Acts, confusion was caused by the prohibitions not being extended to unions between coloureds and other non-whites. It was found that both Acts should be repealed.

The Group Areas Act was found to have caused considerable suffering. By 31 December 1974, 53 203 coloured families had been resettled compared to only 1 570 white families. A further 22 369 coloured families were still to be resettled after that date.⁵⁵

Surveying the economic position of coloured, the Commission found that the share of total personal income in South Africa earned by that group had been 7,2 per cent in 1974/5 and was expected to rise to 8,2 per cent in 1979/80. It had risen over the past 15 years more rapidly than that of any population group, largely the result of rapidly increasing wages and the increased upward mobility of workers. However, the large number of dependent children, 45 per cent of the population being in the age group 0-14 years, had largely dampened these increases.⁵⁶ 19,2 per cent of all households earned less than the Minimal Subsistence

Level. The per capita income of coloured people was five times smaller than that of whites.⁵⁷

Perhaps the most controversial of the Commission's recommendations was that which advised the Government to reaffirm the policy that the Western Cape be a white and coloured Labour preference area and take steps to enforce this. The policy dated back to 1955, when the Government announced that preference would thenceforth be given to coloured over African workers West and South of the Breede River line. Black women and children, disqualified from staying in these areas, were sent back to the reserves and only contract migrant workers were admitted. In 1967, the line was moved East to the Fish/Kat/Aliwal North line, the long-term aim of the policy being to decrease the number of Africans working in the Western Cape by 5 per cent per annum.⁵⁸

Despite his own strong opposition to the labour preference policy, van der Ross acknowledged a certain ambivalence in the coloured community over it. Colour-bar legislation meant very real benefits for coloured people, particularly for the emerging middle class and the growing number of artisans in the building, furniture, leather, textile, garment and engineering industries. Semi-skilled coloured workers were employed in textile, knitting, garment, chemical and other factories while blacks were excluded from all but menial or unskilled occupations. Coloured-owned business establishments had come or were coming into being, often with capital assistance or business training from the Government-sponsored Coloured Development Corporation. Given the

indisputable fact that coloured people were benefiting at the expense of Africans, they were likely to be thrown into a dilemma if asked to forgo their privileges.⁵⁹

The Federal Party had, of course, made no secret of its support for the coloured labour preference policy and in Council sessions had frequently asked for its stricter enforcement (see, for example, Chapter 3, p.86). The Labour Party's attitude was more ambiguous. In terms of its philosophy, all colour bars, including the coloured labour preference policy, had to be abolished and none of its members ever publically advocated otherwise. It is noteworthy, however, that in the C.P.R.C. debates and in the evidence submitted by the Labour Party to the Theron Commission, the revocation of the policy was never called for. Job reservation was only condemned when coloured advancement was blocked in favour of whites, not when coloureds were protected from African competition.⁶⁰

In reviewing the socio-cultural position of coloured persons, the Commission again found evidence of great inequality. Only 1,2 per cent of all coloured persons held the senior certificate compared with 26,1 per cent of whites, in 1972 only 3,4 per cent of coloured pupils being in Standard 8, 9 and 10 compared with 18,2 per cent of whites. It was recommended that all universities be thrown open to coloured students and that U.W.C. be permitted to enrol approved white students at post-graduate level.⁶¹

The shortfall of housing for the 336 000 urban coloured families was estimated to be 131 000 dwelling units, and 33 000 houses would have to be built each year for 25 years to overcome the shortage. Among other things, the Commission criticized the Group Areas Act and though not going so far as to call for its repeal, recommended that District Six, which had been declared a white area in 1968, be declared a coloured area.

It was found that in the cultural sphere, coloured people were lagging behind their white counterparts. In a majority recommendation, it was held that the idea that the coloured population was a community that was culturally different and culturally distinguishable from the white population group, be abandoned once and for all. The advancement and pursuit of culture ought to be dealt with within the same organisational framework as for Afrikaans-speaking and English-speaking whites in South Africa.⁶² A minority of commissioners still insisted that the coloured be regarded as a distinct cultural community in the South African population.

The Theron Report differed from the Wilcocks Report in that far more attention was given to the political position of the coloured people. After assuming the role and performance of the C.P.R.C., it was found that the great majority of coloured people were dissatisfied with the existing set-up. Disillusionment had meant that the limited measure of co-operation there was at the beginning of the seventies had gradually dwindled. It was doubted that any expansion of the Council's powers were possible since

its jurisdiction was not territorial but only applied to coloured people.⁶³

Low registration and voting figures and the system of nominating members prevented the C.P.R.C. from reflecting the opinions and political groupings of the coloured people. Council resolutions were not tabled in Parliament, but were dealt with in special meetings involving the Minister of Coloured Relations together with the Minister and his secretaries to whom the resolution applied. This system had resulted in Council resolutions not receiving the necessary attention, despite the Minister's promise that the liaison machinery would not remain static but would be expanded.⁶⁴ Of the 151 motions agreed to between 1969 and 1974, less than half had been accepted, partly accepted or favourably considered. Furthermore, the amount voted annually by Parliament had not been enough to meet the needs of the different portfolios, there being in particular a big shortage in respect of education and for the payment of salaries and pensions on a scale equal to that of whites.⁶⁵ The Council had been more successful as a forum where the demands and grievances of every section of the coloured population had been voiced. In the presence of the press and diplomats, interests, desires and needs had been articulated as never before. It was also noted that a larger proportion of the coloured population than before had been involved in the running of coloured affairs, despite the restricted sphere of competence of the Council.

As a sui generis Authority, the Council failed completely. Whereas it had jurisdiction over only one section of the population in respect of education, local government, rural areas and agriculture, conventional (white-controlled), central, provincial and local authorities had territorial jurisdiction over all the persons in the area of jurisdiction concerned. This led to jurisdictional overlapping which was particularly marked in matters of local government. None of the three laws passed by the first Council (see Chapter 3, p.93) could be described as original or of any real significance.⁶⁶

The Commission found that 59 per cent and 39 per cent of the total annual expenditure of the Council had been spent on educational and welfare services respectively, showing how these fields far and away formed the centre of gravity of its social welfare policies. Nearly three-quarters of what remained had been spent on rural areas.⁶⁷ It appeared that the amount granted annually to the Council by Parliament was totally inadequate to meet the needs of the various portfolios. This was particularly true in the fields of education and in respect of the payment of salaries and pensions on a scale equal to that of whites.⁶⁸

A Change to the Westminster Model

Given the existing obstacles and anomalies which, in the Commission's opinion, could not be eliminated satisfactorily, it was recommended that (a) a provision be made for satisfactory

forms of direct representation and a direct say for coloured people at the various levels of government and on the various decision-making bodies, and (b) that in the process of constitutional adjustments it would have to be accepted that the existing Westminster system of government would have to be changed to adapt it to the requirements peculiar to the South African plural population structure.⁶⁹ This was Recommendation 178, the most important and significant of the Commission's findings.

The Theron Report was tabled in the Assembly in June 1976, a conservative document, at all times operating within the framework of separate development and which made no radical departures from that policy, particularly in its acceptance of the Group Areas and Population Registration Acts. Whereas the reaction of the English and Afrikaans press ranged from the enthusiastic to the luke-warm, the coloured reaction was almost uniformly negative. The Education Journal was particularly dismissive, calling the Report "a piddling, pseudoliberal, petty reformist effort by the professional social 'scientist' or chronic slummer who steered well clear of the guts of any question" and "the academically and politically still-born brat of Tante Erika and a group of house slaves she apparently dubbed her 'boys'."⁷⁰

Jakes Gerwel, a lecturer at U.W.C., wrote that in essence, the recommendations of the Theron Commission represented "a blueprint for the gradual integration of a Mulatto group into the ruling

white power structure" (Sunday Tribune, 20 June 1976). At the time of writing, the Soweto Uprising, that had erupted four days previously in the Johannesburg black townships and spread countrywide subsequently, was overshadowing the Commission's findings (see Chapter 6, pp.192-3). This upheaval and the strong support shown by the coloured youth for the black protestors, graphically demonstrated how specifically coloured-white issues, which were so sore a point in Afrikaner circles during the 1970s, were no longer the concern of a growing number of coloured people, particularly in the Western Cape.⁷¹

Conservative as the Report was, the Government's reaction to it in the provisional comments showed that it had not been conservative enough. These comments claimed that numerous recommendations made were in accordance with Government policy and had already been implemented or were in the process of being so. However, recommendations that would amount to the recognition and development of the identity of various population groups being broken down were not conducive to the orderly and evolutionary advancement of these groups.⁷² For this reason the Government was not prepared to change its standpoint on the Prohibition of Mixed Marriages and Immorality Acts. It was also held that parallel development held many opportunities for advancement and material benefits for the coloured people, and the recommendation that direct representation in Parliament, Provincial Councils and local institutions be granted to coloureds was also not accepted. However, Recommendation 178(c) was accepted since "the Westminster system of government did not

necessarily have to be followed slavishly in South Africa".⁷³ As a result, a cabinet committee chaired by the Minister of Defence, Mr P.W. Botha, in his capacity as Cape leader of the National Party, was entrusted with the assignment of formulating proposals for a new constitution.

Government Initiatives and the C.P.R.C. 1975-1979:

The Failure of the Cabinet Council

After Labour's victory in the March 1975 elections, the party's executive was approached on numerous occasions with regard to their participation in the proposed Cabinet Council. At its tenth annual conference (Upington, January 1976), the Cabinet Council was rejected and in the short term the Government was forced to turn to the Federal and Independent members of the C.P.R.C., together with the South African Indian Council to get its plan off the ground.

In February 1976, the South African Indian Council decided in principle to participate in the Cabinet Council, and in June it was finally decided, by 21 votes to 5, to give the new scheme a 12-month trial.⁷⁴ It is interesting to note that Amichand Rajbansi, the future leader of the Indian House of Delegates in the tricameral Parliament, resigned from the S.A.I.C. executive in protest against this decision. The five Council members who had voted against participation later formed the Reform Party, led by Y.S. Chinsamy, which was to join the South African Black Alliance (see Chapter 6, pp.201).

The first meeting of the Cabinet Council was held on 24 September 1976, two more meetings following, on 26 November and 7 March 1977. Nothing was achieved beyond an exchange of views on such issues as the different budgets and portfolios, and education. Vorster was apparently bored and aloof in the meetings.⁷⁵

Of the coloured representatives serving on the Council, only two (Jac Rabie and Phillip Sanders) had successfully stood for election. The Government admitted that the current composition of the coloured component in the Cabinet Council was unrepresentative and their presence had to be seen as a temporary arrangement until the duly elected C.P.R.C. Executive was prepared to participate.⁷⁶ In fact, despite strenuous efforts to that end by the Federal Party and several dissident Labour members, the Labour Party never did change its stance.

The National Party admitted that the system was not progressing, giving the reason as being the "lack of responsibility on the part of certain coloured leaders" (ie. the Labour Party executive).⁷⁷ The Cabinet Council was not, however, a failed experiment to be eventually consigned to historical oblivion, but represented an important shift in the National Party's coloured policy from total segregation to reincorporation within a multi-racial framework. The distinctive feature of this was a division into "own affairs" (matters exclusively concerning each particular ethnic group) and specific affairs in respect of communal interest which would be dealt with by way of dialogue and consultation.⁷⁸ The Cabinet Council, even before the

tabling of the Theron Report, was an attempt to allow coloureds and Indians to participate in discussions regarding spheres of interest relevant to all South African citizens. What the Theron Report did was to strengthen the hand of those Nationalists, particularly in the Cape Province, who believed that coloureds had to be brought back into the Parliamentary fold, albeit within a pluralistic (multi-racial) framework where segregation would continue to be applied.⁷⁹ The failure of the Cabinet Council to get off the ground was a set-back for the Government, but the system was in any case replaced in August 1977 by the revealing of a new constitutional plan.

The New Constitutional Proposals, August 1977

As a result of Recommendation 178c of the Theron Commission, which suggested that the existing Westminster system might have to be changed to accommodate South Africa's multi-ethnic population, P.W. Botha was appointed chairman of a Cabinet committee to investigate "possible and desirable adjustment to the existing constitutional order ... in respect of the political system for the coloured and Indian communities."⁸⁰

During August 1977, a new constitutional plan was put to an National Party caucus meeting, in terms of which the institution of a single, sovereign all-white Parliament was (apparently) dispensed with. In the place of the Westminster model was to be a quasi-federal constitution. A flexible, unitary constitution,

Professor L.M. Thompson had argued, had met the needs of the British because they had become a comparatively homogenous people, their respect for constitutional conventions, political compromise and personal liberty being a safeguard against arbitrary action by the government of the day. In South Africa, however, the peoples were extremely heterogeneous, white colour consciousness and Afrikaner national exclusiveness being potent enough to override such moral constraints.⁸¹ A flexible constitution had provided no safeguards against arbitrary government.

The proposed constitution, in a step away from the British model, envisaged executive and legislative government through inter-group negotiation, compromise and joint decision-making at a national level between whites, coloureds and Asians, thus envisaging a quasi-consociational rather than a majoritarian form of government. Perhaps a more accurate term for the dispensation would be "consociational authoritarianism".⁸² In the event of an irreconcilable deadlock between the three groups, the decision of the Executive State President was to be final. The numerical advantage of whites in relation to other groups and the exclusion of opposition groups from the electoral college would mean, in effect, that he would be the choice of the white governing party. Only the reconciliation of conflicting interests through negotiation and compromise could ensure such a system's success.

The Executive State President was to be elected by an electoral college constituted by 50 whites, 25 coloureds and 13 Asian

members, such numbers to be entrenched so as to ensure a white majority, even if the combined populations of the two non-white groups later outstripped that of the whites. Those chosen were to be exclusively representative of the majority parties in the assemblies of the three parliaments (no provision being made for the possibility of hung parliaments, one of the many unanswered questions in the new plan). This would prevent the collusion of white opposition party representatives with coloureds and Asian members to secure the election of their own nominee. In terms of the South Africa Act 32 of 1961 (s 1), the State President had largely ceremonial functions with a greatly circumscribed executive discretion, but the position of Executive State President would have an independent executive authority. He would be responsible to the electoral college which could be convened on an ad hoc basis when the need arose, not to any of the three assemblies (whereas the white Prime Minister was responsible to Parliament for all his actions).

The Executive President, both the ceremonial head of state and the head of the Government, would also be chairman of a Council of Cabinets to be constituted by the Prime Ministers of the white, coloured and Indian parliaments which would also supply six, three and two ministers respectively. The Council would be equivalent to an institutionalised grand coalition government, designed to accommodate the conflicting political aspirations of the three groups involved. In substance, however, it was no more than Vorster's Cabinet Council writ large. The proposals entailed retaining separate social and political institutions for

different race groups coupled with an endeavour to achieve unified and integrated leadership at the national executive level.⁸³

This would mean that non-whites would have the chance to debate and negotiate where it really counted, though their ministers, and even prime ministers, could be unilaterally dismissed by the President. The proposals did not comply with the requirements for consociational government as outlined by Arend Lijphardt, these being grand coalition government, a mutual veto, proportionality and segmental autonomy (Politicon, Vol 4, No 2, 1978). The system would remain oligarchical through the exclusion of blacks (whose needs would continue to be catered for in the "independent" homelands). There would be no mutual veto since this could paralyse the decision-making process completely. What the 1977 proposals did show, however, was how the rigidly separatist racial character of the state in terms of previous National Party policy was changing and becoming more cultural/community orientated.⁸⁴ This, to use Nic Rhodie's phrase, would mean "accommodation in place of integration, pluralism in place of segregation".⁸⁵

Four executives were envisaged, the Cabinet Council and the white, coloured and Indian cabinets, the first three being responsible to their respective assemblies. At the community level, they would correspond completely with the Westminster model.⁸⁶ Legislation would be debated, prepared and initiated in the Cabinet Council. Since real political power was vested in

this Council rather than in the three parliaments, embryonic power sharing could be discerned in the body, though Vorster was quick to deny this.

The white assembly had 165 elected and 20 nominated members, the coloured 82 elected and 10 nominated, and the Asian 41 and 5. To arrive at these numbers, the ratio 4:2:1 was used, roughly based on the current population figures. Dr Dennis Worrall argued that this was in accordance with the principles of proportionality and that it guaranteed meaningful participation for the Indian minority.⁸⁷ The coloured parliament would be called the "House of Representatives" and the Indian the "Chamber of Deputies". The Senate was to be abolished, another clear move away from the Westminster system.

The new dispensation contained elements of federalism, particularly in its division of powers between general and regional authorities. Each of the three population groups had an elected parliament with exclusive legislative powers in respect of those matters which were solely the concern of the relevant population group. Regarding matters of common interest, the three group parliaments would in effect serve as chambers of a central tricameral legislature. All legislation would be initiated here, and although the executive president could assent to a Bill in the event of a deadlock, the coloured and Indian parliaments would have a de facto delaying power, as the Senate enjoyed in respect of non-fiscal legislation, despite having no final powers of veto.⁸⁸

It was made clear, however, that legal sovereignty was to vest in the white parliament. The coloured and Indian parliaments could not even make irrevocable decisions that were their exclusive ethnic concern. The consent of all three bodies was needed if the composition of the electoral college was to be changed or in cases of proposed constitutional amendments. In all other matters, the white electorate was able to enforce its will against the opposition of the other two groups and could, if need be, govern alone. In its election manifesto, the National Party reiterated its commitment to safeguarding exclusive group powers in their own affairs and to consultation and co-responsibility on matters of common concern.

The abolished Senate was to be replaced by a President's Council with 55 members, 35 of whom would be elected by the three assemblies in a 4:2:1 ratio (ie. 20 whites, ten coloureds and five Asians). The remaining 20 would be appointed by the Executive President on the grounds of their special qualifications or standing in their respective communities. The Council would only have advisory status, but did have the merit of making inter-group negotiations at the highest level a permanent feature of the political process. Also to be abolished were the Departments of Coloured Relations and of Indian Affairs as well as the original Cabinet Council.

The unilateral formulation of the new proposals and the take-it-or-leave-it nature of their presentation militated against their being accepted by coloureds and Indians, particularly as they

would have to operate by consensus and compromise. Both verligte and verkrampte elements in the National Party accepted the dispensation. Later it became evident that the interpretation of the 1977 proposals of the conservative faction differed from that of the progressive one, differences coming to a head in 1981.⁸⁹ When it became clear in 1982 that there was to be a single Parliament with three ethnic chambers, the verkramptes broke away (see Chapter 7, pp.224-8).

Just before the opening of the C.P.R.C. session, a special report-back meeting of the Labour N.E.C. was held. There the Government's dispensation was totally rejected. The N.E.C. saw the formal ethnic divisions as entrenching racism in the constitution, and pointed out that not only would the State President be given too much power, but all power would be concentrated in the hands of the National Party. The plan sought to create an alliance of whites, coloureds and Indians, and even if this alliance were to comprise equal partners, which it clearly did not, it was still unacceptable since it excluded blacks, thereby intensifying racial conflict instead of eliminating it.⁹⁰

Black domination, the Labour Party believed, could be avoided by constitutionally forbidding the existence of racially exclusive parties, a prerequisite for the proper functioning of a non-racial democracy which was the party's ultimate goal. Bitterly critical of the fact that the proposals were solely those of the Nationalist Government, the N.E.C. resolved finally that the only

acceptable solution would be the holding of a national convention representative of all South Africans in order to formulate a new constitution for the country.⁹¹

After the opening of the Second Council's third session, Leon moved that the proposals be rejected and national convention called instead to negotiate the country's future. His motion was adopted only with the aid of the chairman's casting vote, many Labour members believing that if the Government's plan were put into operation, the party would have no choice but to take part in it.⁹² Thereafter the Council approved a motion by Leon on 23 September, calling on the State President to dissolve the C.P.R.C. forthwith and call a C.P.R.C. election on 30 November to ascertain the will of the electorate regarding the new proposals. Vorster turned down the request, giving Labour's long-standing record of non-cooperation, lack of time to organise, and the need to make fresh delimitations of seats if the elections were to be called on the basis of a fully elective council, as his reasons for doing so.⁹³

On 21 October, a meeting was held between the C.P.R.C. and the Government to discuss the proposals. Labour took everyone by surprise by deciding at the last moment to attend, as a result of which the talks never got off the ground and a furious P.W. Botha, after threatening the Labourites, picked up his hat and coat and walked out of the meeting.⁹⁴ A further blow to the Government's plan was struck in November when the South African Indian Congress also rejected the proposals.

At the twelfth Annual Conference of the party, Labour delegates stood staunchly behind the N.E.C. decision. Fred Peters, in his address as Party Secretary, reminded them that Jimmy Kruger, Minister of Justice, had earlier called the two non-white parliaments "talking shops" and that if the "coloureds" or "Indians" pushed for increased powers, even in the year 2000, whites would say: "This is what we gave you in 1977. We will not allow it to change."⁹⁵

Despite these set-backs, the Government set about laying the groundwork for a dispensation in which whites, coloureds and Indians would have joint control over their own affairs and in which matters of common interest would be dealt with through joint consultation and responsibility. Part of the process towards this was the passing of an amendment to the C.P.R.C. Act in June 1978 in which the vote was extended to all coloured people over the age of 18. This measure, which would deal with the long administrative process of general registration prior to settling on a new constitution, would increase the number of registered coloured voters by 165 000.⁹⁶ Soon after this measure was passed (without opposition from the P.F.P. or N.R.P.), the S.A.I.C. Amendment Bill became law. This made the S.A.I.C. almost wholly elective (40 elected, 5 nominated) and also was identified as a forerunner of the changes that were to come.⁹⁷

By the late 1970s, the more progressive wing of the National Party was in control and was now essentially moving towards co-

opting coloured and Indian South Africans into the white power structure rather than overseeing their development in completely separate institutions. P.S. Marais, Nationalist M.P. for Morreesburg, described his party's policy as being "the granting of full and equal citizenship, or a credible prospect of gaining such citizenship, within a single political dispensation to people of another colour in a way that would eliminate group domination and its inherent dangers of disruption."⁹⁸ The question was whether people of colour in South Africa could be given an equal opportunity to share in the privileges, wealth and opportunities that flowed from full citizenship rights. At the same time, the race classification system, since it ensured "the harmonious and peaceful existence of multi-nationalism in South Africa", had to be retained.⁹⁹

The much maligned 1977 constitutional proposals were articulated in full that same month in a Draft Bill published in the Gazette (April 1979, Vol 166, No 6386). That they had never been meant to promote serious power-sharing was made patently obvious by, among other things, Clause 26(1)(a) which stated that "the legislative power of the Republic shall be vested in the Assembly", meaning that sovereign legislative power lay with the white parliament with the other two necessarily subordinate. Clause III determined that the white parliament alone could change the constitution and could thus abolish the coloured and Indian parliaments if it so wished. The latter two bodies would have the same powers as the C.P.R.C. and the S.A.I.C., albeit slightly upgraded and with scope for expansion. By the end of the 1970s, however, it was

being recognised in Government circles that even representative bodies without real authority were ineffectual and that a new dispensation had to be worked out. The Bill was not passed and a series of constitutional committees under the supervision of the Prime Minister were formed to discuss South Africa's political alternatives, the first under the chairmanship of Dr Alwyn Schlebusch.

At its regional conference in the Eastern Cape, the Labour Party refused to give evidence to the commission since it would negate its own bargaining power and allow the Government to claim legitimacy for its schemes.¹⁰⁰ This question, the future of the C.P.R.C. and the new constitutional proposals were discussed with the Prime Minister by the C.P.R.C. Executive on 9 November, 1979. Sonny Leon, who had become increasingly estranged from his colleagues, was the only member of the executive not to attend.

The meeting turned out to be a highly acrimonious one and was a forerunner of a series of bitter confrontations between Botha and the new Leader of the Labour Party, Allan Hendrickse, in the late 1980s. The main issue over which the two disagreed was that of the Labour Party giving evidence to the Schlebusch Commission of Enquiry into Constitutional Change (see Chapter 7, pp.223-4). The Labour executive flatly refused to submit the findings of its own constitutional committee (which had been chaired by Les du Preez and had submitted its report in April 1979). Their reasons for not doing so were that merely submitting evidence was not the same as negotiating from an equal position of strength.¹⁰¹

(Later du Preez resigned from Labour in protest against this stance and submitted his committee's report to Schlebusch in an individual capacity.) The meeting with P.W. Botha and the resulting stalemate saw whites and coloureds enter the 1980s as uncertain as ever about the nature of their future coexistence.

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CHAPTER SIXPARTY POLITICAL GROUPINGS AND THE DEMISE
OF THE C.P.R.C. 1975-1980

"S.A.B.A. sees its historical task not only as the liberation of blacks from oppression, but the liberation of whites from the consequences of their own folly".¹

¹ Steadfast, March/April 1978

The C.P.R.C. Amendment Act, March 1975

Predictably, Labour had won the second C.P.R.C. elections with a huge majority. Almost at the same time as the election, the Government, well aware that the demoralised Federal Party would be lucky to retain the seats it already had, was making further provision for the continued functioning of the Council by means of another amendment to the 1964 Act. In June 1972, with Swartz in danger of losing his majority, the first C.P.R.C. Amendment Act had been passed, ensuring that in the event of the Council or the Council's executive failing to appropriate monies for the services it controlled, the Minister would be able to do so (see Chapter 4, pp.109-111). Evidently believing that this measure did not go far enough, and anxious that the Council should not be allowed to "commit suicide", further legislation was introduced by the Government. On 18 March, the day before the election, the Minister of Coloured, Rehoboth and Nama Relations moved that leave be granted to introduce a new Bill amending the C.P.R.C. Act (see Appendix 5). The amendment would enable the Minister to take over all the Council's functions if necessary, including legislative ones.¹

Colin Eglin, leader of the Progressive Party (which now had seven seats in the Assembly after the 1974 white election), spoke first in opposing the motion for leave to introduce the Bill. His reasons for doing so were that it amounted to a complete negation of the undertakings given by the Government to the coloured people, heralding the complete collapse of the C.P.R.C. as a

representative institution.² In terms of the notice of motion, the Minister was anticipating the end of parallel development if a single white Minister could take over the Council's function and thus make it neither coloured nor representative. Sir de Villiers Graaff took a different line on behalf of the United Party (which was still the official opposition with 37 seats, but on its last legs as a political force otherwise). The Bill, he maintained, should be read since it quite obviously meant the end of the road as far as the C.P.R.C. was concerned and would force all the cards onto the table.³

Speaking after the Second Reading, the Minister of Coloured Relations explained why the new legislation was not, as it seemed on first glance, superfluous. The provision contained in the previous amendment to the Act only applied in the event of Council or its executive failing to appropriate monies estimated by Parliament for the services it controlled. However, should the executive fail to prepare draft estimates and submit them in the prescribed manner, no other statutory provision existed for otherwise obtaining the funds from the central Government.⁴ Apart from matters relating to the provision of funds, there were other ways in which effective administration could be paralysed, for example, failure to exercise powers which had been delegated, authority that had been granted or duties that had been imposed. So as not to be seen to be taking over the C.P.R.C. in its entirety, the Minister was willing to move an amendment in the committee stage ensuring that legislative, as well as administrative power was not granted to him.

In reply, Graaff said that the legislation was the result of the Minister seeing the way things were going in coloured politics and panicking. If the attitude of the people taking over the Council was such that by rendering it inoperable they were carrying out the wishes of the voters, then he would have to face up to the fact that the C.P.R.C. had reached the end of the road.⁵

Graaff's motion that the Bill be read that day six months hence was opposed by both Schwarz and Eglin. The latter pointed out that low percentage polls, far from showing up the political immaturity of the coloureds, revealed just the opposite, for many had boycotted the system because they found it futile and degrading. The Federal Party had only 16 per cent overall of coloured support and the election as a whole clearly represented a massive vote against the whole system of apartheid.⁶

Dissension in the Labour Party

Having won the March elections on the destroy-the-C.P.R.C. platform, the victorious Labour Party now faced a serious credibility crisis when it became clear that it was not going to withdraw from the Council. The passing of the C.P.R.C. Amendment Act No 32 of 1975 had rendered such a move futile since the continued functioning of at least its administrative role was assured. Leon therefore said that the party would use the Council

as a temporary platform - a boycott at that stage merely playing into the Minister's hands. This abrupt policy reversal severely damaged Labour's credibility with the more hard-line elements in the coloured group, particularly with the youth. On 23 May, Leon was pelted with eggs by students of U.W.C. for his alleged 'selling out'. Together with Buthelezi three years later, he was driven away from the funeral of the former Pan-Africanist Congress leader, Robert Sobukwe, also for being a "collaborator".

Leon alienated the remainder of his executive when he stated that although Labour was opposed to nominations in principle, nevertheless it would accept nominated Labour members onto the Council to ensure the party's continued monopoly.⁷ On 2 April, at a meeting of the party caucus in Kimberley, it was decided by 16 votes to nine that 16 names would be submitted to the Minister to be considered for nomination, and also that Leon would accept the appointment to the post of Chairman of the Executive. Labour's hard-line stance on nominations had been modified somewhat at its East London conference on 10 April 1972, where it was decided that nominated Council members who wished to do so could join the party. However, there was a big difference in allowing people to join by their own free will from tacitly recognising the Government's power to determine the composition of the Council by submitting the names of nominees when required to do so.

The more militant members of the party, led by Hendrickse, Curry and Middleton, refused to accept the caucus decision. This led to

a dramatic confrontation at an N.E.C. meeting at Uitenhage on 12 and 13 April, where this more uncompromising faction clashed head-on with Leon and his supporters. Two issues were under consideration, the first being the competency of the caucus to take decisions in conflict with the party's constitution and expressed party policy and the second whether or not the decision to allow Leon to accept the appointment of Executive Chairman and to submit 16 names suitable for nomination should stand.⁸ When a motion that the Kimberley decision be declared null and void was defeated, Curry and Hendrickse tendered their resignations at which Leon burst into tears. Leon's friend Norman Middleton confirmed later that the defiance had come as something of a shock to the Labour leader.⁹

After much discussion, it was decided that Leon accept the chairmanship and further that the caucus be allowed to nominate members to the Council executive as well. It was also recommended that Leon's "regrettable" decision to submit names of those suitable for nomination had been due to his being misguided by the Kimberley decision and that he withdraw such names.¹⁰ Curry and Hendrickse then withdrew their resignations. The rift had been healed for the time being, but the incident was the first of a series of blows to Leon's standing in the party that would lead to his eventual resignation as leader in 1978 and from the C.F.R.C. and the party in January 1980.

The Federal Party after the Election
and the First Session of the Second C.P.R.C.

On 10 July 1975, the Cape Congress of the Federal Party was held. Bergins defeated Rabie 32 to 25 when voting for a new party leader took place. This ended what had turned into a prolonged leadership struggle dating back to Swartz's incapacitation. It was a bitter blow for the ambitious Rabie who was to become an independent after 1975. Bergins attacked Labour in his acceptance speech, claiming they had been two-faced in seeking election on a destroy-the-C.P.R.C. platform and thereafter deciding to remain in it. He was only echoing what many dissatisfied Labour supporters were already saying. However, Labour's new willingness to co-operate at least to some extent with the authorities also had the effect of rendering the Federal opposition redundant. Further, the collapse of parallel development had left the latter without its *raison d'être*.

The first full session of the second C.P.R.C. was convened in the first week of September and was opened by the incoming State President, Nico Diedrichs. The entrance to the council chamber was picketed by a number of coloured students who jeered at arriving members and guests. Feelings had been running high at the University of the Western Cape, and a general student march on the C.P.R.C. building was narrowly averted.

In the no-confidence debate, Bergins again criticized Labour for hoodwinking the electorate and collaborating with the apartheid

system when they had previously condemned it. The motion was defeated 34 to 22, independent members abstaining or siding with the Federals. Leon refused to deliver the budget speech on the 10th, saying that it had not been prepared by the executive (ie. Leon, Middleton, Hendrickse, Curry and George Fortuin) and he did not agree with its proposals. Leon moved then that the Council stand adjourned until such time as the Government should meet the demand of the coloured people as expressed by the first Council during its sessions. These demands included, inter alia, the repeal of the Group Areas Act, the implementation of equal pay for equal work and full representation in Parliament.

On 12 September, the Council voted 33 to 24 to adjourn to 19 March 1976, bringing Council proceedings to a standstill after only five days. The Minister subsequently made it clear that he would ensure that the Council would continue to function through existing legislation empowering him to unilaterally take over its administrative functions.¹¹

The Budget Crisis

The Labour Party hierarchy had made no secret of its intention, once it gained control of the Council, of rejecting the Council budget. In the debates leading up to 1975, they stressed the pointlessness of even paying lip-service to the charade of discussing what was a fait accompli. Hendrickse once asked: "Is it really relevant that we even consider debating a budget or a

hand-out of the white Government?"¹² The Federal Party were able to point out that from a paltry sum of R46 550 000 in 1969, the amount granted to the Council had been substantially increased each year so that by 1974, it had reached R139 468 000, almost triple the original grant. Labour continued to reject it since it remained insufficient to bring about parity between the salaries and pensions of whites and coloureds. "Negotiation in the hands of the Federals", a Labourite commented, "has become so bastardised that it is more akin to begging."¹³

Monies to ensure the running of the Council, including the payment of teachers and pensioners, were not worked out by the Council, but by Parliament in accordance with the estimates prepared by the Council's executive. Once presented with the budget for the coming fiscal year, the Council could not change it, but only vote on whether or not to appropriate it. The Labour Party had constantly voted against quiescently accepting Government hand-outs in this way as it gave the impression to observers that the C.P.R.C. handled its own finances.

With Labour in full control of the Council and its executive after the March elections, the question of accepting the budget dominated in the latter half of the year. Though the passing of the C.P.R.C. Amendment Act, No 32 of 1975 had taken some of the sting out of the debate, it was nevertheless a thorny issue for Labour, particularly in the light of its declining popularity. Leon could hardly sign the budget submission without seriously compromising party principles, but if he did not, there was the

risk that 150 000 pensioners and 25 000 teachers might not have been paid after 7 November when funds ran out. The party's leadership held countrywide meetings to explain their stance and gauge public opinion, receiving considerable support.¹⁴

After the Council voted on 12 September to adjourn to 19 March 1976, the Minister over-ruled the decision and instead prorogued it, an action that further demonstrated the powerlessness of the Government's own institution. On 23 October, the budget was laid before Leon for him to sign. In an emergency meeting of the C.P.R.C. executive, it was decided that he should not do so on the grounds that it was racially discriminatory, that the ruling Labour Party had played no part in the preparation of the estimates and that insufficient funds had been provided.¹⁵ Though pro-Government newspapers were trying to shift the onus of responsibility onto Leon's shoulders should the teachers and pensioners go unpaid, it was clearly a bluff as S.W. van der Merwe had already indicated that he would use the necessary provisions in the C.P.R.C. Act to pass the budget.

An N.E.C. meeting on 8 November, endorsed the executive decision and Leon returned the budget unsigned. On the 10th, his appointment as Chairman of the Executive was revoked, and he was replaced by Alatheia Jansen, a nominated C.P.R.C. member with no party affiliation and who had not contested an election. Soon afterwards, the remainder of the C.P.R.C. executive resigned their offices. Leon's decision not to sign the budget was unanimously endorsed at the 10th Annual Conference of the Labour

Party in January 1976, Fred Peters praising him for seemingly wavering to sign something which had been played up by the press and was to the party's advantage.¹⁶ In reality it had not been so straight-forward. According to George Fortuin, Leon had been prepared to sign the budget under protest, but had been intimidated by the hard-liners into rejecting it.¹⁷ Fortuin opposed the rejection of the budget, and was also unhappy at having to resign from the Council's executive after Leon was dismissed.

The crisis was a major boost for Labour's and particularly for Leon's flagging popularity as a series of protest meetings around the country proved. Holding 36 meetings in 30 days, Labour attracted more than 62 000 supporters who publicly endorsed the party leader's refusal to accept the budget. In addition, Jac Rabie was dismissed as Transvaal leader of the Federal Party for his opposition to Leon's sacking, angry that the party's leadership in a meeting with Vorster on 29 October, had asked that Leon be dismissed.¹⁸ Rabie, one of the most capable of the Federal Party's leaders, became the de facto leader of the independent group in the Council. He joined the Labour Party at the end of the 1978 Council session. Leon himself did not take his dismissal well. "He didn't like being dismissed as Chairman of the Executive," van der Ross observed, "it came as a bit of a shock to have his bluff called".¹⁹

With their prestige having been restored for the time being over the budget issue, Labour delegates met for their 10th Annual

Conference at Upington in early January 1976. The same executive was re-elected amidst shouts of "We shall overcome!" and "Amandla!", Peters asserting to extravagant applause that Labour had become the real opposition to the National Party.²⁰ The decision of the South African Indian Council to accept the Cabinet Council as a step in the right direction was roundly condemned as were liaison committees in general.

The 1976 Soweto Uprising and the Third C.P.R.C. Session

Although the coloured community rallied to the side of the whites and largely ignored calls by blacks to stay away from work during the Sharpville crisis of 1960, a large number of coloureds actually took part in the 1976 unrest.²¹ The Cillie Commission, which was later appointed to investigate the causes of the riots, found that the sense of solidarity that existed between black and coloured youth had been a strong contributory factor.²² Black-coloured relations were usually cordial, but there had also been very little contact between them at the social and organisational level. The solidarity that emerged during the 1976 turmoil was thus an important breakthrough, even if the coloured youth returned to normal activities much sooner than blacks did.²³

It was against this turbulent backdrop that the Third Session of the C.P.R.C. was opened (10 September 1976). Allan Hendrickse was not present, having been arrested on 26 August and subsequently

held without charge in Grahamstown. He was elected to the Council executive in absentia together with Middleton, Curry and Leon.²⁴ The No-Confidence debate began on the 13th. It was interrupted when a motion by Rabie that the Council should adjourn until 22 September and in the interim send a joint deputation to meet with the Prime Minister, was unanimously accepted. The meeting took place with Vorster and S.W. van der Merwe on the 21st, among the issues discussed being the detention of Hendrickse and other detainees and the prevailing unrest in the country. Vorster refused to release Hendrickse and other detainees, but agreed to ask the Minister of Justice, Jimmy Kruger, to review the detention of the former.

Jansen, the Federal representatives and the independents accepted the principle of the Cabinet Council but Labour members decided to consult their party caucus before making a decision. Subsequently the Government was informed that a previous decision taken by the party conference not to take part in the Cabinet Council had been endorsed.²⁵ Hendrickse was released on 24 October, returning to the C.P.R.C. on the 27th. He never found out why he had been detained, though it was rumoured that participation in the Cabinet Council had been the price the Labour Party might have to pay for his release.²⁶

The no-confidence debate was resumed on the 22nd and Bergins' motion was defeated 28 to 15 the following day. On the 29th the budget was rejected by a majority vote, but Jansen had been authorised to sign it on behalf of the Council. Council

proceedings continued in a haphazard fashion in October, with the question of participating on the Cabinet Council and the findings of the Theron Report being discussed. On the 25th a motion that Jansen resign and the C.P.R.C. Act be so amended so as to allow for the Council and not the Government to select the Chairman of the Executive was passed. On the 27th the Council adjourned until 26 August 1977.

Leon had first indicated his wish to stand down as party leader at the Upington conference the previous year, though he did not formally tender his resignation. At the Athlone conference, however, his dissatisfaction was far more strongly worded. Wishing to be relieved of all positions and his resignation from the party considered, he said that he was not prepared to be a figure-head to rubber-stamp policy, nor did he have to justify himself to everyone, being able to act on his own discretion if he saw fit.²⁷ Leon's influence and popularity carried the day on this occasion, the delegates refusing to accept his resignation and passing a unanimous vote of confidence in him. George Fortuin, who had not been re-elected to the C.P.R.C. Executive in September, since his place had been taken by Alatheia Jansen, resigned from the party. He gave his reason as being dissatisfaction with the decision to boycott the Cabinet Council. Fortuin later became an implacable enemy of the party, attacking his former colleagues with considerable venom in Council sessions.

Despite the defiant nature of the rhetoric, it was clear that the party had landed itself in something of a cul de sac, the conference earning its members a scathing dismissal from the usually sympathetic Cape Herald: "They showed yet again that the Government initiative is the only thing that keeps them going. When the Government kicks them, they have something definite to do - howl in chorus. But when the Government ignores them they can only squawk around in circles, getting nowhere, like a gramophone record that is stuck".²⁸

To an increasing extent in fact, the Labour Party was falling out of step with changes in the broader coloured community and the wider society in general. This trend was accentuated after the 1975 election when Labour, no longer in opposition to pro-apartheid groups entrenched in power, came increasingly to be seen to have replaced the moribund Federal Party in the collaborationist role. The more moderate Labour members, as has been shown, had managed to resist attempts to secure a withdrawal from the C.P.R.C. (see Chapter 3, pp.99-102). By 1974, too, the party leadership had to a large extent retreated from its Black Consciousness stance and had become more orientated towards the internal affairs of the coloured community.²⁹

The coloured community in 1977 was far more highly politicised and upwardly mobile than that which had voted in relatively large numbers for C.P.R.C. parties during the 1969 elections. Urbanisation was taking place at a rapid rate with 56,7 per cent of coloureds living in metropolitan areas in 1970 as opposed to

74 per cent in 1976, according to the Theron Report.³⁰ Income levels had risen and were continuing to rise and an increasingly large proportion of coloureds were moving into skilled and semi-skilled positions in the labour market. The Theron Commission had found that the percentage in unskilled and agricultural labour, had dropped from 52 per cent in 1960 to 42,6 per cent in 1973 for coloured males and from 62,4 per cent to 45 per cent for coloured females in the same period.³¹ On the educational front there had also been progress, particularly at U.W.C. where the number of students had grown from 164 in 1960 to 2 073 in 1975.³²

Urbanisation and the socio-economic advancement of the coloured people, instead of leading to their developing apart from the white community, in fact led to increasing contact between the two. This served to change the image of coloured people held by many whites and led also to further calls for the removal of obstacles to further coloured advancement.³³ The rising coloured middle class and intelligentsia were forthright in their rejection of institutions meant to foster a separate coloured identity, even if such institutions were to be used for short term gain only or as platforms for resistance. As has been discussed (see Chapter 2, p.73), the least degree of support for C.P.R.C. parties tended to be shown by coloured people living in urban areas, who were relatively well educated and held a higher socio-economic status. As the upward mobility of coloureds continued, therefore, so did the C.P.R.C. support-base correspondingly shrink.

More and more coloured people were finding common cause with black South Africans, whose numbers in the Western Cape increased from 200 000 in 1970 to over 250 000 in 1975.³⁴ The B.C.M. served to politicise a generation of coloured youth who viewed with hostility attempts by coloured moderates to reach accommodation with Nationalist Governments. This in part explains why the Labour Youth Organisation lost so much support after 1975 (see Chapter 4, pp.119-20). Other important changes were occurring in the wider society that were affecting the lives and loyalties of many coloureds, notably the rise of militant, independent black trade unions after 1974. These, particularly in the Western Cape, proved to be more successful than the Non-European Unity Movement and the Labour Party in breaking down barriers between blacks and coloureds.³⁵ These and other changes all contributed to the failure of the coloured preference policy to create a separate coloured identity and drive a wedge between blacks and coloureds.³⁶ It also meant that the Labour Party was becoming increasingly irrelevant.

Relations between Leon and the rest of the executive continued to deteriorate in the course of the year. On 6 July, at the invitation of Rabie, unity talks were held in Kimberley with Bergins and Leon, Leon having decided to attend without consulting the rest of the executive. Nine Labour Party C.P.R.C. members attended the talks, which were confined to finding a common basis to confront the Government inside and outside the C.P.R.C.³⁷

The N.E.C. meeting took place on 23-24 July, where a motion was put that the committee approve post facto the decision taken at the Kimberley meeting which only involved unity in the C.P.R.C. An amendment was moved that instead the alliance and decisions taken at the Kimberley meeting be set aside, and that any person agreeing with Labour policy should join the party at branch level. The amendment was carried and Leon, interpreting this as a vote of no confidence in his leadership, tendered his resignation for the second time. Once again, however, he was prevailed upon to withdraw it.³⁸

The Fourth Council Session

1977 was dominated by the publication of the Government's new constitutional proposals as well as by unsuccessful attempts by those concerned to get the Cabinet Council off the ground. Labour, since their victory in March 1975, had lost five members to the independent benches and were in danger of losing their overall majority, controlling the Council only through their four nominated members and by the Chairman's casting vote in the event of a deadlock.

Labour's opponents made much of the estrangement of Leon from his colleagues in the No-Confidence debate. Bergins said that it had not been the Hendrickse's, Middleton's and Curry's who had begged Leon to return and sympathised with his friend Sonny Leon who had been abused.³⁹ "Daar is twee groepe in die Arbeiderparty, die

Curry-groep en die Sonny Leon-groep," claimed George Fortuin. Not all Labour members had been happy with the decision to boycott the Cabinet Council and some were admitting privately that if the Government's constitutional plan was to be put into operation, they would have no choice but to take part in the new system. It was to be this steady shift to the centre after 1975, that eventually saw the party enter the tricameral Parliament. On this occasion, the party held together and defeated the no-confidence motion 31 to 28 on 14 September. More independent members supported the rejection of the budget on the grounds of it being discriminatory. Bergins and his party accepted it "under protest". Having been rejected by the Council, the budget was signed by Jansen.

The new constitutional proposals, rejected by the two minority groups they were supposed to benefit, were overwhelmingly endorsed by the white electorate in the general election of November 1977. The National Party was returned with the largest majority in its history, helped to a large extent by the demise of the wretched United Party. Soon after the election, the Labour Party held its 12th Annual Conference in Oudtshoorn (December 1977). It was reported by the secretary that unity overtures by Bergins had been rejected, mainly because he had been set on pushing for the acceptance of the new constitutional proposals. Unity talks in Kimberley, initiated by Rabie, had also failed, since their purpose, it had been realised, had been to create a more favourable attitude to the Cabinet Council.⁴⁰

Federal becomes Freedom

The Federal Party made a belated attempt to change its image at its national conference in January 1978. Bergins said that the coloured people had to be convinced that the party was going all out for their freedom, hence its name had to be changed.⁴¹ The Federal Party thus became the Freedom Party, Bergins remaining its leader. A new constitution and policy were drawn up at its founding conference in June which made it almost indistinguishable from Labour. It still differed in its adherence to a separate coloured identity though this was far from advocating that the coloureds were a nation in the making as Le Fleur, Swartz, Fortuin and other conservative coloured leaders had done in the 1960s. The party supported the retention of the race classification system, albeit in a more "just and realistic" form.⁴² The new constitutional proposals were accepted as a basis for further negotiation to attain full citizenship for all South Africa's peoples.

The Formation of the South African Black Alliance

While the old Federal Party was trying to adapt itself to the decidedly different post-1976 climate, the Labour Party was taking part in the formation of a new political grouping, consisting of non-white organisations working within the apartheid structure. Leon had often warned that the persistent refusal by the whites to make concessions with the coloured

population would result in the latter making common cause with other oppressed groups. He said so most explicitly after a meeting with Vorster on 19 August 1974, which confirmed that the Government would continue to keep the coloured people in political limbo.⁴³ Relations between the Labour Party and Buthelezi's Kwazulu-based Inkatha movement became steadily closer in the course of the 1970s.

In January 1975, a Labour Party delegation led by Reginald Apollis, on its way to a Labour Party conference, met with Buthelezi.⁴⁴ At the meeting, it was suggested that a Zululand Coloured Peoples' Committee be formed which would help Africans and work with Inkatha. Buthelezi had hoped to build an alliance of homeland leaders, who would reject the "independence" the Government wanted to foist on them but would nevertheless accept the leadership of their respective territories. This scheme was dealt a crippling blow in 1976, when Chief Kaiser Matanzima agreed to accept "independent" status for the Transkei, after which Buthelezi decided to turn to the Coloured and Indian political organisations to form a broad-based movement of anti-apartheid organisations working within the system. To this end, in December 1977, he met with Y.S. Chinsamy of the Indian Reform Party, which had increased its numbers to just over 3 000 since being formed in June the previous year. That same month Inkatha General Secretary, Professor S.M.E. Bhengu, suggested at a Labour's 12th Annual Conference that the two parties join forces.⁴⁵

On 11 January 1978, a meeting took place between Inkatha officials, the Labour Party executive and representatives of the Indian Reform Party under Dr N. Chinsamy at which S.A.B.A. - the South African Black Alliance - was formed. An alliance rather than a straight merger was decided on, the latter being ruled out by the Prohibition of Political Interference Act. It was unanimously decided that Buthelezi be chairman of the Alliance. Three Labour members (Curry, Hendrickse and Peters) were appointed to an interim co-ordinating committee of nine.

The rationale behind the three movements coming together was that they were representative of the oppressed people in South Africa, had common aims and objectives and had the same principles in their constitutions.⁴⁶ One important difference between Labour and Inkatha, it later transpired, was the latter's objection to economic sanctions against the Republic as being counter-productive whereas the former advocated disinvestment as being a means of bringing pressure to bear on the white Government.

Norman Middleton was a particularly vociferous believer in sanctions, pointing to the efficacy of the sports boycott as an example of how sanctions worked. The first president of the non-racial South African Council of Sport (S.A.C.O.S.), Middleton had actively taken part in persuading overseas sports bodies not to play in South Africa. In 1976, he had been refused a passport after failing to promise not to commit, while overseas, any act designed to prevent South African sportsmen and women from taking part in international competition.⁴⁷ In an address to the 11th

Annual Conference of the Labour Party, Middleton endorsed a resolution taken by S.A.C.O.S. in 1974, which said that nothing less than non-racial sport from club to school level, the merit selection of all teams and the control of each code of sport by a single national body would be acceptable.⁴⁸ What is interesting to note is that S.A.C.O.S. had strong links with the Non-European Unity Movement which had assumed a virtually uncontested monopoly over radical coloured politics since the banning of the Coloured Peoples' Congress in 1962.⁴⁹ This meant that Middleton was the only Labour member of note to bridge the gap between the C.P.R.C. and the more radical elements in coloured politics who were strongly opposed to participation on it for whatever reason.

Buthelezi hoped that in time, S.A.B.A. would become the recognised voice of black liberation movements in South Africa with which Vorster would ultimately be forced to negotiate.⁵⁰ Since he was president of the Alliance, this would increase his stature enormously, and these considerations should not be discounted when assessing his motives. Pro-Government newspapers reacted with alarm to the formation of S.A.B.A., seeing it as a threat to the new constitutional proposals which depended on the participation of coloureds and Indians. Coloured fears of racial domination were played on and S.A.B.A. was called the first step towards a "Zulu-dominated unitary state" by Die Vaderland.⁵¹ Despite his assertion that through S.A.B.A., coloureds and Africans had found each other and that no amount of buying off the Labour Party would succeed (Natal Mercury, 9 June 1980),

Hendrickse could not have been altogether happy about Buthelezi's dominant role in the Alliance. This is borne out to some extent by his comment to Middleton after Labour had decided to enter the tricameral Parliament (see Chapter 7, pp.230-1), that he was not going to be dictated to by a homeland leader.⁵²

The first meeting of the three founder members of the alliance was held in Cape Town on 3 March 1978 and was attended also by representatives of the Dikwankwetla Party of QwaQwa. Here the name of the alliance (S.A.B.A.) was chosen and Leon was elected vice-chairman. A draft constitution was drawn up, important aspects being the aims of endeavouring to create a just society in South Africa, to determine a common strategy in the struggle against apartheid and to lay the groundwork for the calling of a national convention representative of all South Africans to devise a non-racial constitution.⁵³ It was decided that for the time being, whites were to be excluded since there was a need to consolidate the black masses and prepare them for the future. As a direct result of this alliance's deliberations, the Labour Party formed a constitutional committee to devise constitutional alternatives to the Government's proposals (see Chapter 5, p.175).

At its third meeting in July, S.A.B.A. was joined by KaNgwane. It was agreed that there could be a differing of opinion over disinvestment while members would work out a common strategy to prevent the exploitation of black workers by commerce and industry.⁵⁴ Relations between Labour and Inkatha were briefly

strained in August when Leon said that his party would participate in the new system if it was implemented, comparing this to Buthelezi's use of the homeland system through which to combat apartheid. Buthelezi denied the validity of the statement, claiming that his role pre-dated the homeland system by 16 years and sharply asked Leon to desist from making naive public statements about Inkatha.⁵⁵ The incident was a prophetic one, foreshadowing the shock decision of the Labour Party to take part in the tricameral Parliament in January 1983. That volte face would prove as crippling to S.A.B.A. as Matanzima's decision to accept independence for the Transkei had been to Buthelezi's earlier attempts to create an alliance of homeland leaders.

By the middle of the year it became increasingly clear that Sonny Leon's days as Labour leader were numbered. Two more incidents after his ill-considered statement about participating in the new dispensation brought matters to a head: On 26 August, his lone decision to attend the funeral of the late State President, Nico Diedrichs, further estranged the rest of the party hierarchy that had resolved to boycott it. The last straw came when he accepted an invitation by the South African Defence Force to visit the operational area in South Africa with Alatheia Jansen, Freedom Party members and independents. When he returned, he was sent a letter demanding that he account for his actions and it was clear that many of the party hierarchy had become determined that he should go the same way M.D. Arendse had gone in 1970 (see Chapter 3, pp.82-3). Leon's response was to tender his resignation as party leader yet again at an N.E.C. meeting at Kraaifontein on 3

September, and this time no-one begged him to reconsider.⁵⁶ That same month Vorster resigned as Prime Minister to become State President and P.W. Botha replaced him. Later Botha was to use the Information Scandal to force Vorster's retirement from politics altogether.⁵⁷

At the beginning of the 1978 C.P.R.C. session on 8 September, Labour had lost their majority and were in danger of losing the No-Confidence motion. Four nominated members had joined the Freedom Party, giving the latter 20 members in the Council to Labour's 28. The 12 independents held the balance. In August, the Freedom Party had unexpectedly pipped their opponents in the Tafelberg by-election, polling 1 115 votes to 1 025. Thus encouraged, their members made a strong bid to wrest the control of the Council from Labour. They attacked their opponents for their inability to bring about the development of the coloured community, their continuous confrontationalism and their failure to provide an acceptable constitutional dispensation.⁵⁸ Labour were said to be the tool of Buthelezi, S.A.B.A. a racist alliance and its leaders the allies of the terrorist organisation, S.W.A.P.O. (Middleton having recently expressed solidarity with that organisation).⁵⁹ The Labour Party was in disarray after Leon's resignation and the unpopularity of its acting leader, David Curry, also militated against it.

When it came to the vote, six independents, including three former members of the Labour Party (Jaap Muller, W.D. Plaaitjies and George Fortuin) voted with the Freedom Party. Despite this,

the no-confidence motion was defeated, thanks to the abstentions of Morris Fynn and Jac Rabie and the support of Solly Essop. Had the voting gone the other way, modern South African history could have taken a radically different course. The tricameral Parliament in its original form could have been implemented as early as 1980, the National Party might never have split, Labour might not have left S.A.B.A. and the nationwide unrest following the inauguration of the tricameral Parliament in 1984, could well have been more muted.

On 18 September, a Labour motion proposing the premature adjournment of the Council was adopted 33 to 21, which meant that the budget was not discussed or adopted. At the 13th Annual Conference of the Labour Party in Bloemfontein, Allan Hendrickse was elected National Leader. Middleton became Deputy Leader and Curry National Chairman. The Freedom Party's brief surge was not maintained, the Party, in 1978, being rent by personal rivalries. Four of its members repudiated the leadership of Bergins, who suspended them in terms of the party's constitution in July. The following month, Bergins submitted new policy proposals to the national council of the party which showed a significant shift to the left. The pro-Government and pro-coloured stance that had been the hall-mark of the old Federal Party since 1964, was played down and instead a single Parliament representative of all South Africans, including urbanised blacks, the decentralisation of power on a geographic basis and a federation of economically integrated states was proposed. The C.P.R.C., Bergins said, should be abolished, all discriminatory legislation

scrapped and a national convention held to work out a new constitution, this to be implemented after a referendum.⁶⁰ All this would make the party a slightly more moderate version of the Labour Party, though differences of accent remained - the former, for example, rejected the South African Black Alliance and repudiated sanctions.

S.S. Cloete, Phillip Sanders and Willie Africa claimed that Bergins had acted unconstitutionally in unilaterally suspending the four members and that they should be reinstated. As a result, Bergins terminated his membership of the party and left politics. The Freedom Party split soon afterwards, four C.P.R.C. members going over to Labour and three with one independent forming the South African Alliance, a "third viewpoint" rather than a third party that was officially launched as a political party in October. This marked the end of any real opposition to the Labour Party.

Towards the end of 1979, Labour also suffered their hiccups. Les du Preez resigned in protest because the report of the committee he had chaired had not been submitted as evidence before the Schlebusch Commission (see Chapter 5, pp.175). Lofty Adams, the ex-Federal nominee and Chief Whip of the party, was expelled for going on a one-man peace crusade nationwide, preaching reconciliation between coloureds and whites (angering party militants). Relations were worsening between Leon and the rest of the executive. On 20 June 1979, Leon attended the inauguration of the new State President, Marais Viljoen, claiming

that he did not know the party had decided to boycott the occasion. Later he moved into a state-provided house in Belhar (Cape Flats), going back on a previous commitment not to accept this Government grant. In November, he did not accompany the rest of the C.P.R.C. executive to Pretoria for the meeting with the Prime Minister whom he told in a private letter that his views contrasted too greatly with those of his colleagues.⁶¹

Leon resigned from the Labour Party and the C.P.R.C. in January 1980. He gave the refusal to give evidence before the Schlebusch Commission as his main reason for leaving.⁶² Hendrickse remarked that Leon had been found wanting when the party moved from confrontational to negotiation politics, and that the political situation had outgrown him.⁶³ R.E. van der Ross agrees with this view. "Leon was not a negotiator," he said. "He struck a pose and wouldn't budge, but he didn't have the negotiating skills to bargain with members of the Cabinet."⁶⁴ Bergins saw it differently. "He came over to our point of view," he commented. "He realised that instead of confronting the Government, you should try to persuade them."⁶⁵

The last C.P.R.C. session was held in September 1979. Labour were comfortably poised with 33 members, the Freedom Party were reduced to 14 and there were 12 independents, including the four members of the South African Alliance. The new Minister of Coloured Relations, Marais Steyn, officiated, saying in his address that the C.P.R.C. would be abolished as it had proved to be an inadequate instrument of the policy of shared

responsibility. It had taken the National Party 12 years to learn this.

A spirit of goodwill prevailed in the Council. Ten acrimonious years of frustration, rivalry, mistrust and failure, it was felt, were at last drawing to a close. No no-confidence motion was submitted by the Freedom Party and instead both parties drafted a joint motion that was moved by Labour and accepted unanimously by the C.P.R.C. Among the principles in the motion that the Council resolved to accept were that South Africa be governed by all its peoples, that all discriminatory legislation be repealed, that a national convention be called representative of all South Africans to draft a new constitution and that the wealth of the country be shared on a fair basis. The joint drafting of this motion was an historic act of unity by the rival parties. From this point on, in fact, party political differences were to play a relatively minor role in coloured politics. A common basis for future co-operation had finally been arrived at by those coloured leaders working within the system, the real issue now being whether or not to take part in such a system at all. The Freedom Party virtually disappeared after 1980, many of its key members throwing in their lot with the Labour Party. However, for many in the coloured community, "consultation and co-operation were becoming dirty words".⁶⁶

By early 1980, everyone accepted that the C.P.R.C. was a dead institution and that all was left was for the white Parliament to bury the corpse. In the Assembly on 3 March, the Minister

expressed the intention of dissolving the C.P.R.C. and establishing an interim body in its place. This would be called the Coloured Persons' Council (C.P.C.) which would consist of not more than 30 nominated members and would have virtually the same functions as the C.P.R.C. except insofar as its powers to make laws went.⁶⁷ Admitting that such a body was not a satisfactory form of political representation for the coloured people, the Minister said that it was nevertheless better than trying to work out a new constitution while having to contend with a C.P.R.C. resembling "an overheated oven". Somewhat bitterly, he went on to slate the Labour Party for its refusal to do their part in making Government initiatives work, saying that the behaviour of some of their members had not been a credit to the coloured community or a reflection of their standards of civilization and development.⁶⁸

Colin Eglin replied on behalf of the P.F.P. opposition and called the Bill "another squalid episode in the story of the National Party, the coloured people and their political rights ... a story of intrigue, infidelity and the cynical manipulation of the politically weak by the politically strong".⁶⁹ The Labour Party was equally dismissive, resolving to dissociate itself from that "ill-conceived and undemocratic body". In August 1980, after a meeting between Labour representatives and the Prime Minister, plans to implement the C.P.C. were dropped. The C.P.R.C., dissolved by proclamation from 1 April, went unmourned. "We have no regrets," said Hendrickse. "Today is a day of celebration, it is history. We have achieved that which we have set out to achieve."⁷⁰

The Significance of Labour's Participation in the C.P.R.C

If Hendrickse's claim is to be seen as being more than an attempt to grab the credit for the C.P.R.C.'s demise at a time when his party's credibility in the eyes of the coloured public was already in decline, it is important to analyse the effect Labour's participation had on the failure of the Council. Was the C.P.R.C. indeed a "pre-fabricated disaster".⁷¹ If so, the Council was doomed to failure from the start and Labour's participation at best, merely hastened its collapse. However, even so staunch a critic of the Labour Party as Franklin Sonn was to acknowledge that, participation in the tricameral parliament notwithstanding, Labour did indeed play the central role in the collapse and abolition of the C.P.R.C.⁷²

The National Party's attempt to build up an independent coloured Parliament failed for a number of reasons. It failed because from the start the vast majority of coloured people were opposed to it, a fact borne out by the low percentage polls in the two elections. In that sense the Labour Party's role may have been detrimental since its participation ensured a higher percentage poll than would have been the case had only pro-apartheid parties been involved. It failed because too many Nationalists themselves lost faith in it as a long-term solution. Two independent parliaments could not co-exist within the same geographical area unless one had superior powers to the other, something which Verwoerd envisaged (see Chapter 2, pp.47-50), but which later Nationalists found unacceptable. Since parallel development as a

permanent recipe for coloured inferiority was morally and practically indefensible, the ultimate solution had to be the creation of an independent coloured homeland or reintegration within the white Parliamentary structure. By 1980, the majority of Nationalists had adopted the latter point of view.

The main contribution of the Labour Party during the 1970s was that it did more than any other coloured lobby to bring about this important ideological shift within the ruling National Party. By infiltrating the Government's parallel development structures and ultimately taking them over, it made it impossible for the Government to claim that its policies were supported by the majority of coloured people or to close its ears to coloured demands for full citizenship rights. It has been shown how the National Party in the 1960s attempted to build up a strong conservative coloured body with a distinct coloured ethnic orientation in order that it might become a focus and channel for coloured people's aspirations without challenging white supremacy (see Chapter 2, pp.54-5). The participation of the Labour Party decisively thwarted this strategy. Despite years of planning and covert financial backing, the Federal Party was heavily beaten in the 1969 election and the Government's nomination of 20 Federal members, apart from merely delaying the inevitable, was a massive public relations reversal. The decision to back the Council also hardened the Labour Party's resolve to destroy the Council and in the years that followed it was able to use the Government's action to discredit and demoralise its opponents at every opportunity. It was not only through the ballot box that Labour

were able to weaken the pro-apartheid group, but also during the Council sessions where its arguments and motions led to the Federal Party itself adopting a more confrontationalist stance. By 1975, the Federal Party had removed all references to separate development in its constitution and largely identified itself with the aims, though not necessarily the strategies, of the Labour Party.

The Government could not ignore the Labour Party because the latter had built up its large constituency using the very structure that the Government had itself set up to represent the coloured people. In the past, Nationalist apologists had claimed that in fact most coloured people supported their policies and that dissension was the preserve of a minority of isolated radicals.⁷³ Labour's convincing victories at the polls put an end to such assertions.

The Labour Party's achievements, particularly in the 1969-1975 period, were also of a propagandist nature and to its credit it was able to use the C.P.R.C. fairly effectively as a vehicle through which to challenge various aspects of discrimination, give vent to coloured grievances and demand full democratic rights. The importance of this at a time when non-white political activism was severely curtailed by security regulations should not be played down. The party did not have the power to force the Government to do its will, but it proved to be a constant source of embarrassment to it. Boycotts of Council openings, walk-outs, disruptions and obstructionism all served to turn what was meant

to be a fledgling parliament into a national laughing stock. By provoking crises and forcing the Government to intervene to keep its institution running, it underlined the powerlessness of the C.P.R.C., its subservience to the White Parliament and the continued failure of the policy of parallel development to bring about the autonomy promised by Verwoerd in the early 1960s. Examples of this include the packing of the Council in 1969, the 1972 and 1975 amendments to the C.P.R.C. Act, the removal from office of Sonny Leon following the budget crisis and the refusal to issue passports to Leon and Norman Middleton. Labour's unco-operative stance not only sabotaged the C.P.R.C., but also ensured the failure or non-implementation of other Government institutions created to supplement or replace it. The Cabinet Council was a signal failure, the 1977 proposals were never implemented and the nominated Coloured Persons' Council of 1980 was never constituted. All this was due to the Labour Party's refusal to participate.

After 1975, Labour's dominance of the Council was an established fact, and the National Party gradually came to recognise that none of its schemes regarding coloured representation could be expected to succeed without its participation. It indicated an important shift from the unilaterally formulated structures of the past and the take-it-or-leave-it nature of their imposition. Elements of consultation and persuasion now came to characterise Government dealings with the coloured people and these played an important part in the decision of the Labour Party to enter the tricameral Parliament in 1983.⁷⁴

By articulating coloured grievances and disrupting the smooth running of the chosen instrument of parallel development, the C.P.R.C., the Labour Party played an important role in keeping alive the debate on the ultimate political future of coloured South Africans and in forcing the National Party to confront an issue whose resolution it had tried hard to postpone or gloss over. To be sure, other factors were at work that were influencing the shift in the National Party's coloured policy. Black political and industrial movements, driven underground by bannings and arrest in the 1960s, returned in a more durable and better organised form in the 1970s. The rise of militant independent trade unions, the emergence and rapid spread of Black Consciousness, the growing international backlash to apartheid and the spontaneous eruptions of popular revolt of which the 1976 Soweto uprising was the most serious, all served to radically alter South Africa's political landscape. Given the support shown by many coloured people, particularly the youth, for Black Consciousness, coloured participation in the 1976 riots and 1980 schools boycott and the formation of the South African Black Alliance, many Nationalists came to realise that a solution to the coloured question was a matter of urgency. Unless such a solution was found, it was argued, whites would lose their potential coloured allies to a broad black front.⁷⁵ The findings of the Cillie Report on the causes of the 1976 unrest indicated that the "sense of solidarity" between coloured and black youth was a major cause of the riots.⁷⁶

The 1970s also saw steady changes in the workplace with coloured semi-skilled and skilled workers rapidly moving into white-collar and skilled jobs. This decline of the coloured share in the lower manual and unskilled occupations was most marked in the Western Cape.⁷⁷ Far from the aspirations of the growing coloured middle class being channelled into separate ventures, however, those in the upper strata and best-educated desired to be assimilated with the whites all the more. The more they advanced, the more restrictive colour-bars became with labour preference policies improving their position relative to blacks but not to whites.⁷⁸ The National Party in 1980 now had to take into account the needs and aspirations of a coloured community far more politicised and sophisticated than it was in the 1960s, and its policy shifts must in part be attributed to that.

The role of the Labour Party should not be seen in isolation as its actions were at all times affected directly or indirectly these and other trends operating in the wider society. Nevertheless, it would be fair to conclude that in the narrow and constricted arena in which it chose to operate it took the lead in discrediting and sabotaging the C.P.R.C. in the period 1969-1980 and in doing so ensured the failure of one of the key aspects of the Government's apartheid policy. This was achieved in the face of heavy-handed Government interference, growing apathy in the coloured community, active hostility to continued participation from within and without the party and the enormous frustration and powerlessness that plagued its members during the long, fruitless Council sessions when its resolutions were

ignored and many of its motions blocked by an opposition with a built-in majority. The successful part the Labour Party played in paralysing the C.P.R.C. needs to be borne in mind when assessing, in the final chapter, its controversial decision to take part in elections to the new tricameral Parliament.

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2. H.A.D., Vol 7, 19 March 1975, Col 3010.
3. Ibid., Col 3013.
4. H.A.D., Vol 8, 19 March 1975, Cols 3299-3300.
5. Ibid., Cols 3305-3306.
6. R.R.S. 1975, p.16.
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8. Minutes N.E.C. meeting L.P., 12-13 April 1975.
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31. Ibid, p.28 .
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40. Minutes 12th Annual Conference L.P., Secretary's report .
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42. R.R.S. 1978, p.12 .
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44. Maree G and Hamilton G, An Appetite for Power: Buthelezi's Inkatha and the Politics of Loyal Resistance (1987) p.157.
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47. Hugo P, Quislings, pp.242-3.
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54. Ibid. p.32.
55. Maree, Appetite for Power, p.159.
56. Coetzer, Awaiting Trial, p.124.
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58. Debates and Proceedings C.P.R.C., Vol 40, pp. 48-9, 9 September 1978.
59. Ibid., pp.60-1.
60. R.R.S. 1979, p.21.
61. R.R.S. 1980, p.30.
62. Letter to Fred Peters 19 January 1980, (copy - Sonny Leon Papers).
63. Hendrickse much later remarked (Interview No 4, 13 July 1990: Hendrickse) that Leon had told the executive after 1975, that he was no longer prepared to be an Eartha Kitt, that is, a performer dancing to the rest of the executives tune.
64. Interview No 2, van der Ross, 4 November 1989.
65. Interview No 1, Bergins, 26 October 1989.
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CHAPTER SEVENFROM THE C.P.R.C.'S DISSOLUTION TO THE
TRICAMERAL PARLIAMENT 1980-1984

"There was naivete to the belief that because coloured and Asians were being co-opted into the political centre, some "movement", "change", "reform" was inevitable. I feared then, as I do now, that nothing was going to give reform as bad a name as a constitution that was brought into being by its promise, but proved incapable of bringing it about."¹

"Any case, die blerrie ding gaan nie werk nie."²

¹ Frederick van Zyl Slabbert, The Last White Parliament, p.114

² Ibid., p.120 (A senior Nationalist MP)

This thesis has attempted to cover the period between the validation of the Separate Representation of Voters Act in 1956 to the dissolution of the Coloured Persons' Representative Council in 1980. It would be incomplete, however, without an overview of the years following the C.P.R.C.'s dissolution and leading to the inauguration of the tricameral Parliament in September 1984. The following concluding chapter will cover this period of "political no-man's land" assessing the changes made by P.W. Botha's constitutional committees to the original 1977 proposals and the ambiguous, highly controversial role played by the Labour Party in their apparent volte face in January 1983. It is a complex area whose full significance it is perhaps too soon to pin down accurately. For this reason, the final chapter is not a comprehensive account but rather lays the groundwork for further study.

The Schlebusch Report

The Schlebusch Commission was appointed on 4 July 1979 and presented its report to the State President on 6 May the following year. Most notable of its recommendations was that which proposed the abolition of the Senate. The place of the abolished upper house would in effect be taken by the creation of a President's Council, consisting of 60 members (not 55 as in the 1977 plan) chosen proportionately from the white, coloured, Asian and Chinese communities. These members would be appointed in part by their own representative institutions, the remainder by the

State President from among people recognised by their respective communities as leaders as well as acknowledged experts in their respective fields.

The functions of the President's Council would be to advise the State President on any matter which it considered to be in the public interest, to consider draft legislation submitted to it by any institution other than a local authority and to consult with a council of African citizens of the Republic established in terms of an Act of Parliament. It was to be divided into at least four committees - Economic, Constitutional, Planning and Community Relations.

As a result of the Commission's Findings, the Senate was abolished and the President's Council came into being. It consisted of a chairman and 60 members. The proposed advisory council for blacks never came into being as no credible black leaders were prepared to have anything to do with it. The names of 54 members of the Council were announced in October 1980 and its coloured component included Sonny Leon, Lofty Adams, Les du Preez and William Africa.¹

The National Party Split 1977-1982

In 1977, both verligte and verkrampte functions in the National Party accepted the new constitutional proposals. This acceptance represented an important victory for Cape Nationalists.² The

election of P.W. Botha to the premiership in 1978 was another important breakthrough for the former group. Not only was Botha the first Cape-based Prime Minister since D.F. Malan retired in 1954, but he set about dealing with the coloured question with a purposefulness that had been lacking in the performances of Prime Ministers up until then. Many within his party felt that he was doing so to the detriment of party unity and Verwoerdian principles.³ The manner of his election, in which the Information Scandal had been adroitly used to discredit and later politically destroy his Transvaal rival, Mulder, served further to alienate this grouping.⁴

It gradually became evident, moreover, that the interpretation of the 1977 proposals by the conservative faction, led by Mulder and Andries Treurnicht, differed from that of the progressive one.⁵ In November 1977, in a speech to his constituents in Randfontein, Mulder denied that the proposed dispensation was in any way power-sharing. It would only be power-sharing, he said, if all three groups were represented in the same Parliament.⁶ In fact, incorporation within the same structure was what a growing number of Nationalists had in mind. In November 1978, Treurnicht said that the Council of Cabinets in the 1977 proposals would not be a super cabinet with its own portfolios over and above that of the cabinets of the three ethnic parliaments, but was to be solely a consultative, liaisonary branch between the three cabinets. This statement refuted Vorster's interpretation which held that the Council of Cabinets would function in the same way as the current cabinet and would have executive authority.⁷

In 1980, differences of opinion over the party's coloured policy came out into the open within the ranks of the party itself, the question no longer being confined to disputes amongst the Afrikaner intelligensia. In November, in an address to the National Party executive committee of the Transvaal, Treurnicht said that he was not in favour of coloureds being in Parliament. A specific group from among the more than 200 delegates came out strongly in his support in what was interpreted by many Botha supporters as an orchestrated challenge.⁸ During the Piketberg by-election on 22 September 1981, Treurnicht said that it was unreasonable and unrealistic to create one political structure for whites and coloureds. This was rebutted by Constitutional Development minister Chris Heunis, who said that the country had to evolve from a political system in which political power was primarily vested in the hands of one group to a system in which all groups would have a share in government.⁹

In the early 1980s, the leading faction within the National Party was coming more and more to accept that coloureds, whites and Indians, as well as blacks living within the same geographical territory, would have to have a share in the decision-making process of the country. P.W. Botha defined party policy as being one of consultation and co-responsibility without sacrificing the principle of self-determination.¹⁰ There could not be more than one sovereign Parliament in one country, he said, and it was self-evident that control of the finances and treasury could ultimately only be vested in one central authority.¹¹ In 1981, Botha also said in Parliament that he did not view the coloureds

as being a homogenous group or a nation in the making.¹² This important statement can be viewed as one of the final nails in the coffin of the Nationalists' attempt to foster an independent coloured nationalism.

These principles Treurnicht and his supporters could not accept. In a letter to Dr J. Grobler, chief information officer of the National Party, Treurnicht wrote that in terms of the Government's policies, there would be one mixed government in which coloured and Indian ministers would co-govern over himself and over all other whites. This was a completely unacceptable notion.¹³ In March 1982, the long-expected split occurred when Treurnicht and 17 of his supporters broke away to form the Conservative Party. One should not overstate the importance of the coloured question in precipitating the split. To a degree, the issue was used to settle a host of personal and political differences that had been accumulating since the late 1960s. Treurnicht had, in fact, considered joining the Herstigte Nasionale Party in 1969, but at the last moment had deserted it.¹⁴ Instead he had chosen to fight dangerous tendencies in the party from within the party itself without resorting to splinterings off.¹⁵ What is important to note is that no single issue so constantly bedeviled National Party unity as that of coloured representation and citizenship. This thesis has attempted to show how this issue constantly flared up during the period 1960-1982, particularly in the early 1960s and 1970s during which times perspicacious commentators noted that the profound differences of opinion and approach within the National

Party's support base could lead to a final break. Unity was preserved by the attempt to channel coloured aspirations into the machinery of the C.P.R.C., an attempt which deferred rather than resolved the question. By 1980, with the C.P.R.C. a costly and embarrassing failure, grasping the nettle could be postponed no longer.

The van der Merwe Report

The report of the constitutional sub-committee of the President's Council, chaired by S.W. van der Merwe, tinkered with the original 1977 proposals without making any substantial changes. In the place of the Council of Cabinets, there was to be a "general affairs" cabinet whose members would include the leaders of the three houses of a single Parliament. Parliamentary legislation was to be divided into Own and General Affairs, the Executive State President having the final say as to which was which. An "Own Affair" would be separately voted on, the State President giving his ceremonial assent to it. A "General Affair" would be discussed and voted on separately, and in the event of a deadlock between the houses, the matter would be referred to the President's Council whose decision would be final. The composition of the latter body ensured that the ruling white party would always get its way, and Clause 26(a) of the 1979 Bill, which vested legislative power in the white Assembly, was in essence incorporated.

An important difference between the van der Merwe report and the 1979 Bill was the presence of entrenched clauses regarding the constitution itself which required a two-thirds majority in all three houses to be changed and over which each house had a complete and final veto. Thus the white Assembly could not unilaterally abolish the coloured and Indian houses as had been the case in the 1979 Bill. The most disturbing aspects of the new plan centred on its conferral of sweeping powers upon the State President. His powers included the ability to suspend the constitution and rule by decree if necessary, and van der Merwe admitted that he could thus become a dictator.¹⁶

The Labour Party and the "new" Proposals

The Labour Party had categorically rejected the 1977 constitutional plan (see Chapter 5, pp.170-1). The 1982 plan, apart from a few minor modifications, hardly differed at all from that of 1977, and it seemed reasonable to expect that the party would continue to reject it. At a meeting of the South African Black Alliance, Labour undertook not to enter the proposed tricameral Parliament (December 1982). Buthelezi, who had refused to have anything to do with the proposed advisory council for blacks, was dead against any constitution that excluded the black majority. Prior to the Labour Party conference in January 1983, an N.E.C. meeting was held where it was unanimously decided that the party would not enter the new system.¹⁷

Had the Labour Party stuck to this decision, it is likely that the National Party would not have implemented its plan. When Heunis heard about the National Executive's stand, however, he arranged a meeting with its members, including Hendrickse, Curry and Jac Rabie. The Deputy Leader of the party, Norman Middleton, knew nothing about it. The long meeting was an event of decisive importance and testimony to the persuasive powers of the Minister of Constitutional Affairs. Heunis "wooed, cajoled and pleaded" with the Labour leaders; he "hinted, suggested and implied, but not once was a definite public promise extracted or a definite shift in Nationalist policy offered".¹⁸ When it was over, the Labour leadership had resolved upon a somersault in policy.

Middleton realised something was amiss just before the Party's annual conference, contacting Hendrickse about the rumoured switch in policy. Hendrickse was evasive and advised him not to listen to idle talk.¹⁹ The conference was held at Eshowe on 3 January 1983, and it became clear early on that the leadership had resolved to enter the proposed new system, come what may. Very few in the end voted to stay out.

Middleton was furious at the decision and left the Labour Party, taking with him all the members of the Natal branch. The secretary-general of Inkatha, Dr Oscar Dhlomo, said that coloureds and Indians who accepted participation in the proposed tricameral Parliament would thereby "accept the status of partners in propping up white supremacy and (would) be rightly regarded as co-oppressors".²⁰ Hendrickse, according to

Middleton, retorted that he would not be dictated to by a homeland leader.²¹

Hendrickse's view was that it was better to negotiate from within a political system and thereby attempt to change it than to remain impotent upon the sidelines. Unlike the 1977 proposals, with their three ethnic parliaments within the same territory, the single Parliamentary structure of 1983 afforded far greater opportunities to agitate for changes in the South African social and political framework. The fact that no law could be passed without the consent of the Labour Party meant that the latter could at least delay legislation by occasionally forcing the white House of Assembly to resort to the expedient of the President's Council, and no constitutional changes could be made without the consent of the majority party in the House of Representatives. This, as Hendrickse pointed out, led to P.W. Botha being forced to agree to the holding of an election in 1989 after he had failed to persuade the Labour Party to agree to its postponement to 1992. It is also noteworthy that Hendrickse was impressed by Botha's willingness to split his own party in order to push his reformist plan, and this had some bearing on his own decision.²²

David Curry called the party's decision a "calculated risk" since the new dispensation was too small a step away from traditional apartheid but nevertheless it offered scope for a party working within it to improve it and make it more acceptable.²³ Labour would use platforms like the House of Representatives to project

its constitutional demands and to play a mediating role between whites and the rest of the population.

Jac Rabie pointed out that the House of Representatives gave its members more freedom of action than the C.P.R.C. had. Own-affairs legislation could be introduced without governmental permission and no longer had to be assented to by the Minister of Coloured Affairs. This was significant even if the party did not endorse the own-general affairs distinction.²⁴ More importantly, coloureds would now be in Parliament itself where they could argue more directly with the Government over discriminatory measures and where whites could hear for the first time directly how coloureds felt. The presence of non-whites in the cabinet for the first time was also of significance.²⁵ R.E. van der Ross defended the decision: "Pragmatically and politically, it was the only decision the Labour Party could have made. They had already committed themselves to working within the system. What was so generically different about taking part in the tricameral Parliament?"²⁶

The Constitutional Referendum

The Republic of South Africa Constitution Act was passed in the Assembly on 31 August 1983. However, the Government remained uneasy, shaken by the defection of its far-right wing and decided to put the question to the white electorate in the form of a referendum. A simple Yes/No answer was required. This was

criticized by the leader of the Official Opposition, van Zyl Slabbert, on the grounds that it prevented voters from expressing an opinion on specific aspects of the plan, for example the exclusion of blacks.

The referendum campaign, van Zyl Slabbert wrote, saw the Nationalist Party Information Department discover the power of political marketing on a grand scale.²⁷ In addition, the Nationalists largely had the support of the business community which believed that the new constitution was a step in the right direction. The manipulation of radio and television by the ruling party disguised the constitution's inadequacies and portrayed it as a bold and far-reaching reformist step.

In the face of such handicaps, the effectiveness of the P.F.P.'s propaganda fell far short of the quality of its arguments. So complicated was the new constitution that for many the party's objections were mere sophistry, and large numbers of P.F.P. supporters turned against what was seen as negativism or self-defeating radicalism. Even newspapers hitherto supportive of the party, such as the Sunday Times and the Financial Mail, whose editorials condemned the constitution as being fatally flawed, nevertheless urged a "Yes" vote in order that the system be given a chance. Van Zyl Slabbert lamented that the Nationalists had come up with a plan so defective and ill-conceived that, if implemented, would set back the process of reform for at least a decade.²⁸ When voting took place on 2 November, just under 66 per cent of those who went to the polls voted "Yes" while it is

safe to assume that the majority of "No" votes came from supporters of the two right-wing parties.

The Formation of the U.D.F. and the Elections
to the New Houses

Two extra-parliamentary groupings - the United Democratic Front (U.D.F.) and the National Forum (N.F.), were formed while the new proposals were being discussed. The U.D.F. was a non-racial organisation which by 1984 had the support of some 600 organisations and an estimated 3 million people. Its first major organised protest was the "Million Signature Campaign" against the new constitution and a campaign to dissuade voters from participating in the coloured and Indian elections. The Government, anxious that their plans should not be wrecked, attempted to suppress the movement through raids, bannings and detentions, but it continued to be the largest unified, non-racial opposition to the Government since the Congress Alliance of 1955.²⁹

The coloured and Indian elections were held in August 1984 and were disastrous from the Government's point of view. Instead of people peacefully going to the polls to endorse the much-vaunted "reform" measure, boycotts, intimidation and violence were the order of the day. It was a one-horse race as far as the coloured election went. The Freedom Party was on its last legs as a political force. After 1980, a number of its members, including

Louis Hollander and Phillip Sanders, joined Labour and many of its veteran stalwarts, like S.S. Cloete and H.J. Coverdale from the U.C.C.A. days, retired from politics. What was left split at the beginning of 1984, a dissident faction forming the Reformed Freedom Party. The third party attempting to wrest the fruits of office from Labour was the People's Congress Party, formed towards the end of 1980 by dissident Labourites including Lofty Adams, Sonny Leon and Peter Marais (a Cape Flats civic leader).

As expected, Labour almost swept the board, winning a massive 76 of the 80 seats contested. Veterans of the C.P.R.C. elected were Allan Hendrickse, David Curry, Fred Peters, Peter Mopp, Carter Ebrahim, Louis Hollander, Jac Rabie and Solly Essop. M.D. Arendse, who had the dubious distinction of winning the Tafelberg seat by three votes in a 2,2 per cent poll, was also re-elected. Later it was found that he had bribed a number of voters and he was fined and unseated. Zakeera Hussein replaced him as the sole Freedom Party representative. One People's Congress Party member was elected and two independents.³⁰ The Labour Party gained a total of 200 355 votes in the election. The Peoples' Congress Party came a poor second with 31 701, the Freedom Party a feeble third with 13 505 and the Reformed Freedom Party a wretched fourth (2 632). The remaining 19 204 votes were cast for independent candidates.

The real issue in the election had been whether or not to vote at all. The percentage poll as well as the actual number of votes cast in 1984 was considerably lower than in the 1969 and 1975

elections. Whereas the percentage of registered voters who went to the polls in 1969 had been 49,1, in 1984 it was 30,9, this despite the fact that the House of Representatives was a considerably upgraded version of the old C.P.R.C. More revealing are the number of potential, as opposed to registered voters who cast their ballots, this declining from 35,7 per cent in 1969 to 25,3 per cent in 1975 and a mere 17,6 per cent in 1984.³¹ This last figure is roughly the percentage of voters who supported the pro-separate development parties in 1969 and showed how the Labour Party had replaced the old Federal, Republican and National Peoples' Parties as the instrument of moderate and conservative coloured opinion.

The percentage poll for the Indian House of Delegates was even lower, 20,29 per cent of registered and 16,2 per cent of potential voters braving intimidation and ostracism to vote. However, there was an increase in the percentage of votes cast in 1984 over those cast in 1981 for the South African Indian Council (20,29 per cent of registered voters as opposed to 13,4 per cent in 1981). The National Peoples' Party of Amichand Rajbansi became the ruling party in the House of Delegates when it narrowly edged out Dr J.N. Reddy's Solidarity grouping by 18 seats to 17. Both Hendrickse and Rajbansi were given places in the State President's cabinet as ministers without portfolio.

1956-1984 - Assessment and Conclusion

The shock decision of the Labour Party to enter the tricameral parliament makes the 1956-1984 period, one in which the politics of co-optation replaced common roll representation for the coloured people, very difficult to assess. Indeed, the very title of this thesis, the failure of the Coloured Persons' Representative Council and its constitutional repercussions, becomes open to criticism. Did the C.P.R.C. actually fail? The Labour Party constantly voiced its intention of destroying what it saw as a powerless substitute for direct Parliamentary representation, and to its credit this goal was achieved. Yet in the end, the party settled for the House of Representatives, no more than an extension of the system they had so vociferously opposed.

The House of Representatives was an upgraded version of the C.P.R.C. It was a fully elective body, had extended administrative powers and had more leeway in the passing of legislation affecting coloureds only. It could not be unilaterally abolished by the white Parliament, had a limited input at cabinet level and had to be consulted if the constitution was to be changed or abolished. For all that, it was still a powerless institution, in effect an auxiliary parliament with persuasive powers at best. Furthermore, the power to legislate on coloured "own affairs", commentators remarked, served to validate an elaborate institutional superstructure which allowed for continued control by the dominant group, and that since there were few matters of importance to whites,

coloureds and Indians exclusively, the concept was retained as a constitutional fiction only.³² Moreover, the limited improvements to the political position of the coloured people were gained at the price of entrenching in the Parliament for the first time the status of the coloured people as a separate racial law-making community.

It has been shown at the end of Chapter Six how the Labour Party could claim much of the credit for the failure of the C.P.R.C., a fact which justified its decision in the 1960s to take part in the Council's proceedings. In 1983, however, the Party no longer had the excuse that the Government would make use of pro-apartheid coloured groups to justify its policies if it did not participate. In the 1960s, Labour decided to participate on the C.P.R.C. in order to destroy it. In 1983, its decision to participate in the tricameral Parliament actually ensured that the institution came into existence. If anything, it was an enormous victory for the politics of co-optation, comparable to Kaiser Matanzima's acceptance of "independent" status for the Transkei in 1976. No matter how much Hendrickse et al pledged that their entering was a starting, not an end point, it could not disguise the fact that the National Party policy of setting up separate, impotent representative institutions for the coloured people had attained its most sophisticated form yet.

There was certainly more behind the Labour Party's decision to take part in the tricameral Parliament than the reasons given by its leaders. Without a platform, the party could not have

continued to exist since it had come into being and been sustained by its activities within state structures. By 1983, after three years in the political wilderness following the dissolution of the C.P.R.C., it had been recognised that the politics of boycott had reached their effective limit.³³ Nor can factors like prestige or financial self-interest on the part of at least a section of the party be excluded. The ordinary coloured M.P. would receive R40 000 a year, a luxury home, a chauffeur-driven car and numerous other perks.³⁴ Even allowing for factors like inflation, this was a vast improvement on what C.P.R.C. members had received in 1969 (see Chapter 2, p.51).

For all this, the verdict of the extra-parliamentary organisations and many commentators that the Labour Party was selling out, based entirely on the Eshowe decision, was premature and unfair. The party had already proved that Government platforms could be effectively utilised to oppose apartheid policies, and judgement should have been reserved until the tricameral Parliament had been operating for at least a year so that the Labour M.P.'s would have had a chance to demonstrate how they had put their aims into practice. The quick, and at times virulent, repudiation of the party that in fact occurred, was an indication of how much the political temperature had risen in South Africa, particularly since 1976. An increasingly literate and wealthy elite had risen in the coloured community which rejected establishment parties as being opportunistic and unsophisticated. If anything, their response to the new constitutional dispensation and Labour's part in it, showed how

out of touch both the Government and Labour Party were with the militant new mood of the coloured population. P.W. Botha and Hendrickse now discovered that yesterday's radicals did not make contemporary heroes.³⁵

How then is the Labour Party to be judged for its dangerous and highly controversial decision? Norman Middleton is of the opinion that it is not the original Labour Party at all, that its adherents are now mostly former Federal Party supporters and that it should change its name.³⁶ The former leader of the Freedom Party, Dr W.J. Bergins, agrees with this view, saying that Labour is now walking the same road as the Federal Party walked in 1969.³⁷ Professor van der Ross, always pragmatic, points out that the process of co-opting people into your system need not be one of plain sailing. In other words, co-optation is not necessarily the same as co-operation.³⁸ Only when the tricameral Parliament is abolished, can the decision to enter and the subsequent performance of the Labour Party be fairly and accurately assessed. And much of the verdict will depend on the direction the country takes as it enters into the final decade of the Twentieth Century with its future and well-being very much in the balance.

And what of the coloured people, that down-trodden, humiliated, belittled, ignored and manipulated minority, squeezed between rival nationalisms and denied their role in the destiny of the country to which they have shown so much loyalty? In the last 100 years, they have shown a dedication to democratic principles and

concern for the well-being of all South Africans under the most trying conditions. Those amongst them who have yielded to opportunism and group chauvinism have always been a minority, despite the intransigence and frequent deceitfulness of ruling white governments. It is to be hoped that the great apartheidean lie of the existence of a separate "Coloured race" will be broken down and that the people currently classified as such will take their rightful places as full citizens in the land of their birth.

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4. See Rhodie E, P.W. Botha - the Last Betrayal and The Real Information Scandal.
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6. R.D.M., 12 November 1977.
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8. Ibid., p.95.
9. Ibid. p.103.
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13. Broedertwis, p.110.
14. Ibid., p.62.
15. Hoofstad, 10 October 1969.

16. Report of the Van der Merwe Committee, November 1982, Sections 10.47.2-10.48.10.
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25. Ibid., p.126.
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27. Slabbert, p.112.
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32. Van Vuuren D J, Wiehahn N E, Rhodie N J, Wiechers M (Eds), South Africa: The Challenge of Reform, pp.150-152.
33. Pottinger B, The Imperial Presidency - P.W. Botha, the First Ten Years (Southern Book Publishers 1988), p.158.
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37. Interview No 1, W.J. Bergins, 21 October 1989.
38. Interview No 2, van der Ross, 27 October 1989.

(Based on Table of Results found in Tom Swartz Papers)

APPENDIX 1

The First C.P.R.C. Elections 1969 (_____ = Successful Party)

<u>Cape Province:</u>	<u>LP</u>	<u>FP</u>	<u>RP</u>	<u>NP</u>	<u>CP</u>	<u>IND.</u>	<u>% Vote</u>	<u>Candidate</u>	<u>Major:</u>
Adendorp.....	1946	4828	4537	-	461	-	55	S Smith	
Bergrivier.....	5611	1921	-	-	-	-	39	R Arendse	
Bethelsdorp.....	8207	1334	3687	747	437	-	77	HJ Hendrickse	
Bokkeveld.....	1538	2059	-	844	-	4717	54.1	S Essop	
Bonteheuwel.....	2830	1640	-	-	-	-	20.2	WJ Meyer	
Breerivier.....	5494	1994	471	2317	-	-	45	GJ Fortuin	
Diamant.....	6326	2990	1115	-	-	-	57	LS Leon	
Elsiesrivier....	3435	1902	303	-	-	-	25.1	V Sass	
1533									
Gelvendale.....	7870	3023	1979	-	240	3030	74.6	GI Julies	
Genadendal.....	3691	3291	491	-	-	-	48.7	P Meyer	
Haarlem.....	-	4591	4951	2049	195	-	62.6	SM Brown	
Heideveld.....	3928	952	401	-	-	123	24.5	FE Peters	
2976									
Kalahari.....	5400	3299	-	-	-	-	48.3	FW Theron	
Karee.....	-	Unop	-	-	-	-	-	LW Hollander	
Kasselsvlei.....	5632	1677	1753	264	-	-	48.8	W Johannes	
Liesbeek.....	2388	437	-	-	-	-	12.2	A Stanley	
Mamre.....	4187	1168	-	2382	-	-	42	J Oosthuisen	
Eastern Cape....	6281	4719	807	-	156	-	73.1	JE Nash	
Outeniqua.....	6766	3735	1754	-	357	-	63	N Potts	
Pniel.....	7921	2340	513	-	-	-	54.4	D Curry	
Rietvlei.....	4760	220	1029	2088	-	-	38.5	JD Petersen	
Steinkopf.....	3855	8089	-	-	-	-	68.4	SS Cloete	
Strandfontein...	2557	1566	-	437	-	-	19.2	EF Jones	
South Cape.....	2303	981	-	-	-	981	18.4	MT Fakier	
Swartberg.....	4147	5101	2322	416	-	-	60.9	G du Preez	
Tafelberg.....	4134	1076	-	-	-	1449	26.3	MD Arendse	
Visrivier.....	3402	2805	1992	415	589	-	51	JL Seegers	
Wuppertal.....	1163	6723	2306	-	-	-	53.2	PJ Pietersen	
Total.....	115772	74961	30241	11959	2435	10183			
<u>Natal:</u>									
Natal Interior..	2672	1230	-	-	326	-	75	ED Dunn	
Greenwood Park..	3802	66	-	-	291	-	61.6	EG Rooks	
Wentworth.....	3260	920	-	-	164	-	75	N Middleton	
Total.....	9734	2216	-	-	781	-			

Orange Free State:

North Free State	-	<u>Unop</u>	-	-	-	-	-	A Jacobs
Free State Central	377	<u>2052</u>	-	-	-	-	75.7	W Plaaitjies
Free State South	-	<u>Unop</u>	-	-	-	-	-	PT Sanders
Total.....	377	2052	-	-	-	-		

Transvaal:

Newclare.....	<u>2553</u>	527	-	2164	-	349	70	L du Preez
Northern Transvaal	1613	<u>2623</u>	-	644	-	-	74	HJ Coverdale
Protea.....	1210	<u>2135</u>	-	1943	-	875	67.3	WJ Louw
Reigerpark.....	1165	<u>2418</u>	-	2235	-	-	81	JA Rabie
Rus-Ter-Vaal....	<u>2090</u>	2011	-	1583	-	-	78.5	E Domingo
Witwatersrand...	2331	1102	-	<u>2732</u>	-	-	66	WJ Swartz
Total.....	10962	10826	-	11301	-	1224		

Grand Total: 136845 90055 30241 23260 3216 11407

(L.P. = Labour Party; F.P. = Federal Party; R.P. = Republican; N.P. = National People's; C.P. = Conservative; Indep. = Independent)

APPENDIX II: Constitution of the Labour Party

The Labour Party of South Africa

CONSTITUTION

As amended at the 6th Annual Conference of the Party held from 6th to 8th April 1972 at East London.

Preamble to Constitution

Whereas the Labour Party of South Africa is a political party in the Republic of South Africa, unaffiliated to any other political party, and whereas the Labour Party is dedicated:

- (i) To promoting and advancing the dignity, rights, socio-economic and cultural well-being of all South Africans, through responsible negotiation with the Government of the day.
- (ii) To furthering the economic, social, cultural advancement of all South Africans, and to assist wherever possible in stimulating and developing their capacities in the widest manner possible.
- (iii) To vigorously opposing Communism in all its forms, believing that the fundamental method of defeating Communistic influence is the positive maintenance of a free democracy and totally rejecting all forms of political totalitarianism as immoral in theory, predoomed in practice.
- (iv) To opposing all forms of racial discrimination which undermine the civil liberty and social justice of the individual.
- (v) To the belief that the right of the individual is paramount and the State exists to serve the individual.
- (vi) To support the rule of just law.
- (vii) To opposing forced labour and the exploitation of cheap labour.
- (viii) To working tirelessly towards a national economy based on the full production, full employment and equal opportunity for all people in the Republic.
- (ix) To seeking the introduction, maintenance and extension of social security for all, with special provision for the aged and infirm, regardless of income status.
- (x) To advocate a free national educational system devised to enable all able students of all races equal opportunity of receiving the highest specialised training.

Now therefore, the Labour Party of South Africa, adopts as its Constitution the following:-

1. *Name of Party*

The name of the party shall be the LABOUR PARTY OF SOUTH AFRICA.

2. *Objects of the Party*

- (a) To organise and maintain a political party in South Africa,
- (b) To raise the status of all workers in the country by working for the provision of:
 - (i) minimum basic wages at a civilised level;
 - (ii) working conditions at accepted civilised standards;
 - (iii) equal pensions, sick benefits, etc.;
 - (iv) equal and compulsory education for all according to age aptitude and ability;
 - (v) housing at economic standards with home ownership;
 - (vi) equal opportunity for all people in all spheres of life in accordance with their ability.
- (c) To strive for the effective participation of all people in the government of the country, by participation in the councils of the nation, in particular by ensuring that all persons attaining prescribed qualifications shall vote for, and be eligible for membership of Parliament, Provincial Councils, Municipal Councils and the instruments of Central and Local Government.
- (d) To work for the elimination of the Colour Bar in legislation as well as the practical application thereof.
- (e) To develop a political arrangement in the country, such, that all sections of the population are treated fairly and justly, so that the rights of all groups are protected; and in particular to ensure that all those qualifying for membership of the Party shall not be disqualified from full citizenship or from politics as in (c) above by reason of race, colour or religion.
- (f) Generally, to promote the political, social and economic emancipation of the people and more particularly of those who depend directly upon their own exertions by hand or by brain for their means of life.
- (g) To promote the above aims by such methods as the Party shall from time to time decide, provided that only such methods may be employed as are Constitutional and legal by South African Law.

3. *Languages*

The official languages of the Party shall be English and Afrikaans.

4. *Colours, Symbols and Motto*

- (a) The Colours of the Party shall be Gold, White and Brown.
- (b) The symbol of the Party shall be: a gold colour anchor imposed on a white and brown shaped diamond, the colours running diagonally.
- (c) The motto of the Party shall be: 'Steadfast/Standvastig.'

5. *Head Office*

The Head Office of the Party shall be situated in Cape Town.

6. *Membership*

- (a) It is the intention of the Party in the first instance to consolidate the position of all oppressed South Africans. It shall, however, due to legal restrictions, confine its membership to the group allowed by law, provided that nothing shall prevent this latter restriction being reviewed as conditions in the country change.
- (b) Subject to Section (a) of this Clause, membership shall be open to persons, male and female, who have attained the age of 18 years, and who are prepared to accept the Constitution of the Party.
- (c) Party membership shall be individual only.
- (d) No one shall be admitted to the membership of the Party who is a member of any other political party.
- (e) Applicants for membership shall complete an official application form which shall be submitted to the National Secretary, and shall be accompanied in each case by 60% (15c) of the entrance fee prescribed in Section 11(d) of this Constitution.
- (f) Every member shall be provided with a membership card on payment of entrance fee.
- (g) The National Executive Committee reserves the right at all times to grant or refuse application for membership and expel any member from the Party. Reason for such expulsion shall be furnished on request by Regions or Branches concerned.
- (h) Regions or Branches shall submit to the National Executive Committee recommendations in writing, the reason for recommending such expulsion. The right to appeal is vested in the member so affected; such appeal shall be considered by the National Executive Committee.
- (i) Any member who has resigned or been expelled from the Party and who seeks re-admission shall make application through the Region where he/she resides to the National Executive Committee. Should such person be accepted by the National Executive Committee he/she shall not hold any official position in the Party organisation for at least twelve (12) months after re-admission.

7. *Finance (Head Office)*

- (a) Branches shall pay to Head Office each month 25% of monies received from members of the Branch or a minimum of R4,00 per month whichever is the greater for Head Office expenses.
- (b) The Party may raise and maintain funds to invest or distribute same as the occasion may arise for the purpose of furthering or benefitting the work, aims and objects of the Labour Party of South Africa, and generally to do all things necessary towards that end.
- (c) All monies collected by the Treasurer on behalf of the Party shall be deposited in the Bank, decided upon by the Officers of the Party, within seven (7) days of receipt thereof. An audited Balance Sheet and Statement of Income and Expenditure shall be prepared at the end of each Financial Year and shall be made available to members of the National Executive Committee.
- (d) The National Executive shall have the power to frame regulations prescribing the procedure to be adopted by any or all formations of the Party in regard to finance.
- (e) The National Treasurer shall present a Financial Report at every meeting of the National Executive Committee and at Annual Conference.
- (f) Branches and Regions shall forward to Head Office copies of their Balance Sheets a month before the Annual Conference of the Party.

8. *National Executive Committee*

When Conference is not in session, the supreme governing body of the Party shall be the National Executive Committee, comprising of:-

- (a) The Leader of the Party.
The Deputy Leader of the Party.
National Chairman.
National Vice-Chairman.
National Secretary.
National Assistant Secretary.
National Treasurer.
National Trustee.
Four (4) members representing each Region.
Two (2) members elected by the Labour Youth Organisation.
Conveners of National Committees appointed by the National Executive Committee.

CPRC Party Members

- (b) The Leader of the Party — Deputy Leader of the Party — National Chairman — National Vice-Chairman — National Assistant Secretary — National Treasurer and the National Trustee shall be elected by the Annual Conference.

- (c) The National Executive Committee shall not have powers to co-opt. It may appoint any other officials and staff, whether paid or honorary. It may create committees as it deems desirable.
- (d) The National Executive Committee shall meet at least four times a year at a place to be decided by the National Chairman.
- (e) The quorum for such meetings shall be one-third of the National Executive Committee members.
- (f) The Leader of the Party and the Deputy Leader shall be charged with the duty of guiding Party policy and defending it in terms of the decision of Party Conference. They make public statements on Party policy, provided that, where no relevant Conference exists, such statements be referred back to the Party Conference for consideration at its first meeting thereafter.

The Leader of the Party shall also be leader of the Party in the C.P.R.C.

- (g) The National Chairman shall preside at Conference and at all meetings of the National Executive Committee. He shall be ex-officio on all committees which may be established by the National Executive Committee.
- (h) All officials of the Party shall have the right to attend all Regional and Branch meetings.
- (i) The National Executive Committee shall have the right to depute one or more of its members to investigate the affairs of any Region and/or Branch at any time without assigning a reason therefore, and such member or members shall have access to all records of the Region and/or Branch and have power to take these into custody and terminate their banking account/s.

9. *Party Conference*

- (a) The Party Conference shall be supreme authority and policy-making body of the Party.
- (b) The Leader of the Party in consultation with the National Executive Committee may convene a special session of Party Conference.
- (c) The Party Conference shall have power to take decisions by a majority vote and all such decisions shall be binding on the Party.
- (d) Party members of the C.P.R.C. shall attend Conference in their personal capacities.
- (e) Members of Branches in each area, voting by ballot, shall elect delegates to the Annual Conference of the Party.

Branches with less than 20 bona-fide members — one delegate.
Branches with 21 to 49 bona-fide members — two delegates.

Branches with more than 50 bona-fide members — four delegates.

Branches may include observers with their delegates but they shall not vote nor be present when Conference is 'in Committee'.

- (f) Branches shall be responsible for accommodation and travelling expenses of their delegates and a subsistence allowance of not more than R2,00 per day.
- (g) All branches shall be given at least three months notice of the date and venue of the Party Conference.
- (h) Resolutions and any proposed alterations, amendments or additions to the Party Constitution shall be forwarded to Head Office at least sixty (60) days before Annual Conference.
- (i) Branches and C.P.R.C. Party members who have not fulfilled their financial obligations to the Party shall not be entitled to vote at Conference.

10. *Regional Organisation*

- (a) The Regional Divisions of the Party shall comprise of the following:
 - (i) *Cape Peninsula:*
Constituencies of —
Bonteheuwel, Kasselsvlei, Liesbeek, Rietvlei, Elsie River, Heideveld, South Cape, Strandfontein and Tafelberg.
 - (ii) *Western Cape:*
Branches in the Magisterial District of —
Vredenburg, Piketberg, Tulbagh, Malmesbury, Hopefield, Wellington, Caledon, Paarl, Stellenbosch, Ceres, Somerset West, Montagu, Bredasdorp, Swellendam, Robertson, Worcester, Laingsburg, Sutherland.
 - (iii) *Karoo*
Branches in the Magisterial District of —
Williston, Carnarvon, Richmond, Fraserburg, Victoria West, Aberdeen, Murraysburg, George, Beaufort West, Prince Albert, Ladysmith, Heidelberg, Riversdale, Mossel Bay, Calitzburg and Outdtshoorn.
 - (iv) *Griqualand West and O.F.S.*
Branches in the Magistrial Districts of —
Taung, Warrenton, Prieska, Barkley West, De Aar, Hay, Kimberley, Herbert, Hopetown, Britstown and Hartswater.
 - (v) *Gordonia:*
Branches in the Magisterial Districts of —
Kenhartdt, Upington, Gordonia, Postmasburg, Kuruman, Vryburg and Mafeking.

- (vi) *Namaqualand:*
Branches in the Magisterial Districts of —
Springbok, Calvinia, Vanrhynsdorp, Vredendal and
Clanwilliam.
- (vii) *Eastern Province:*
Branches in the Magisterial Districts of —
Hanover, Graaff-Reinet, Willowmore, Knysna,
Uniondale, Humansdorp, Hankey, Uitenhage, Port
Elizabeth, Steytlerville, Jansenville, Albany,
Alexandria, Bathurst, Adelaide, Maraisburg,
Cradock, Steynburg, Venterstad, Colesberg, Nou-
poort.
- (viii) *Border*
All Branches in the Magisterial Districts of —
Albert, Molteno, Tarkastad, Elliot, Lady Grey, Port
Beaufort, Herschel, Barkley East, Indwe, Wodehouse,
Glen Grey, Sterkstroom, Queenstown, Cathcart,
Komga, Peddie, Stutterheim, East London, King-
williamstown, Middeldrif, Maclear, Victoria West,
Keiskammahoek, Mt. Fletcher and the Transkei area.
- (ix) Transvaal.
- (x) Natal.
- (b) The Regional Annual Conference shall be convened
annually and shall comprise of:
 - (i) Members of the National Executive Committee;
 - (ii) All Party members of the C.P.R.C. whose Con-
stituency falls within the Region concerned;
 - (iii) All members of the Party in the Region concerned.
- (c) (i) Each Region shall determine its own Constitution
which shall not be in conflict with the National Con-
stitution.
- (ii) Such Constitutions and amendments and/or alter-
ations thereto to be approved by the National
Executive Committee.
- (d) Regional Conference shall have power to take decisions by a
majority vote in all matters regarding Party organisation,
finance and discipline in the Region concerned, such matters
binding on all Party members in that Region.

11. *Branches*

- (a) A Branch may be established in any area provided that there
are not less than 10 (ten) persons aged 18 years present.
- (b) At the inaugural branch meeting the following officials shall
be elected:
Chairman, Vice-Chairman, Secretary, Treasurer, Trustee

and at least three (3) members to the branch executive.

- (i) The branch secretary shall immediately after the inaugural meeting advise both the National Secretary of the date the branch has been established, including the names and addresses of officials elected and the total number of members. This shall be accompanied by an amount of no less than R4,00 to Head Office.
- (c) Branch officials may only be elected at an Annual General Meeting. Should any vacancy occur before that time they may only elect an official in an acting capacity.
- (d) An entrance fee of 25c shall be paid on acceptance of membership and thereafter a minimum monthly fee of 10c or R1,00 per annum, payable on the first month after enrolment. They (the members) shall be encouraged to make donations towards their branch or Head Office of the Party.
- (e) Branches shall submit a quarterly report to their Region, who in turn shall submit a quarterly report to Head Office.
- (f) Branch Executive Committee meetings shall be held at least once every month and Branch General meetings at least once every three months.
- (g) All bona-fide members shall be in possession of an official membership card.
- (h) *Constituencies Committees:*
These shall consist of representatives from all branches within a particular Constituency as delimited for the particular election concerned. They shall be especially concerned with these elections, the registration of voters and the actual conduct of the elections. They shall have an important voice in the selection of the candidates.
- (i) Branches may establish committees who could deal with fund-raising, propaganda, etc.
- (j) Branches may do anything that is in the interest of the Party, provided that all their actions are Constitutional and legal by South African Law.
- (k) Should branch finances be R10,00 and over, this money shall be deposited in a registered savings bank under the name of the Labour Party of South Africa, and stating the name of the Party Branch. All monies to be deposited in the bank within seven (7) days of receipt thereof.
- (l) Copies of minutes of the Annual General Meeting shall be submitted to both the National Secretary and Regional Secretary wherein that branch is situated.

12. *Party Caucus*

- (a) All Party C.P.R.C. members shall be members of the Party Caucus.

and at least three (3) members to the branch executive.

- (i) The branch secretary shall immediately after the inaugural meeting advise both the National Secretary of the date the branch has been established, including the names and addresses of officials elected and the total number of members. This shall be accompanied by an amount of no less than R4,00 to Head Office.
- (c) Branch officials may only be elected at an Annual General Meeting. Should any vacancy occur before that time they may only elect an official in an acting capacity.
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- (l) Copies of minutes of the Annual General Meeting shall be submitted to both the National Secretary and Regional Secretary wherein that branch is situated.

12. *Party Caucus*

- (a) All Party C.P.R.C. members shall be members of the Party Caucus.

Federal Coloured People's Party: Constitution

SECTION 1: PRINCIPLES, POLICY, MEMBERSHIP, ETC.

1. The name of the Party is, THE FEDERAL COLOURED PEOPLE'S PARTY OF SOUTH AFRICA and its motto is: For the Coloured People, from the Coloured People.

PROGRAMME OF PRINCIPLES

2. The Party is founded on the following principles:—
 - (a) On Divine Principles — The Coloured People as a God fearing people accept the Almighty God as the supreme authority in all their activities.
 - (b) On the principles of positive equal development.
 - (c) It undertakes to promote the welfare of the Coloured People of South Africa and to improve and protect their political rights. For this reason it wishes to promote pride of identity and independence amongst the Coloured People, with due regard to the loyalty and devotion they owe to South Africa and its interests.
3. The Party strives to achieve the above-mentioned principles by:
 - (a) Promoting the interests of the Coloured People in the Spiritual, Social, Educational, Cultural and Economic fields.
 - (b) By leading them into a new era of mature and full fledged citizenship, and in their evolution, to forge a new foundation of vertical equal development in our national community.
 - (c) By cultivating and stimulating responsible leadership and inspiring our youth to a sense of purity and good.
4. The Party wishes to develop and promote a spirit of co-operation with any other recognised race group based on similar principles on condition that they too recognise and accept the aims of the Party.
5. The policy of the Party is to promote the official languages of the Republic of South Africa.

LABOUR POLICY

6. (a) The Party envisages in general, with regard to the worker and employer and also that of the worker and the state, to

• Renamed the 'Freedom Party' at the National Congress of the Party, 6 January 1978.

watch that a sound and balanced good relationship is maintained. In order to uplift the status of the worker and to promote a satisfied and happy labour force the Party will strive to secure a proper standard of living for the worker.

- (b) The Party will also strive to:
 - (i) Instill in the worker a sense of belonging and promote mutual understanding and co-operation between the worker and his employer.
 - (ii) Equalize wages and salaries and working conditions and afford every Coloured person the opportunity of being satisfactorily and happily and securely employed.
 - (iii) Retain the traditional employment avenues of the Coloured People and protect them in proclaimed Coloured areas against being crowded out by other racial groups.

7. *GENERAL ECONOMIC POLICY*

The Party envisages the protection of the Coloured People against infiltration by other races in their business areas and that business licences and other opportunities in every aspect be their exclusive right. That thorough investigations be made in Coloured areas to prevent the acquisition by proxy or otherwise licences and fixed property by other racial groups.

8. *GENERAL*

The Party considers it the duty of the Government to provide education based on sound principles for every Coloured child with due regard to aptitude and ability. The Party subscribes to this policy and will do everything in its power to promote education.

9. The Party envisages the promotion of a broad and purposeful welfare policy for the Coloured People.

10. The Party accepts the principles that our Coloured Corps should also protect the boundaries of the R.S.A.

MEMBERSHIP

11. (a) All Coloured men and women can become members of the Party subject to the following conditions. On joining the Party all prospective members will be regarded as having made the following declaration:

- (i) I hereby do solemnly and truthfully declare that I accept the supreme authority and guidance of God in the destinies of countries and their people. That I will loyally uphold and carry out the said principles of the Federal Coloured People's Party to the best of my

ability. That I further of my own free will wish to bind myself to undivided loyalty to the Party and the fulfilment of my obligations as a member of the Party in terms of the constitution.

- (ii) That I submit myself to the authority and discipline of the Federal Coloured People's Party in terms of the constitution and that I am not a member of any other political party or organisation with a political basis.
- (b) Prospective members must have reached the age of eighteen (18) and must make written application for membership.
After payment of membership fees, a membership card must be issued.
- (c) Application for membership is only admissible if done on the prescribed membership application form of the Branch Executive. A Branch Executive may without giving reason refuse membership to any person. Should this occur such a prospective member may lodge an appeal to the Provincial Executive.
- (d) No person may become a member of any Branch, other than the one within whose boundaries he lives though permission to do so may be given by the Provincial Executive in exceptional cases.

TERMINATION OF MEMBERSHIP

12. A member ceases to be a member of the Federal Coloured People's Party when:
- (a) He/she submits his resignation in writing.
 - (b) Is suspended from the Party.
 - (c) A member may be suspended by the Branch Executive which has jurisdiction over him without disclosure of reasons; pending an appeal to the Provincial Executive. Such an appeal must be lodged with the Provincial Executive within 14 days.
 - (i) A member who in absentia has been suspended must immediately be informed thereof.
 - (ii) Until his appeal is heard he remains a suspended member.

RE-INSTATEMENT OF MEMBERSHIP

13. Should a suspended member wish to be re-instated he may do so by applying to the Branch Executive who in turn, after consultation may recommend the re-instatement of such a member to the Provincial Executive. The final decision rests with the latter.

AMENDMENTS TO THE CONSTITUTION

14. (a) Any proposed amendments to the constitution must reach the secretary 21 days before the National Congress where they are to be discussed.
- (b) Amendments to the constitution may be presented only by the Provincial Councils.

DISSOLUTION

15. Should the need arise to dissolve the Party it can only be done by the National Supreme Council. Any funds which the Party may then possess will then be used at the discretion of the National Executive.

SECTION 2: PARTY STRUCTURE AND ORGANISATION

Terminology: Officers and Bodies.

1. National Leader
2. National Supreme Council
3. National Executive

4. Provincial Leaders
5. Provincial Councils
6. Provincial Executives

7. Constituency Councils
8. Constituency Executives
9. Branches with their Executives

- 1A. National Congress
- 2A. National Caucus (Advisory)
- 3A. Administrative Head Office

- 4A. Provincial Congresses
- 5A. Provincial Caucus (Advisory)
- 6A. Provincial Adm. offices

1. *NATIONAL LEADER*

- (a) The National Leader is elected annually during the session of the Congress by a Voting College composed of: The members of the National Supreme Council, the members of the Caucus and all the chairmen of the Constituencies who are present at the Congress.
- (b) The Leader is chairman of the National Congress, the National Supreme Council and the National Executive.

1A. *NATIONAL CONGRESS*

- (a) The National Congress will be composed of two accredited

members from every registered branch and will meet once a year.

- (b) The National Congress revises or amends the Federal Party Constitution.
- (c) Receives progress and financial reports tendered by the National Executive and Provincial Leaders.
- (d) Forwards matters concerning legislation or resolutions, to be placed before the Coloured People's Representative Council, to the National Caucus via the National Supreme Council.
- (e) Receives the investment and disbursement reports of Party funds as reported by the National Executive.

2. *NATIONAL SUPREME COUNCIL*

- (a) To consist of 23 members: 9 Cape; 6 Transvaal; 4 Natal and 4 Free State. The National Leader of the Party serves as chairman of the Supreme Council. Each province to elect its members from its Provincial Executive. A secretary and a treasurer are elected from its own ranks.
- (b) The Supreme Council is the highest policy-making and administrative body of the Party. It will maintain collaboration with the Party Caucus (2A) as the main advisory body.
- (c) The Supreme Council will elect its own National Executive consisting of 7 members, which will operate on behalf of the Supreme Council.
- (d) The Supreme Council will meet at least once a year.
- (e) A quorum is one more than half of its members.

3. *THE NATIONAL EXECUTIVE*

- (a) To consist of 7 members as elected by the Supreme Council with the right to co-opt two more members. The office-bearers of the National Supreme Council will be the office-bearers of the National Executive.
- (b) The control of the finances of the Party is vested in this body. The Administrative Head Office (3A) will be under the supervision of the National Executive.
- (c) The National Executive will plan and direct all national activities of the Party. Planning and programming will be some of its main functions.
- (d) Serve as the highest finance administrating body of the Party and will allocate funds for organisation to all provinces.
- (e) Plan election strategy.
- (f) Initiate Republic-wide fund-raising campaigns.
- (g) Make all arrangements for the National Congress.

- (h) Appoint a chartered accountant to audit Party books and present an audited financial statement to the National Congress.
 - (i) A quorum is one more than half of its members.
4. *PROVINCIAL LEADERS*
- (a) The Provincial Leaders are elected annually by the Provincial Councils.
 - (b) A Provincial Leader is chairman of the Provincial Congress, Provincial Council and Provincial Executive. In his absence an acting chairman is elected for that meeting.
- 4A. *THE PROVINCIAL CONGRESS*
- (a) The Provincial Congress will be composed of two accredited members from every Branch in the Province and will meet once a year.
 - (b) It receives reports on the progress and financial standing of the Party in the Province.
 - (c) It prepares and submits resolutions to be tabled at National Congress.
5. *THE PROVINCIAL COUNCIL*
- (a) COMPOSITION:
 - (i) CAPE PROVINCE: One representative from each Constituency Executive.
 - (ii) OTHER PROVINCES: Three representatives from each Constituency Executive viz chairmen, vice-chairmen and secretaries (or their elected secundi).
 - (iii) A quorum is one more than half of the members.
 - (b) The Provincial Council elects its own Provincial Executive consisting of the Leader, Provincial Secretary, Administrative Secretary-Treasurer and not more than seven of its own members.
 - (c) Has the right of suspension of any member in any position in the Party in the province by a two-third majority of the members present provided a quorum is present and written advice of the meeting had been given at least two weeks in advance.
 - (d) In cases of suspension, resignation or death of a member of the Provincial Council, the vacancy is filled by the concerned Constituency Executive.
 - (e) The powers of the Provincial Council are vested in its Provincial executive who has to deal with all matters affecting the Party in the Province.
 - (f) Considers and approves aspirant candidates for the C.R.C. as submitted by the Constituency Councils.
 - (g) The Provincial Council will meet at least twice a year.

- (h) A Provincial Council or Executive member who without previous leave or condonation for absence, absents himself for two successive meetings, is subject to suspension.
- (i) The Provincial Caucus (5A) is the highest provincial advisory body.
- (j) Determines membership fees for the province and submits half to the Admin. Head Office.

6. *THE PROVINCIAL EXECUTIVE*

- (a) The office-bearers of the Provincial Council will be the office-bearers of the Provincial Executive.
- (b) The Provincial Executive will direct all the activities of the Party in the province but will report fully to the Provincial Council.
- (c) It will supervise and direct the administration and administrative offices of the Party in the province.
- (d) Appoint on its own responsibility full-time or temporary staff where and when necessary in the province.
- (e) It will meet at least four times a year.
- (f) Apply itself to the necessary raising of funds, execute decisions taken by Congress and the National Executive make press statements, plan the annual Provincial Congress and do everything to promote and improve the organisation in close collaboration with the Constituency Councils.
- (g) Two additional members may be co-opted to the Executive from the ranks of the Provincial Council if necessary, in provinces where the constituencies are large or the number very few.
- (h) The Provincial Executive draws up an annual budget and submits it to the National Executive.
- (i) It will administer funds allocated to the province by the National Executive.
- (j) It will operate a current account for all income and expenditure of the province.
- (k) It will prepare an annual financial statement to be presented to Provincial and National Congress.

7. *CONSTITUENCY COUNCILS*

- (a) A Constituency Council is composed of the chairmen, vice-chairmen and secretaries of all registered branches in a constituency. It elects its own Constituency Executive out of its own members which consists of a chairman, vice-chairman, secretary and no fewer than five or no more than nine additional members.
- (b) This body of which there shall be only one in a constituency

- co-ordinates the activities of the Party in a constituency.
- (c) One of its main functions is to see that branches are formed all over the area under its control.
 - (d) Draws up its own programs which must collaborate with the programmes of the higher bodies.
 - (e) Work in close contact with the Provincial Secretary and administrative offices and furnish all information to the office for record purposes and for action.
 - (f) Recommends aspirant candidates for the constituency to the Provincial Council. The final decision rests with the latter body.

8. *CONSTITUENCY EXECUTIVES*

- (a) This executive, formed as stipulated in paragraph 7, has the important task of activating politics in the constituency.
- (b) Elected or appointed members of the C.P.R.C. must be co-opted if they are not elected by the Constituency Council.

9. *BRANCHES*

- (a) A branch may not consist of fewer than 10 members. It elects its own chairman, vice-chairman and secretary who also handles finances.
- (b) All new members and newspaper subscribers must be registered at the Administrative Head Office and Provincial Administrative Office and fees sent where applicable.
- (c) Branch members must meet at least once a month. Once a year an annual general meeting must be held and the branch executive elected or the old executive re-elected.
- (d) All minutes of meetings and financial books must be properly kept and the membership register kept up to date.
- (e) Regular branch reports and financial statements must be sent to Head Office and copies to the Provincial Secretary.
- (f) Delegates to a Provincial or National Congress must possess and present credentials signed by the branch chairman and secretary.
- (g) All branches of the Party must have current banking accounts at a local bank.
- (h) A receipt is issued for all income and all expenditures are paid by cheque signed by two members of the branch executive.
- (i) All newspaper subscriptions must be sent directly to Head Office.
- (j) Branches will hold rallies and functions and exploit other channels to raise funds regularly.

WET

Om 'n Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika in te stel en sy bevoegdhede, werksaamhede en pligte te bepaal en vir daarmee in verband staande aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Mei 1964.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaats- en die Volksraad van die Republiek van Suid-Afrika soos volg:—

Instelling van
Verteenwoordigende
Kleurlingraad.

1. (1) Daar word met ingang van 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, 'n raad ingestel bekend as die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika (hieronder die Raad genoem) wat bestaan uit—

(a) dertig lede wat op die hieronder bepaalde wyse verkies word; en

(b) sestien lede wat deur die Staatspresident benoem word.

(2) Niemand anders as 'n Kleurling kan tot lid van die Raad benoem of verkies word nie.

Benoemde lede
van Raad.

2. Twee van die in paragraaf (b) van sub-artikel (1) van artikel een bedoelde lede van die Raad moet persone wees wat behoort tot die ras of klas bekend as Maleiers en twee sodanige lede moet persone wees wat behoort tot die ras of klas bekend as Griekwas, terwyl die orige sodanige lede benoem word en die onderskeie provinsies te verteenwoordig, te wete—

(a) agt lede in die geval van die provinsie die Kaap en Goeie Hoop;

ACT

To establish a Coloured Persons Representative Council of the Republic of South Africa, to determine its powers, functions and duties and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 26th May, 1964.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. (1) There shall be established with effect from a date determined by the State President by Proclamation in the *Gazette*, a council to be known as the Coloured Persons Representative Council of the Republic of South Africa (hereinafter referred to as the Council), which shall consist of—

(a) thirty members elected in the manner hereinafter provided; and

(b) sixteen members nominated by the State President.

(2) No person other than a Coloured person shall be nominated or elected as a member of the Council.

Nominated
members of
Council.

2. Two of the members of the Council referred to in paragraph (b) of sub-section (1) of section one shall be persons belonging to the race or class known as Malays and two such members shall be persons belonging to the race or class known as Griquas, whilst the rest of such members shall be nominated to represent the respective provinces, namely—

(a) eight members in the case of the province of the Cape of Good Hope;

(b) twee lede in die geval van die provinsie Transvaal; en
(c) een lid elk in die geval van die provinsies Natal en die
Oranje-Vrystaat.

Registrasie
van kiesers.

3. (1) So spoedig doenlik na die inwerkingtreding van hierdie
Wet en daarna met tussenpose van hoogstens vyf jaar sal
daar 'n algemene registrasie van kiesers plaas, en wel vanaf 'n
datum wat die Staatspresident in elke geval by proklamasie
in die *Staatskoerant* bepaal.

(2) (a) By so 'n algemene registrasie stel elke verkiesings-
beampte vir elke afdeling in die gebied waar
voor hy aangestel is 'n lys, bekend as die Kleurling-
kieserslys, op van persone wat geregtig is om te stem.
(b) So 'n lys moet die name bevat van alle persone wat
gedurende 'n tydperk van negentig dae wat eindig
om vieruur in die namiddag na die gepaste datum in
die toepaslike proklamasie ingevolge sub-artikel (1)
bepaal, volgens voorskrif van artikel ses om registrasie
as kiesers in die betrokke afdeling aansoek gedoen
het en geregtig is om aldus geregistreer te word.

(3) Die lyste wat na 'n algemene registrasie opgestel is, tree
in werking vanaf 'n datum wat die Staatspresident by prokla-
masie in die *Staatskoerant* bepaal, en wat nie later as honderd-
en-tagtig dae na die toepaslike ingevolge sub-artikel (1) be-
paalde datum is nie, en bly tesame met enige supplementêre
lyste daarna ingevolge hierdie artikel opgestel, van krag tot 'n
nuwe lyste ingevolge 'n daaropvolgende algemene registrasie
opgestel, in werking tree.

(4) In elke jaar vind daar op die eerste dag van Maart,
Julie en November onderskeidelik supplementêre registrasie
plaas van kiesers wie se aansoeke om registrasie voor vieruur
in die namiddag op die laaste dag van die toepaslike onmiddellik
voorafgaande maand volgens voorskrif van artikel ses inge-
dien word: Met dien verstande dat geen supplementêre registra-
sie plaasvind nie waar die hierby daarvoor voorgeskrewe datum
val na die datum van die onmiddellik voorafgaande algemene
registrasie en voor die datum waarop die kieserslys by daardie
algemene registrasie opgestel, in werking tree.

(5) Supplementêre lyste ingevolge sub-artikel (4) opgestel,
tree in werking op die eersvolgende eerste dag van onderskeidelik
Mei, September of Januarie: Met dien verstande dat waar
'n stemming na die datum waarop so 'n lys aldus in werking
tree, gehou moet word ingevolge 'n proklamasie voor daardie
datum kragtens artikel vyf-en-dertig of *agt-en-tagtig* van die
Kieswet uitgevaardig, daardie lys geldig is vir alle doeleindes
in verband met die verkiesing waarop die proklamasie be-
trekking het.

(6) Waar 'n kiesafdeling nie geheel en al binne die gebied
van een ingevolge die Kieswet aangestelde verkiesingsbeampte
val nie, wys die Minister van Binnelandse Sake 'n aldus aangestelde
verkiesingsbeampte aan om met betrekking tot daardie
kiesafdeling die pligte uit te voer wat by hierdie artikel aan 'n
verkiesingsbeampte opgedra word, en daaron word voorskrif...

(b) two members in the case of the province of the Transvaal; and
(c) one member each in the case of the provinces of Natal and the Orange Free State.

3. (1) As soon as possible after the commencement of this Act and thereafter at intervals of not more than five years a general registration of voters shall take place with effect from a date determined in each case by the State President by proclamation in the *Gazette*.

Registration of voters.

(2) (a) At any such general registration every electoral officer shall prepare for each division in the area for which he has been appointed a list, to be known as the Coloured voters' list, of persons entitled to vote.
(b) Any such list shall contain the names of all persons who during a period of ninety days ending at four o'clock in the afternoon after the appropriate date fixed in the relevant proclamation under sub-section (1), have in accordance with the provisions of section six applied for registration as voters in the division in question and are entitled to be so registered.

(3) The lists prepared after a general registration shall come into operation as from a date fixed by the State President by proclamation in the *Gazette*, not being later than one hundred and eighty days after the relevant date determined under sub-section (1), and shall, together with any supplementary lists thereafter prepared under this section, remain in operation until new lists prepared in pursuance of a subsequent general registration come into operation.

(4) On the first day of March, July and November, respectively, in each year supplementary registrations shall take place of voters whose applications for registration are submitted in accordance with the provisions of section six before four o'clock in the afternoon on the last day of the appropriate registration preceding month: Provided that no supplementary registration shall take place where the date hereby prescribed in respect thereof falls after the date of the immediately preceding general registration and before the date on which the voters' list prepared at such general registration comes into operation.

(5) Supplementary lists prepared under sub-section (4) shall come into operation on the next succeeding first day of May, September or January, respectively: Provided that where after the date on which any such list so comes into operation a poll is to be held in terms of a proclamation issued before that date under section thirty-five or eighty-eight of the Electoral Act, such list shall be valid for all purposes in connection with the election to which the proclamation relates.

(6) Where any electoral division does not fall wholly within the area of any one electoral officer appointed under the Electoral Act, the Minister of the Interior shall designate an electoral officer so appointed to perform the duties assigned to an electoral officer under this section in relation to the said

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(3) No person who has been guilty of any corrupt or illegal practice at an election shall vote at that election.

6. (1) Every Coloured person who is under the provisions of sub-section (1) of section four entitled to be registered as a voter on the Coloured voters' list may post or deliver an application for registration in accordance with the provisions of sub-section (2) to—

- (a) an electoral officer appointed under paragraph (b) of section seven of the Electoral Act;
- (b) a regional office of the Department of Coloured Affairs;
- (c) an office of the South African Police; or
- (d) a magistrate's office.

(2) Such an application shall be in the prescribed form, shall be completed in one of the official languages of the Republic so as to show all the prescribed particulars required for the purpose of establishing the applicant's identity, his right to vote and the division in which he is to be registered as a voter, shall, subject to the provisions of section seven, be signed by the applicant personally together with and in the presence of a competent witness, and shall contain a declaration signed by such witness that he is a competent witness and that the applicant personally signed the application in his presence.

7. (1) If any person is by reason of physical infirmity or physical disability unable to sign an application for registration as a voter, the application may, subject to the provisions of sub-section (2), be signed on his behalf by any other competent adult person.

(2) Any such application shall be completed and signed in the presence of the applicant and of a magistrate, an electoral officer, a justice of the peace or a commissioner of oaths, and shall have endorsed thereon—

- (a) a statement by the person signing it on behalf of the applicant setting forth the nature of the physical infirmity or disability in question and stating that the applicant has authorized him to sign the application on his behalf; and
- (b) a statement by the magistrate, electoral officer, justice of the peace or commissioner of oaths that the application was completed and signed on behalf of the applicant in the presence of the applicant and himself.

8. (1) For the purpose of the election of members of the Council the State President shall as soon as practicable after the commencement of this Act, and thereafter at intervals of not less than five and not more than ten years commencing on the last preceding division, appoint a commission consisting of a judge or retired judge of the Supreme Court of South Africa, for the division of the provinces into electoral divisions.

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Wys van aansoek om registrasie as kieser.

6. (1) Elke Kleurling wat ingevolge die bepalings van sub-artikel (1) van artikel vier geregtig is om as 'n kieser op die Kleurlingkieserslys geregistreer te word, kan 'n aansoek om registrasie volgens voorskrif van sub-artikel (2) pos of aflewer aan—

- (a) 'n verkiesingsbeampte aangestel kragtens paragraaf (b) van artikel sewe van die Kieswet;
- (b) 'n streekkantoor van die Departement van Kleurlingsake;
- (c) 'n kantoor van die Suid-Afrikaanse Polisie; of
- (d) 'n landdroskantoor.

(2) So 'n aansoek moet in die voorgeskrewe vorm wees, moet in een van die amptelike tale van die Republiek voltooi word en wel op so 'n wyse dat al die voorgeskrewe besonderhede aangegee word wat nodig is om die aansoeker se identiteit vas te stel en sy reg om te stem en die afdeling waarin hy as kieser geregistreer moet word, te bepaal, moet, behoudens die bepalings van artikel sewe, deur die aansoeker eiehandig saam met en in teenwoordigheid van 'n bevoegde getuie onderteken wees, en moet 'n deur bedoelde getuie ondertekende verklaring bevat dat hy 'n bevoegde getuie is en dat die aansoeker die aansoek eiehandig in sy teenwoordigheid onderteken het.

Omstandighede waaronder aansoek deur iemand anders namens 'n aansoeker voltooi en onderteken kan word.

7. (1) Indien iemand as gevolg van liggaamlike swakheid of liggaamlike gebrek nie in staat is om 'n aansoek om registrasie as kieser te onderteken nie, kan die aansoek, met inagneming van die bepalings van sub-artikel (2), deur 'n ander bevoegde volwasse persoon ten behoeve van hom onderteken word.

(2) So 'n aansoek moet voltooi en onderteken word in die teenwoordigheid van die aansoeker en van 'n landdros, verkiesingsbeampte, vrederegter of kommissaris van ede, en daarop moet geëndosseer wees—

- (a) 'n verklaring deur die persoon wat dit ten behoeve van die aansoeker onderteken waarin hy die aard van die onderhawige liggaamlike swakheid of gebrek aangee, en vermeld dat die aansoeker hom gemagtig het om die aansoek ten behoeve van hom te onderteken; en
- (b) 'n verklaring deur die landdros, verkiesingsbeampte, vrederegter of kommissaris van ede dat die aansoek in sy teenwoordigheid en in dié van die aansoeker ten behoeve van die aansoeker voltooi en onderteken is.

• Metode van verdeling van provinsies in kiesafdelings.

8. (1) Vir die verkiesing van lede van die Raad stel die Staatspresident so spoedig doenlik na die inwerkingtreding van hierdie Wet, en daarna met tussenpose van minstens vyf en hoogstens tien jaar gereken vanaf die jongste vorige verdeling, 'n kommissie aan wat bestaan uit 'n regter of afgetrede regter van die Hooggeregshof van Suid-Afrika, vir die verdeling

Manner of application for registration as voter.

Circumstances under which application may be completed and signed by another person on behalf of an applicant.

Manner of dividing provinces into electoral divisions.

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van 1964.Wyse van aansoek
om registrasie
as kieser.

(3) Niemand wat hom by 'n verkiesing aan 'n korrupte of onwettige bedrywigheid skuldig gemaak het, mag by daardie verkiesing stem nie.

6. (1) Elke Kleurling wat ingevolge die bepalinge van sub-artikel (1) van artikel vier geregtig is om as 'n kieser op die Kleurlingkieserslys geregistreer te word, kan 'n aansoek om registrasie volgens voorskrif van sub-artikel (2) pos of aflewer aan—

- (a) 'n verkiesingsbeampte aangestel kragtens paragraaf (b) van artikel sewe van die Kieswet;
- (b) 'n streekkantoor van die Departement van Kleurlingsake;
- (c) 'n kantoor van die Suid-Afrikaanse Polisie; of
- (d) 'n landdroskantoor.

(2) So 'n aansoek moet in die voorgeskrewe vorm wees, moet in een van die amptelike tale van die Republiek voltooi word en wel op so 'n wyse dat al die voorgeskrewe besonderhede aangegee word wat nodig is om die aansoeker se identiteit vas te stel en sy reg om te stem en die afdeling waarin hy as kieser geregistreer moet word, te bepaal, moet, behoudens die bepalinge van artikel sewe, deur die aansoeker eiehandig saam met en in teenwoordigheid van 'n bevoegde getuie onderteken wees, en moet 'n deur bedoelde getuie ondertekende verklaring bevat dat hy 'n bevoegde getuie is en dat die aansoeker die aansoek eiehandig in sy teenwoordigheid onderteken het.

Omstandighede
waaronder aansoek
deur iemand
anders namens
'n aansoeker
voltooi en
onderteken
kan word.

7. (1) Indien iemand as gevolg van liggaamlike swakheid of liggaamlike gebrek nie in staat is om 'n aansoek om registrasie as kieser te onderteken nie, kan die aansoek, met inagneming van die bepalinge van sub-artikel (2), deur 'n ander bevoegde volwasse persoon ten behoeve van hom onderteken word.

(2) So 'n aansoek moet voltooi en onderteken word in die teenwoordigheid van die aansoeker en van 'n landdros, verkiesingsbeampte, vrederegter of kommissaris van ede, en daarop moet geëndosseer wees—

- (a) 'n verklaring deur die persoon wat dit ten behoeve van die aansoeker onderteken waarin hy die aard van die onderhawige liggaamlike swakheid of gebrek aangee, en vermeld dat die aansoeker hom gemagtig het om die aansoek ten behoeve van hom te onderteken; en
- (b) 'n verklaring deur die landdros, verkiesingsbeampte, vrederegter of kommissaris van ede dat die aansoek in sy teenwoordigheid en in dié van die aansoeker ten behoeve van die aansoeker voltooi en onderteken is.

Metode van
verdeling van
provinsies in
kiesafdelings.

8. (1) Vir die verkiesing van lede van die Raad stel die Staatspresident so spoedig doenlik na die inwerkingtreding van hierdie Wet, en daarna met tussenpose van minstens vyf en hoogstens tien jaar gereken vanaf die jongste vorige verdeling, 'n kommissie aan wat bestaan uit 'n regter of afgetrede regter van die Hooggeregshof van Suid-Afrika, vir die verdeling

(3) No person who has been guilty of any corrupt or illegal practice at an election shall vote at that election.

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of 1964.

6. (1) Every Coloured person who is under the provisions of sub-section (1) of section four entitled to be registered as a voter on the Coloured voters' list may post or deliver an application for registration in accordance with the provisions of sub-section (2) to—

Manner of
application for
registration
as voter.

- (a) an electoral officer appointed under paragraph (b) of section seven of the Electoral Act;
- (b) a regional office of the Department of Coloured Affairs;
- (c) an office of the South African Police; or
- (d) a magistrate's office.

(2) Such an application shall be in the prescribed form, shall be completed in one of the official languages of the Republic so as to show all the prescribed particulars required for the purpose of establishing the applicant's identity, his right to vote and the division in which he is to be registered as a voter, shall, subject to the provisions of section seven, be signed by the applicant personally together with and in the presence of a competent witness, and shall contain a declaration signed by such witness that he is a competent witness and that the applicant personally signed the application in his presence.

7. (1) If any person is by reason of physical infirmity or physical disability unable to sign an application for registration as a voter, the application may, subject to the provisions of sub-section (2), be signed on his behalf by any other competent adult person.

Circumstances
under which
application
may be completed
and signed by
another person
on behalf of
an applicant.

(2) Any such application shall be completed and signed in the presence of the applicant and of a magistrate, an electoral officer, a justice of the peace or a commissioner of oaths, and shall have endorsed thereon—

- (a) a statement by the person signing it on behalf of the applicant setting forth the nature of the physical infirmity or disability in question and stating that the applicant has authorized him to sign the application on his behalf; and
- (b) a statement by the magistrate, electoral officer, justice of the peace or commissioner of oaths that the application was completed and signed on behalf of the applicant in the presence of the applicant and himself.

8. (1) For the purpose of the election of members of the Council the State President shall as soon as practicable after the commencement of this Act, and thereafter at intervals of not less than five and not more than ten years commencing on the last preceding division, appoint a commission consisting of a judge or retired judge of the Supreme Court of South Africa, for the division of the provinces into electoral divisions.

Manner of
dividing
provinces into
electoral
divisions.

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van 1964.

- (a) in die geval van die provinsie die Kaap die Goëie Hoop, in agtien kiesafdelings;
 (b) in die geval van die provinsie Transvaal, in ses kiesafdelings;
 (c) in die geval van die provinsie Oranje-Vrystaat, in drie kiesafdelings; en
 (d) in die geval van die provinsie Natal, in drie kiesafdelings.

(2) (a) Vir die doeleindes van so 'n verdeling word die kwota van 'n provinsie verkry deur die totale getal kiesers in dié provinsie soos vasgestel uit 'n ondersoek van die geldende kieserslyste, te deel deur die getal kiesafdelings waarin daardie provinsie verdeel moet word.

(b) Elke provinsie word op so 'n wyse in kiesafdelings verdeel dat die getal op die Kleurlingkieserslys geregistreerde persone wat in elke kiesafdeling woon so na as moontlik met die kwota vir die provinsie gelykstaan. Met dien verstande dat die kommissie, met inagneming van gemeenskaplikheid of verskeidenheid van belange, verkeersmiddele, natuurlike kenmerke en huidige of toekomstige dunheid of digtheid van bevolking waaromtrent inligting beskikbaar is, in enige geval van die kwota kan afwyk, maar in geen geval in groter mate as vyftien persent bo of vyftien persent benede die kwota nie.

(3) Die bepaling van die Kommissiewet, 1947 (Wet No. 8 van 1947), behalwe artikel een daarvan, is *mutatis mutandis* toegevoeg met betrekking tot die kommissie, en by die toepassing van bedoelde bepaling word 'n verwysing daarin na die sekretaris van 'n daarin bedoelde kommissie uitgelê as 'n verwysing na die persoon wat die kommissie uitmaak of iemand deur hom aangewys.

(4) Die kommissie lê aan die Staatspresident voor—

- (a) 'n lys van die kiesafdelings waarin elke provinsie aldus verdeel is, tesame met die naam toegeken aan en 'n beskrywing van die grense van elke kiesafdeling;
 (b) 'n kaart van die betrokke provinsie wat bedoelde grense aantoon; en
 (c) die ander besonderhede wat die kommissie nodig ag

(5) Die Staatspresident kan enige aangeleentheid wat op 'n lys van kiesafdelings betrekking het of uit die bevoegdheid of pligte van die kommissie ontstaan, na die kommissie verwys.

(6) Die Staatspresident maak by proklamasie in die *Staatskoerant* die name en grense van die kiesafdelings bekend soos hulle finaal vasgestel en gesertifiseer is, en daarna is die kiesafdelings soos aldus genoem en beskryf, die kiesafdelings in die betrokke provinsie vir die doeleindes van hierdie Wet totdat 'n herverdeling plaasvind.

(7) In geval van 'n verskil tussen die beskrywing van die

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- (a) eighteen electoral divisions in the case of the province of the Cape of Good Hope;
 (b) six electoral divisions in the case of the province of Transvaal;
 (c) three electoral divisions in the case of the province of the Orange Free State; and
 (d) three electoral divisions in the case of the province of Natal.

(2) (a) For the purpose of any such division the quota of a province shall be obtained by dividing the total number of voters in that province as ascertained from an examination of the current voters' lists, by the number of electoral divisions into which that province is to be divided.

(b) Every province shall be divided into electoral divisions in such a manner that the number of persons registered on the Coloured voters' list residing in each electoral division will be as nearly as may be equal to the quota of the province: Provided that the commission may in any case, with due regard to community or diversity of interests, means of communication, physical features and existing or future sparsity or density of population in respect of which information is available, depart from the quota, but in no case to any greater extent than fifteen per cent more or fifteen per cent less than the quota.

(3) The provisions of the Commissions Act, 1947 (Act No. 8 of 1947), except section one thereof, shall *mutatis mutandis* apply with reference to the commission, and for the purpose of the application of the said provisions any reference therein to the secretary of a commission contemplated therein shall be construed as a reference to the person constituting the commission or a person designated by him.

(4) The commission shall submit to the State President—

- (a) a list of the electoral divisions into which each province has been so divided, together with the name given to and a description of the boundaries of each division;
 (b) a map of the province concerned indicating the said boundaries; and
 (c) such other particulars as the commission may consider necessary.

(5) The State President may refer to the commission any matter relating to any such list of electoral divisions or arising out of the powers or duties of the commission.

(6) The State President shall by proclamation in the *Gazette* make known the names and boundaries of the electoral divisions as finally settled and certified, and thereafter the electoral divisions as so named and described shall, until a re-division takes place, be the electoral divisions in the provinces concerned for the purposes of this Act.

(7) In the event of a discrepancy between the description of the electoral divisions and the aforesaid map or maps—

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van 1964.

Toepassing
van sekere
bepalings
van Wet 46
van 1946.

9. (1) Behalwe vir sover hierdie Wet anders bepaal, is die bepalings van die Kieswet (behalwe artikels twee tot en met ses, en agt tot en met elf, sub-artikel (2) van artikel veertien, paragraaf (c) van sub-artikel (2) van artikel vyftien, sub-artikel (4) van artikel sewentien, sub-artikel (3) van artikel twee-en-twintig en artikels agt-en-twintig en honderd twee-en-sewentig) en die daarkragens uitgevaardigde regulasies, vir sover dit op die registrasie van kiesers en die opstel van kieserslyste en enige aangeleentheid rakende die verkiesing van lede van die Volksraad betrekking het, *mutatis mutandis* van toepassing met betrekking tot die registrasie van kiesers, die opstel van kieserslyste en enige aangeleentheid rakende die verkiesing van lede van die Raad, en by die toepassing van bedoelde bepalings word 'n verwysing daarin—

- (a) na 'n kiesafdeling as 'n verwysing na 'n kiesafdeling ingevolge hierdie Wet uitgelê;
- (b) na 'n kieserslys as 'n verwysing na die Kleurling-kieserslys uitgelê;
- (c) na 'n verkiesing as 'n verwysing na 'n verkiesing van lede van die Raad uitgelê;
- (d) na 'n bevoegde of onbevoegde persoon of iemand se bevoegdheid of onbevoegdheid as 'n verwysing na 'n Kleurling wat vir die ooreenstemmende doelinde van die registrasie van Kleurlingkiesers of hul opname in die Kleurlingkieserslys ingevolge hierdie Wet bevoeg of onbevoeg is of na sy reg om by 'n verkiesing ingevolge hierdie Wet te stem of na sy bevoegdheid of onbevoegdheid met betrekking tot so 'n aangeleentheid uitgelê;
- (e) na die registrasie van 'n kieser as 'n verwysing na die registrasie van 'n Kleurlingkieser ingevolge hierdie Wet en die woorde "register" en "registree" dienoooreenkomstig uitgelê;
- (f) na 'n kieser as 'n verwysing na 'n Kleurlingkieser uitgelê;
- (g) na 'n ontbinding van die Volksraad as 'n verwysing na 'n ontbinding van die Raad uitgelê;
- (h) na 'n blanke as 'n verwysing na 'n Kleurling uitgelê;
- (i) na artikel agt van die Kieswet as 'n verwysing na artikel drie van hierdie Wet uitgelê;
- (j) na 'n bevoegde getuie, tot tyd en wyl die eerste Kleurlingkieserslys opgestel is, uitgelê as 'n verwysing na iemand wat ingevolge artikel vier geregig is om as kieser geregistree te word, en daarna as 'n verwysing na iemand wie se naam op 'n geldige Kleurlingkieserslys voorkom.

(2) By die toepassing van sub-artikel (1) word onderstaande bepalings van die Kieswet uitgelê asof die wysigings ten opsigte daarvan aangedui daarin aangebring is, te wete—

- (a) in die geval van artikel sewentien, deur die verwysing in sub-artikel (2) na artikels tien en elf van die Kieswet; deur verwysings na artikels ses en sewe onderskeidelik van hierdie Wet te vervang;

9. (1) Save as is otherwise provided in this Act, the provisions of the Electoral Act (except sections two to six, inclusive, and eight to eleven, inclusive, sub-section (2) of section fourteen, paragraph (c) of sub-section (2) of section fifteen, sub-section (4) of section seventeen, sub-section (3) of section twenty-two, and sections twenty-eight and one hundred and seventy-two) and the regulations made thereunder, in so far as they relate to the registration of voters and the preparation of voters' lists and any matter affecting the election of members of the House of Assembly, shall *mutatis mutandis* apply with reference to the registration of voters, the preparation of voters' lists and any matter affecting the election of members of the Council, and in the application of the said provisions any reference therein—

Application of
certain provisions
of Act 46 of 1946

- (a) to an electoral division shall be construed as a reference to an electoral division under this Act;
 - (b) to a voters' list shall be construed as a reference to the Coloured voters' list;
 - (c) to an election shall be construed as a reference to an election of members of the Council;
 - (d) to a qualified or disqualified person or any person's qualification or disqualification shall be construed as a reference to a Coloured person who is qualified or disqualified for the corresponding purposes of the registration of Coloured voters or their inclusion in the Coloured voters' list under this Act or to his right to vote at an election under this Act or to his qualification or disqualification with reference to any such matter;
 - (e) to the registration of a voter shall be construed as a reference to the registration of a Coloured voter under this Act, and the word "register" shall be construed accordingly;
 - (f) to a voter shall be construed as a reference to a Coloured voter;
 - (g) to a dissolution of the House of Assembly shall be construed as a reference to a dissolution of the Council;
 - (h) to a white person shall be construed as a reference to a Coloured person;
 - (i) to section eight of the Electoral Act shall be construed as a reference to section three of this Act;
 - (j) to a competent witness shall be construed, until such time as the first Coloured voters' list has been prepared, as a reference to a person who is entitled to be registered as a voter under section four, and thereafter as a reference to a person whose name appears on a valid voters' list.
- (2) For the purposes of sub-section (1) the following provisions of the Electoral Act shall be construed as if the amendments indicated in respect thereof had been effected thereto, namely—
- (a) in the case of section sixteen, by the substitution for the references in sub-section (2) to sections ten and eleven of the Electoral Act of references to sections

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- (b) in die geval van artikel *twintig*, deur na die woorde "groep" waar dit die eerste maal voorkom, die woorde "waaraan slegs Kleurlinge kan behoort en waarvan die ampsdraers Kleurlinge is" in te voeg;
- (c) in die geval van artikel *sewe-en-twintig*, deur die verwysing na artikels *een-en-veertig* en *twee-en-veertig* van die "Zuid-Afrika Wet, 1909", deur 'n verwysing na artikel *agt* van hierdie Wet te vervang;
- (d) in die geval van artikel *vyf-en-dertig*, deur in sub-artikel (1) die verwysing na die ontbinding van die Volksraad kragtens 'n bepaling van die "Zuid-Afrika Wet, 1909", deur 'n verwysing na die ontbinding van die Raad ingeolge hierdie Wet te vervang, en in sub-artikel (5) die woorde "ooreenkomstig sub-artikel (2) van artikel *sewe-en-dertig* van die "Zuid-Afrika Wet, 1909" te skrap;
- (e) in die geval van artikel *ses-en-dertig*, deur in paragraaf (a) van sub-artikel (6) die verwysing na "verkiezing vir die Volksraad deur 'n verwysing na 'n verkiezing vir die Raad en die verwysing na artikel *vier-en-veertig*, *twee-en-vyftig* en *drie-en-vyftig* van die "Zuid-Afrika Wet, 1909", deur 'n verwysing na artikel *tien* van hierdie Wet te vervang;
- (f) in die geval van artikel *sewe-en-dertig*, deur die verwysing na "n bedrag van tweehonderd rand deur 'n verwysing na 'n bedrag van sestig rand te vervang;
- (g) in die geval van artikel *twee-en-veertig*, deur in paragraaf (b) die woorde "buite daardie afdeling sal wesen" te skrap en die verwysing na tien myl deur 'n verwysing na vyf myl te vervang;
- (h) in die geval van artikel *nege-en-tagtig*, deur die verwysings na die Speaker van die Volksraad deur verwysings na die Minister van Kleurlingsake te vervang;
- (i) in die geval van artikel *honderd-en-elf*, deur in paragraaf (a) die verwysing na die ontbinding van die Volksraad ingeolge 'n bepaling van die "Zuid-Afrika Wet, 1909", deur 'n verwysing na die ontbinding van die Raad ingeolge die bepaling van hierdie Wet, en in paragraaf (b) die verwysing na die Sekretaris van die Volksraad deur 'n verwysing na die Sekretaris van die Raad te vervang;
- (j) in die geval van artikel *honderd seve-en-sewentig*, deur die verwysing na 'n lid van die Volksraad wie se ooreenkomstig die bepaling van artikel *vier-en-vyftig* van die "Zuid-Afrika Wet, 1909", vakant geword het, te vervang deur 'n verwysing na 'n lid van die Raad wie se setel ooreenkomstig die bepaling van paragraaf (b) van artikel *dertien* van hierdie Wet vakant geword het;
- (k) behoudens die bepaling van paragraaf (h), deur verwysings na die Speaker of die Sekretaris van die

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- (b) in the case of section *twenty* by the insertion after the word "group" where it occurs the first time of the words "to which only Coloured persons may belong and of which all the office-bearers are Coloured persons";
- (c) in the case of section *twenty-seven*, by the substitution for the reference to sections *forty-one* and *forty-two* of the South Africa Act, 1909, of a reference to section *eight* of this Act;
- (d) in the case of section *thirty-five*, by the substitution in sub-section (1) for the reference to the dissolution of the House of Assembly under any provision of the South Africa Act, 1909, of a reference to the dissolution of the Council under this Act, and the substitution in sub-section (5) for the words "In accordance with sub-section (2) of section *thirty-seven* of the South Africa Act, 1909, all" of the word "All";
- (e) in the case of section *thirty-six*, by the substitution in paragraph (a) of sub-section (6) for the reference to an election for the House of Assembly of a reference to an election for the Council, and for the reference to sections *forty-four*, *fifty-two* and *fifty-three* of the South Africa Act, 1909, of a reference to section *ten* of this Act;
- (f) in the case of section *thirty-seven*, by the substitution for the reference to an amount of two hundred rand of a reference to an amount of sixty rand;
- (g) in the case of section *forty-two*, by the substitution in paragraph (b) for the words "be outside that division, and not" of the words "not be" and the substitution in that paragraph for the reference to ten miles of a reference to five miles;
- (h) in the case of section *eighty-nine*, by the substitution for the references to the Speaker of the House of Assembly of references to the Minister of Coloured Affairs;
- (i) in the case of section *one hundred and eleven*, by the substitution in paragraph (a) for the reference to the dissolution of the House of Assembly under any provision of the South Africa Act, 1909, of a reference to the dissolution of the Council under the provisions of this Act, and in paragraph (b) for the reference to the Secretary to the House of Assembly of a reference to the Secretary of the Council;
- (j) in the case of section *one hundred and seventy-seven* by the substitution for the reference to a member of the House of Assembly whose seat has become vacant under the provisions of section *fifty-four* of the South Africa Act, 1909, of a reference to a member of the Council whose seat has become vacant under the provisions of paragraph (b) of section *thirteen* of this Act;
- (k) subject to the provisions of paragraph (h), by the substitution for references to the Speaker of the

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na onderskeidelik die Voorsitter en van die Raad te vervang.

(3) Die Minister van Binnelandse Sake kan verband met die registrasie van Kleurlingkiezers van Kleurlingkiezerslyste en die hou van verlydoelindes van hierdie Wet uitvaardig, en so enige regulasie ingevolge die Kieswet uitgevaardig die wysigings of aanpassings wat bedoelde Minister.

Bevoegdheid vir
benoeming as of
verkieping tot
lid van Raad.

10. (1) Niemand word as lid van die Raad tensy—

- (a) hy ooreenkomstig sub-artikel (1) vir bevoeg is om as 'n kieser geregistreer
- (b) hy vir 'n tydperk van minstens twee jaar voor die datum van sy benoeming of die provinsie wat hy benoem word woordig, gewoon het.

(2) Niemand behalwe 'n persoon wat op kieserslys geregistreer is en vir 'n tydperk van jaar onmiddellik voor die datum van sy verkiesing in die provinsie waarin die kiesafdeling geleë hom verkiesbaar stel, gewoon het, is bevoeg om Raad verkies te word nie.

(3) 'n Persoon in sub-artikel (1) van artikel ry die Onderdrukking van Kommunisme, 1950 (V 1950), bedoel, is nie bevoeg om tot lid van die Raad te word of om lid van die Raad te bly :

Eed deur lid
van Raad.

11. Elke lid van die Raad moet, voordat hy sy 'n eed in die volgende vorm voor 'n landdros aflê

Ek, A.B., sweer hiermee trou aan die Republiek van Afrika en onderneem plegtig om my plig te verrig teenwoordigende Kleurlingraad van die Suid-Afrika na die beste van my vermoë uit te oefen.

So help my God.

Ampstermyn van
lede van Raad.

12. (1) Behoudens die bepalinge van artikel 1 van die Raad sy setel vir 'n tydperk van vyf jaar datum waarop hy verkies of benoem word, en vir 'n verkose lid geng verkies te gewees het op 'n datum van die betrokke kiesafdeling vasgestel word plaasgevind het al dan nie.

(2) Indien die setel van 'n lid van die Raad vir 'n tydperk van vyf jaar ampstermyn verstryk, word die datum waarop sy ampstermyn verstryk, word vervul—

(a) in die geval van 'n benoemde lid, deur 'n persoon benoem deur die Staatspresident volgens voorskrif van die Wet op die Benoeming van Lede van die Raad; en

(b) in die geval van 'n verkose lid, deur 'n persoon verkies volgens voorskrif van hierdie Wet verlydoelindes van die verkose persoon bekleed.

occur of references to the Chairman and the Secretary, respectively, of the Council.

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(3) The Minister of the Interior may make regulations in connection with the registration of Coloured voters, the preparation of Coloured voters' lists and the holding of elections for the purposes of this Act, and any such regulation may apply to any regulation made under the Electoral Act with such amendments or modifications as the said Minister may consider necessary.

10. (1) No person shall be nominated as a member of the Council, unless—

- (a) he is qualified as provided in sub-section (1) of section four to be registered as a voter; and
- (b) he has for a continuous period of not less than two years immediately preceding the date of his nomination resided in the province he is nominated to represent.

(2) No person other than a person registered on the Coloured voters' list who has for a continuous period of not less than two years immediately preceding the date of his election resided in the province in which is situated the electoral division in which he is a candidate for election, shall be qualified to be elected as a member of the Council.

(3) No person referred to in sub-section (1) of section five of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), shall be qualified to be elected or nominated as or to remain a member of the Council.

11. Every member of the Council shall before taking his seat make and subscribe an oath before a magistrate in the following form:

I, A.B., do hereby swear to be faithful to the Republic of South Africa and solemnly undertake to perform my duties as a member of the Coloured Representative Council of the Republic of South Africa to the best of my ability.

So help me God.

12. (1) A member of the Council shall, subject to the provisions of section thirteen, hold office for a period of five years from the date on which he is elected or nominated, and for that purpose an elected member shall be deemed to have been elected on the polling day fixed in respect of the electoral division concerned, whether or not a ballot has taken place.

(2) If the seat of a member of the Council becomes vacant before the date of termination of his period of office, the vacancy shall be filled—

(a) in the case of a nominated member, by a person nominated by the State President in accordance with the provisions of this Act; and

(b) in the case of an elected member, by a person elected in accordance with the provisions of this Act.

Qualification for
nomination or
election as
member of
Council.

Oath by member
of Council.

Period of
office of
members of
Council.

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Ontruiming van setels deur lede van Raad.

13. 'n Lid van die Raad ontruim sy amp—

- (a) indien hy ophou om vir benoeming of verkiesing as lid van die Raad bevoeg te wees; of
- (b) indien hy 'n hele gewone sessie afwesig bly sonder spesiale verlof van die Raad, tensy sy afwesigheid te wyte is aan sy diens, terwyl die Republiek in oorlog betrokke is, in die Suid-Afrikaanse Weermag of 'n ander mag of diens ingestel deur of kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957).

Voorsitter van Raad.

14. (1) Die Raad kies 'n voorsitter uit sy lede, en wanneer die voorsitter om die een of ander rede nie sy pligte kan uitvoer nie, kies die Raad 'n ander lid om as waarnemende voorsitter op te tree.

(2) By 'n verkiesing van 'n voorsitter of waarnemende voorsitter tree die Sekretaris van Kleurlingsake of sy gemagtigde op as voorsitter van die Raad.

(3) Die persoon wat by 'n vergadering van die Raad voorsit, het benevens sy beraadslagende stem ook 'n beslissende stem: Met dien verstande dat by 'n staking van stemme by die verkiesing van 'n voorsitter of waarnemende voorsitter van die Raad, die wedywerende kandidate loot om sodanige aanstelling, en die wenner van so 'n loting word geag as voorsitter of waarnemende voorsitter, na gelang van die geval, verkies te wees.

Setel van Raad.

15. Die setel van die Raad word deur die Raad met goedkeuring van die Minister bepaal.

Vryheid van spraak in Raad.

16. (1) Die Raad kan van tyd tot tyd vaste reglemente van orde aannem wat nie met hierdie Wet onbestaanbaar is nie vir die reëling en bestuur van sy verrigtings en die afhandeling van sy werksaamhede.

(2) Behoudens die bepaling van hierdie Wet en regulasies daarkragtens uitgevaardig en enige vaste reglement van orde, is daar vryheid van spraak en debat in die Raad.

(3) Geen lid van die uitvoerende komitee of van die Raad is blootgestel aan enige regsdinging uit hoofde van 'n aangeleentheid of onderwerp wat hy by petisie, konsepwetgewing, besluit, voorstel of andersins aan die Raad voorgelê het of uit hoofde van wat hy in die Raad of 'n vergadering van die uitvoerende komitee of 'n komitee deur die Raad aangestel, gesê het of uit hoofde van die wyse waarop hy in die Raad gestem het nie: Met dien verstande dat die bepaling van hierdie sub-artikel 'n lid van die Raad nie onthef van aanspreeklikheid ten opsigte van enigiets deur hom gesê of gedoen met betrekking tot die Senaat, die Volksraad, 'n provinsiale raad, 'n geregshof of 'n statutêre liggaam of 'n lid daarvan of 'n beampste in die Staatsdiens, ten opsigte waarvan hy by ontstentenis van bedoelde bepalinge aanspreeklik sou gewees het nie.

Uitvoerende komitee.

17. (1) (a) Daar is 'n uitvoerende komitee van die Raad wat bestaan uit vyf raadslede, van wie een deur die Staatspresident as voorsitter van die komitee aangewys word.

13. A member of the Council shall vacate his office—

- (a) if he ceases to be qualified for nomination or election as a member of the Council; or
- (b) if he fails for a whole ordinary session to attend without the special leave of the Council unless his absence is due to his serving, while the Republic is at war, with the South African Defence Force or any other force or service established by or under the Defence Act, 1957 (Act No. 44 of 1957).

Chairman of Council.

14. (1) The Council shall elect a chairman from amongst its members, and whenever the chairman is for any reason unable to perform his duties, the Council shall elect another member to serve as acting chairman.

(2) At any election of a chairman or acting chairman the Secretary for Coloured Affairs or his nominee shall act as chairman of the Council.

(3) The person presiding at a meeting of the Council shall in addition to his deliberative vote also have a casting vote: Provided that in the case of an equality of votes for the election of a chairman or acting chairman of the Council the contesting candidates shall draw lots for such appointment and the winner of such draw shall be deemed to be elected chairman or acting chairman as the case may be.

15. The seat of the Council shall be determined by the Council with the approval of the Minister.

Freedom of speech in Council.

16. (1) The Council may from time to time adopt standing rules and orders not inconsistent with this Act, for the regulation and conduct of its proceedings and the dispatch of business.

(2) Subject to the provisions of this Act and any regulations made thereunder, and of any standing rules and orders, there shall be freedom of speech and debate in the Council.

(3) No member of the executive committee or of the Council shall be liable to any legal proceedings by virtue of any matter or subject which he may have brought by petition, draft law, resolution, motion or otherwise, or by virtue of anything he may have said before the Council or at any meeting of the executive committee or a committee appointed by the Council, or by reason of his vote in the Council: Provided that the provisions of this sub-section shall not relieve a member of the Council of liability in respect of anything said or done by him in regard to the Senate, the House of Assembly, a provincial council, a court of law or a statutory body or a member thereof or an officer of the public service, in respect of which he would, but for the said provisions, have been liable.

17. (1) (a) There shall be an executive committee of the Council consisting of five members of the Council of whom one shall be designated by the State President as chairman of the committee and four shall be elected

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(b) Die aldus aangewese voorsitter kan nie ook die voorsitter van die Raad wees nie.

(2) Behoudens die bepalings van hierdie Wet beklee die lede van die uitvoerende komitee hul amp vir die duur van hul ampstermyn as lede van die Raad: Met dien verstande dat die Raad te eniger tyd 'n gekose lid van die komitee by besluit van 'n meerderheid bestaande uit twee-derdes van al sy lede van sy amp kan onthef.

(3) 'n Vakature in die uitvoerende komitee word gevul deur die aanwysing of verkiesing van 'n ander lid van die Raad op dieselfde wyse as in die geval van die lid wie se setel vakant geword het.

(4) Wanneer die voorsitter van die uitvoerende komitee om enige rede nie in staat is om sy ampspligte uit te voer nie, of die voorsitter se amp vakant is, kan die Minister 'n ander lid van die Raad aanwys om as waarnemende voorsitter te dien totdat die voorsitter sy ampspligte kan hervat of die vakature gevul word.

(5) (a) Drie lede van die uitvoerende komitee maak 'n kworum uit en 'n beslissing van 'n meerderheid van die aanwesige lede op 'n vergadering van die komitee is 'n besluit van die komitee en word geag 'n gesamentlike besluit van al die lede te wees: Met dien verstande dat by 'n staking van stemme die voorsitter benewens sy beraadslagende stem ook 'n beslissende stem het.

(b) Enige stemming in die uitvoerende komitee is vertroulik en 'n lid wat enige inligting in verband met so 'n stemming openbaar maak, kan deur die Minister van sy amp onthef word en kan daarna, tot tyd en wyl 'n nuwe raad na 'n algemene verkiesing tot stand kom, nie weer as lid van die komitee gekies of benoem word nie.

(c) Wanneer daar soveel vakatures in die uitvoerende komitee is dat 'n kworum nie verkry kan word nie, voer die voorsitter die komitee se pligte uit totdat die vakatures gevul kan word.

(6) (a) Die uitvoerende komitee verrig die werksaamhede van die Raad, behalwe vir sover dit die maak van wette betref, terwyl die Raad nie in sitting is nie, en behartig ook die volgende aangeleenthede vir sover dit Kleurlinge betref, te wete,—

- (i) finansies;
- (ii) plaaslike bestuur;
- (iii) onderwys;

(b) Behalwe in die geval van die voorsitter, aan wie die (iv) gemeenskapswelsyn en pensioene; en (v) landelike gebiede en nedersettings vir Kleurlinge. Behalwe in die geval van die voorsitter, wys die uitvoerende komitee ten opsigte van elk van die orige aangeleenthede in paragraaf (a) vermeld een van sy gekose lede aan om namens hom en onder sy opdrag die bevoegdhede uit te oefen en die werksaamhede en pligte te verrig wat met daardie aangeleentheid in

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(b) The chairman so designated shall not also be the chairman of the Council.

(2) Subject to the provisions of this Act the members of the executive committee shall hold office for the duration of their period of office as members of the Council: Provided that the Council may at any time by resolution of a majority consisting of two-thirds of all its members remove any elected member of the committee from office.

(3) Any vacancy in the executive committee shall be filled by the designation or election of another member of the Council in the same manner as in the case of the member whose seat has become vacant.

(4) Whenever the chairman of the executive committee is for any reason unable to perform the duties of his office, or the office of chairman is vacant, the Minister may designate another member of the Council to serve as acting chairman until the chairman is able to resume his office or the vacancy is filled.

(5) (a) Three members of the executive committee shall be a quorum and the decision of a majority of the members present at a meeting of the committee shall be a decision of the committee and shall be deemed to be a joint decision of all the members: Provided that in the event of an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

(b) Any voting in the executive committee shall be confidential and a member who discloses any information in connection with any such voting, may be removed from his office by the Minister, and shall not thereafter until such time as a new Council comes into existence after a general election, be capable of being elected or designated a member of the committee.

(c) Whenever there are so many vacancies in the executive committee that a quorum cannot be obtained, the chairman shall perform the duties of the committee until the vacancies can be filled.

(6) (a) The executive committee shall carry out the functions of the Council, except in so far as the making of laws is concerned, while the Council is not in session, and shall also deal with the following matters in so far as they affect Coloured persons, namely—

- (i) finance;
- (ii) local government;
- (iii) education;
- (iv) community welfare and pensions; and
- (v) rural areas and settlements for Coloureds.

(b) Except in the case of the chairman, to whom the management of finance is hereby assigned, the executive committee shall in respect of each of the remaining matters mentioned in paragraph (a) designate one of its elected members to exercise and perform on its

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(c) Ondanks andersluidende wetsbepalings kan die Minister of 'n Administrateur by kennisgewing in die *Staatskoerant* enige bevoegdheid wat by wet aan hom verleen is en wat op 'n in paragraaf (a) vermelde aangeleentheid betrekking het, deleger aan die lid van die komitee wat aangewys of aan wie dit opgedra is om die werksaamhede verbonde aan bedoelde aangeleentheid te behartig, en so 'n lid oefen bedoelde bevoegdhede uit ooreenkomstig die opdrag van die komitee.

(7) Wanneer 'n gekose lid van die uitvoerende komitee om die een of ander rede nie in staat is om sy werksaamhede te verrig nie, wys die komitee 'n ander gekose lid van die komitee aan om eersbedoelde lid se pligte uit te voer totdat hy sy werksaamhede kan hervat.

Eed deur lede van uitvoerende komitee.

18. Elke lid van die uitvoerende komitee moet voordat hy sy ampspligte aanvaar 'n eed in die volgende vorm voor 'n landdros aflê en onderteken:

Ek, A. B., sweer hiermee trou aan die Republiek van Suid-Afrika en onderneem voor God om hierdie trou gestand te doen; om my amp as lid van die uitvoerende komitee van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika met eer en waardigheid te beklee; die Grondwet en die reg van die Republiek te eerbiedig en te handhaaf; 'n opregte en getroue raadsman te wees; geen sake wat voor die uitvoerende komitee dien er wat aan my vir geheimhouding toevertrou word, regstreeks of onregstreeks te openbaar nie; en om my ampspligte met nougesetheid na die beste van my vermoë na te kom.

So help my God.

Toelaes van lede van Raad en uitvoerende komitee.

19. (1) Die lede van die Raad ontvang die toelaes wat die Staatspresident bepaal.

(2) Die Staatspresident kan in die geval van lede van die Raad wat ook lede van die uitvoerende komitee is, toelaes bepaal wat verskil van die toelaes vir ander Raadslede bepaal, of bepaal dat aan Raadslede wat ook lede van die uitvoerende komitee is, addisionele toelaes benewens hul toelaes as Raadslede betaal moet word, en kan op dieselfde wyse tussen die voorsitter van die Raad en ander raadslede en tussen die voorsitter van die uitvoerende komitee en ander komiteelede onderskeid maak.

Algemene werksaamhede van Raad en skakeling met Regering.

20. (1) Die Raad is bevoeg—

(a) om op versoek die Regering te adviseer in verband met alle sake rakende die ekonomiese, maatskaplike, opvoedkundige en staatkundige belange van die Kleurlingbevolking van die Republiek; en

(b) om by die Regering aanbevelings te doen in verband met alle aangeleenthede rakende die ekonomiese, maatskaplike, opvoedkundige en politieke belange van die

(c) Notwithstanding anything to the contrary contained in any law, the Minister or an Administrator may by notice in the *Gazette* delegate any power conferred upon him by any law which relates to any matter referred to in paragraph (a), to the member of the committee designated to perform the functions incidental to that matter or to whom that matter has been assigned, and any such member shall exercise such powers in accordance with the directions of the committee.

(7) Whenever an elected member of the executive committee is for any reason unable to perform his functions, the committee may designate any other elected member of the committee to perform the duties of such first-mentioned member until he is able to resume his functions.

18. Every member of the executive committee shall before assuming his official duties make and subscribe before a magistrate an oath in the following form:

I, A.B., do hereby swear to be faithful to the Republic of South Africa, and undertake before God to abide by this allegiance; to hold my office as a member of the executive committee of the Coloured Representative Council of the Republic of South Africa with honour and dignity; to respect and uphold the Constitution and the law of the Republic; to be a true and faithful adviser; not to divulge directly or indirectly any matters brought before the executive committee and entrusted to me to keep secret; and to perform the duties of my office conscientiously and to the best of my ability.

So help me God.

19. (1) The members of the Council shall receive such allowances as the State President may determine.

(2) The State President may in the case of members of the Council who are also members of the executive committee determine allowances which differ from the allowances determined for other members of the Council, or determine that members of the Council who are also members of the executive committee be paid additional allowances apart from their allowances as members of the Council, and may in like manner differentiate between the chairman of the Council and other members of the Council and between the chairman of the executive committee and other members of the committee.

20. (1) The Council shall have power—

(a) on request to advise the Government in regard to all matters affecting the economic, social, educational and political interests of the Coloured population of the Republic;

(b) to make recommendations to the Government in regard to all matters affecting the economic, social, educational and political interests of the Coloured

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Oath by members of executive committee.

Allowances of members of Council and executive committee.

General functions of the Council and liaison with Government.

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Regering aanbevelings te doen in verband met beplanning wat na die mening van die Raad om die beste belange van genoemde bevolking te bevorder;

(c) om in die algemeen te dien as 'n skakel en kontak en beraadslaging tussen die genoemde bevolking.

(2) Vir die doeleindes van sub-artikel (1) word deur die Minister verteenwoordig.

(3) Deur bemiddeling van die Minister het uitvoerende komitee regstreekse toegang tot enig verband met enige aangeleentheid rakende die bevolking van die Republiek.

(4) Die Minister en die Sekretaris van Kleur enige vergadering van die Raad of die uitvoer bywoon en aan die verrigtings aldaar deelneem, by so 'n vergadering stem nie.

(5) (a) Die Raad kan met goedkeuring van die Minister na oorlegpleging met die Minister finansies verleen, eiendom verkry en daaraan dienaars aanstel en enigiets anders doen uitoefening van sy bevoegdhede of die werksaamhede nodig ag.

(b) Die Raad kan 'n pensioenskema instel vir of enige klas dienaars deur hom aange-

(6) Die Minister kan met inagneming van die Raad op die Staatsdiens beampies in die Staatsdiens stel om die Raad by die verrigting van sy werksaamhede te assisteer.

(7) So 'n beampies bly in alle opsigte onderworpe aan wetsbepalings op die Staatsdiens.

(8) Die salaris en toelaes aan so 'n beampies enige bydraes wat in verband met so 'n beampies deur die Regering aan enige pensioen- of voorsorgsfonds word, terwyl hy by die Raad diens doen, deur die Regering uit die gelde ingevolge sub-artikel (2) van artikel 21 aan die Raad oorbetal.

Verlening van
wetgewende
bevoegdheid
aan Raad.

21. (1) Die Staatspresident kan by proklamasie in die *koerant* aan die Raad die bevoegdheid verleen om ten opsigte van enige vermeldde onderwerp wette te maak, en daarop het die Raad, indien die wette, dieselfde bevoegdheid onderwerp wette te maak as wat by die Parlement.

(2) Geen voorgestelde wet word in die Raad behalwe met goedkeuring deur die Minister na ooreenkoms met die Minister van Finansies en die Administrateur.

(3) Die Minister laat 'n eksemplaar van elke wet wat kragtens sub-artikel (1) uitgevaardig is, in die Volksraad ter Tafel lê binne veertien dae na die datum daarvan as die Parlement in gewone sessie is, of, indien die Parlement nie in gewone sessie is nie, binne veertien dae

Act No. 49
of 1964.

tions to the Government in regard to any planning calculated, in the opinion of the Council, to promote the best interests of the said population;

(c) generally to serve as a link and means of contact and consultation between the Government and the said population.

(2) For the purposes of sub-section (1) the Government shall be represented by the Minister.

(3) By mediation of the Minister members of the executive committee shall have direct access to any Minister in connection with any matter affecting the Coloured population of the Republic.

(4) The Minister and the Secretary for Coloured Affairs may attend any meeting of the Council or the executive committee and take part in the proceedings thereat, but shall not have the right to vote at any such meeting.

(5) (a) The Council may with the approval of the Minister, granted after consultation with the Minister of Finance, acquire and dispose of property, appoint servants and do any other thing which it considers necessary in the exercise of its powers or the performance of its functions.

(b) The Council may establish a pension scheme for the servants or any class of servants appointed by it.

(6) The Minister may subject to the laws governing the public service make available officers in the public service to assist the Council in the performance of its functions.

(7) Any such officer shall in all respects remain subject to the laws governing the public service.

(8) The salary and allowances payable to any such officer, and any contributions payable by the Government to any pension or provident fund in connection with any such officer, shall so long as he serves with the Council be paid by the Council out of the moneys paid over to the Council in terms of sub-section (2) of section *twenty-two*.

21. (1) The State President may by proclamation in the *Gazette* confer upon the Council the power to make laws in respect of any specified subject falling within any matter referred to in paragraph (a) of sub-section (6) of section *seventeen*, and thereupon the Council shall, subject to the provisions of this Act, have the same power to make laws in regard to such subject as is vested in Parliament.

(2) No proposed law shall be introduced in the Council except with the approval of the Minister granted after consultation with the Minister of Finance and the Administrators.

(3) The Minister shall cause a copy of every proclamation issued under sub-section (1) to be laid upon the Tables of the Senate and the House of Assembly within fourteen days after publication thereof if Parliament is in ordinary session or if Parliament is not in ordinary session within fourteen days

Conferring
legislative
power on
Council.

Wet No. 49
van 1964.Fondse van
Raad.

22. (1) Die gelde wat vir die uitoefening van die bevoegdheid en die verrigting van die werksaamhede en pligte van die Raad nodig is, word jaarliks beskikbaar gestel uit gelde wat die Parlement vir die doel bewillig het.

(2) Die Raad moet van tyd tot tyd ramings van sy uitgawes vir goedkeuring aan die Minister voorlê, en die Minister laat van tyd tot tyd uit die ingevolge sub-artikel (1) bewilligde gelde aan die Raad die bedrae oorbetal wat nodig is om die uitgawes te dek wat die Minister goedgekeur het.

(3) Enige bedrag ingevolge sub-artikel (2) aan die Raad oorbetal, moet deur die Raad gestort word in 'n rekening by 'n bank wat die Minister, na oorlegpleging met die Minister van Finansies, goedgekeur het en waaruit alle uitgawes deur die Raad aangeaan, betaal moet word.

(4) Die Raad behoort geen uitgawes wat die deur die Minister goedgekeurde uitgawes oorskry nie.

(5) Die Raad moet behoorlike rekenings van al sy transaksies laat hou en bedoelde rekenings moet deur die Kontroleur en Ouditeur-generaal geouditeer word.

(6) 'n Afskrif van enige verslag deur die Kontroleur en Ouditeur-generaal aan die Minister van Finansies gestuur in verband met enige ouditering deur hom uitgevoer, moet aan die Minister van Kleurlingsake gestuur word.

Toestemming
tot wette.

23. (1) Elke wetsontwerp deur die Raad aangeneem, moet onverwyld nadat dit aangeneem is, tesame met die verduidelikende opmerkings wat nodig is om die omvang, uitwerking en redes vir die aanname daarvan aan te dui, deur die Sekretaris van die Raad in sowel die Afrikaanse as die Engelse taal aan die Sekretaris van Kleurlingsake besorg word, wat dit aan die Minister stuur om aan die Staatspresident vir sy toestemming voorgelê te word.

(2) (a) Die Staatspresident kan, wanneer 'n wetsontwerp aan hom voorgelê word, verklaar dat hy daarin toestem of dat hy sytoestemming weerhou of dat hy die wetsontwerp na die Raad terugverwys vir verdere oorweging in die lig van sodanige inligting en advies as wat gegee word.

(b) Waar die Staatspresident sy toestemming tot 'n wetsontwerp verleen, word een eksemplaar van die wetsontwerp deur hom onderteken.

(3) 'n Opgawe wat aandui dat 'n wetsontwerp vir verdere oorweging terugverwys is, of dat die Staatspresident se toestemming daartoe weerhou is, word binne 'n tydperk van sewe dae na ontvangs daarvan deur die Sekretaris van die Raad, indien die Raad dan in sessie is, of, indien die Raad dan nie in sessie is nie, binne 'n tydperk van sewe dae na die aanvang van die eersvolgende sessie van die Raad, in die Raad ter tafel gelê saam met sodanige advies en inligting as wat die Staatspresident gegee het.

Afkondiging en
datum van
inwerkingtreding

24. (1) Die Sekretaris van Kleurlingsake laat elke wet ten opsigte waarvan toestemming deur die Staatspresident verleen

Act No. 49
of 1964.Funds of
Council.

22. (1) The moneys required for the exercise of the powers and the performance of the functions and duties of the Council shall be made available annually out of moneys appropriated by Parliament for the purpose.

(2) The Council shall from time to time submit estimates of its expenditure to the Minister for approval, and the Minister shall from time to time cause to be paid over to the Council out of the moneys appropriated in terms of sub-section (1) such amounts as may be necessary to cover the expenditure which the Minister has approved.

(3) Any amount paid over to the Council under sub-section (2) shall be deposited by the Council in an account with a bank approved by the Minister, after consultation with the Minister of Finance, from which all expenditure incurred by the Council shall be paid.

(4) The Council shall not incur any expenditure in excess of the expenditure approved by the Minister.

(5) The Council shall cause proper accounts of all its transactions to be kept and such accounts shall be audited by the Controller and Auditor-General.

(6) A copy of any report transmitted by the Controller and Auditor-General to the Minister of Finance in connection with any audit carried out by him, shall be transmitted to the Minister of Coloured Affairs.

23. (1) Every bill passed by the Council shall, forthwith after having been passed, together with such explanatory observations as may be necessary to indicate the scope, effect and reasons for the passing thereof, be submitted by the Secretary of the Council in both the English and the Afrikaans language to the Secretary for Coloured Affairs who shall transmit it to the Minister for presentation to the State President for his assent.

Consent to laws.

(2) (a) The State President may on the presentation to him of a bill, declare that he assents thereto or that he withholds his assent or that he refers the bill back to the Council for further consideration in the light of such information and advice as may be given.

(b) Where a bill is assented to by the State President one copy of the bill shall be signed by him.

(3) A return indicating that a bill has been referred back for further consideration, or that the State President's assent thereto has been withheld, shall within a period of seven days after it is received by the Secretary of the Council, if the Council is then in session, or, if the Council is not then in session, within a period of seven days after the commencement of the first ensuing session of the Council, be laid upon the table in the Council together with such information and advice as may have been given by the State President.

24. (1) The Secretary for Coloured Affairs shall cause every law in respect of which assent has been given by the State

Promulgation and
date of
commencement

(2) A law shall come into operation upon the date on which it is published in the *Gazette*, unless the law itself provides that it shall come into operation upon some other date or upon a date to be fixed thereunder by notice in the *Gazette*.

25. (1) A law assented to by the State President and promulgated by the Secretary for Coloured Affairs shall have the force of law as long and as far only as it is not repugnant to any Act of Parliament.

(2) The Secretary for Coloured Affairs shall cause two fair copies of every such law, one being in the English and the other in the Afrikaans language, and of which one copy has been signed by the State President, to be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa, and such copies shall be conclusive evidence of the provisions of any such law, and, in the case of conflict between the copies so enrolled, the copy signed by the State President shall prevail.

(3) The validity or coming into operation of any law shall not be affected by failure to cause copies to be so enrolled.

Regulations.

26. The Minister may make regulations in regard to—

- (a) the sessions of the Council and meetings of the executive committee;
- (b) the regulation of the proceedings of the Council, including the maintenance of order in the Council, disciplinary measures and the rules of debate;
- (c) the procedure in connection with the introduction, submission and disposal of bills, laws, reports and resolutions of the Council;
- (d) absence of members of the Council from Council meetings; and
- (e) attendance at sessions of the Council and meetings of the executive committee by officers in the public service.

Affirmation in lieu of oath.

27. Any person who is in terms of this Act required to make and subscribe an oath of office may in lieu of such oath make and subscribe a solemn affirmation in corresponding form.

28. (1) Sections *fourteen to nineteen*, inclusive, of the Separate Representation of Voters Act, 1951, are hereby repealed with effect from the date on which the first Council under this Act is constituted.

(2) The words "and of members of the Council under this Act" in sub-section (1), and sub-section (4) of section *twenty* of the said Act are hereby deleted.

29. The State President may from time to time by proclamation in the *Gazette* extend the period of office of any member of the Union Council for Coloured Affairs established by section *fourteen* of the Separate Representation of Voters Act, 1951, constituted by

Extension of period of office of members of Council constituted by

(2) 'n Wet tree in werking op die datum waarop dit in die *Staatskoerant* afgekondig word, tensy die wet self bepaal dat dit op 'n ander datum of op 'n datum wat by kennisgewing daarkragtig in die *Staatskoerant* bepaal moet word, in werking tree.

25. (1) 'n Wet waarin die Staatspresident toegestem het deur die Sekretaris van Kleurlingsake afgekondig is, het regskrag alleen so lank as en vir sover dit nie met 'n Wet van die Parlement in stryd is nie.

(2) Die Sekretaris van Kleurlingsake laat twee skoon eksemplare van elke sodanige wet, die een in die Afrikaanse en die ander in die Engelse taal (waarvan een eksemplaar deur die Staatspresident onderteken is) opneem in die register van die kantoor van die Griffier van die Appèlafdeling van die Hooggeregshof van Suid-Afrika, en sodanige eksemplare is afdoende bewys van die bepalinge van so 'n wet, en in geval van verskil tussen die twee eksemplare wat aldus opgeneem is, gee die eksemplaar wat deur die Staatspresident onderteken is die deurslag.

(3) Die regsgeldigheid of inwerkingtreding van 'n wet word nie geraak deur versuim om eksemplare aldus te laat opneem nie.

Regulasies.

26. Die Minister kan regulasies uitvaardig in verband met—

- (a) die sittings van die Raad en vergaderings van die uitvoerende komitee;
- (b) die reëling van die verrigtinge van die Raad, insluitende inbegrip van die handhawing van orde in die Raad, dissiplinêre maatreëls en die reëls van debat;
- (c) die prosedure in verband met die indiening, voorlegging en afdeling van wetsontwerpe, wette, verslae en besluite van die Raad;
- (d) afwesigheid deur lede van die Raad van vergaderings van die Raad; en
- (e) bywoning van sittings van die Raad en vergaderings van die uitvoerende komitee deur amptenare in die Staatsdiens.

Plegtige verklaring in plaas van eed.

27. Iemand wat ingevolge hierdie Wet 'n eed moet aflê en onderteken, kan in plaas van so 'n eed 'n plegtige verklaring in ooreenstemmende vorm aflê en onderteken.

Herroeping van sekere bepalinge van Wet 46 van 1951.

28. (1) Artikels *veertien* tot en met *negentien* van die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951, word hierby herroep met ingang van die datum waarop die eerste Raad ingevolge hierdie Wet saamgestel word.

(2) Die woorde „en van lede van die Raad kragtens hierdie Wet“ in sub-artikel (1), en sub-artikel (4) van artikel *twintig* van bedoelde Wet word hierby geskrap.

Verlenging van ampstermyn van lede van Raad by Wet 46 van 1951 ingestel.

29. Die Staatspresident kan die ampstermyn van 'n lid van die Uniale Raad van Kleurlingsake ingestel by artikel *veertien* van die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951, van tyd tot tyd by proklamasie in die *Staatskoerant* verbu-

Wet No. 49
van 1964.

'n tydperk van hoogstens een jaar op 'n keer, maar so 'n verlenging verval op die datum waarop die eerste Raad ingevolge hierdie Wet saamgestel word.

Woordbepaling.

30. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „Administrateur” 'n Administrateur wat in oorleg met en met toestemming van die uitvoerende komitee van die betrokke provinsie handel; (i)
- (ii) „Kieswet” die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), soos by artikel *neger* toegepas; (iv)
- (iii) „Kleurling” iemand wat kragtens die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), geklassifiseer is as 'n lid van die Kaapse Kleurling-, Maleier- of Griekwagroep of die groep Ander Gekleurdes; (ii)
- (iv) „Kleurlingkieserslys” die in sub-artikel (2) van artikel *drie* bedoelde kieserslys; (iii)
- (v) „Minister” die Minister van Kleurlingsake; (v)
- (vi) „Sekretaris van die Raad” 'n beampte of werknemer aangestel om die sekretariële werksaamhede van die Raad te behartig. (vi)

Kort titel
en inwerking-
treeding.

31. Hierdie Wet heet die Wet op die Verteenwoordigende Kleurlingraad, 1964, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Wet No. 50
van 1964.

WET

Tot wysiging van die Pneumokoniosevergoedingswet, 1962.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Mei 1964.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van
artikel 1 van
Wet 64 van 1962.

1. Artikel *een* van die Pneumokoniosevergoedingswet, 1962 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „voordeel” in sub-artikel (1) na die woorde „kleurlingarbeider” waar dit ook al voorkom die woorde „of kleurlingvrou” in te voeg.

Wysiging van
artikel 27 van
Wet 64 van 1962.

2. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig—
(a) deur die woorde „Geen sertifikaat van geskiktheid of

for a period not exceeding one year at a time, but any such extension shall lapse on the date on which the first Council under this Act is constituted.

Act No. 49
of 1964.

30. In this Act, unless the context otherwise indicates—

Definitions.

- (i) “Administrator” means an Administrator acting in consultation with and with the consent of the executive committee of the province concerned; (i)
- (ii) “Coloured person” means any person who is classified under the Population Registration Act, 1950 (Act No. 30 of 1950), as a member of the Cape Coloured, Malay or Griqua group or the Other Coloured group; (iii)
- (iii) “Coloured voters’ list” means the voters’ list referred to in sub-section (2) of section *three*; (iv)
- (iv) “Electoral Act” means the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), as applied by section *nine*; (ii)
- (v) “Minister” means the Minister of Coloured Affairs; (v)
- (vi) “Secretary of the Council” means an officer or employee appointed to perform the secretarial functions of the Council. (vi)

31. This Act shall be called the Coloured Persons Representative Council Act, 1964, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Short title and
commencement.

Act No. 50
of 1964.

ACT

To amend the Pneumoconiosis Compensation Act, 1962.

(Afrikaans text signed by the State President.)
(Assented to 27th May, 1964.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section *one* of the Pneumoconiosis Compensation Act, 1962 (hereinafter referred to as the principal Act), is hereby amended by the insertion in the definition of “benefit” in sub-section (1) after the words “coloured labourer” wherever they occur of the words “or coloured female”.

Amendment of
section 1 of
Act 64 of 1962

2. Section *twenty-seven* of the principal Act is hereby amended—
(a) by the substitution for the words “No certificate of

Amendment of
section 27 of
Act 64 of 1962

Appendix 5AMENDMENT OF C.P.R.C. ACT - March 1975

Insertion of
section 22A in Act
49 of 1964

2. The following section is hereby inserted in the Coloured Person's Representative Council Act, 1964, after section 22:

Power
o f
t h e
Minis
ter

22A. "If the Minister is satisfied that the chairman of the executive, the executive of the Council fails, for whatever reason, to exercise or perform, in terms of this Act, any power, function or duty conferred or imposed by this Act, the Minister may exercise or perform such power, function or duty, or authorise any other person to exercise or perform such power, function or duty.

(2) Any such power, function or duty so exercised or performed, shall for the purpose of this Act be deemed to have been exercised or performed by the chairman of the executive or the executive of the Council, as the case may be, in terms of this Act".

Short Title

This Act shall be called the Coloured Persons Representative Council Amendment Act, 1975

Appendix 6A who's who for the period 1964-1980

ADAMS A. ('Lofty'): Always prominent in the debates and a controversial personality, Adams entered the C.P.R.C. in 1969 as a nominated representative for the Malay community and a member of Tom Swartz's pro-Separate Development Federal Party. Soon disillusioned with Federal policy, he became an independent in September 1972 and jointed the Labour Party at the end of the final session of the first C.P.R.C. in 1974. He defeated the new leader of the Federal Party, W J Bergins, in the 1975 elections and he became one of the most capable of the Labour members in the C.P.R.C. A rift grew between him and party hierarchy over the question of rapprochement with the government and he was expelled from Labour towards the end of 1979. Adams went on a self-styled "peace crusade" thereafter, giving lectures nationwide and bitterly attacking Labour in a newspaper called Reach Out, which he personally financed. He was appointed to the President's Council in 1980 and died in 1984.

AFRICA W S:

A nominated Federal Party member of the Council after 1969 and 1975, Africa was distinguished by his anti-black sentiments which he voiced openly in the C.P.R.C. debates. He took over the leadership of the Freedom (previously Federal) Party after the resignation of Bergins in 1979 for a short period before accepting an appointment to the President's Council in 1980. He stood against a Labour candidate in 1984 and was defeated.

ARENDSE M D:

Arendse was already a veteran in Coloured politics by 1969, having won his reputation as a staunch opponent of government policies on the Union Council for Coloured Affairs. A blunt and irascible politician, he led the Labour Party to victory in the 1969 elections before being ousted as party leader for allegedly becoming over-friendly with the Government. Becoming an independent, largely out of pique, he rejoined the party just before the 1975 elections. This was not enough to win him a nomination as a candidate and he was heavily defeated after standing as an independent. Arendse made an ignominious

comeback in the 1984 election to the House of Representatives, winning by 3 votes in a 2,2% poll. Shortly afterwards he was convicted of bribing voters and unseated.

BERGINS Dr W J:

An educationalist, Bergins was nominated to the Council in 1969, and was subsequently elected to the executive with the portfolio of Education. He was elected leader of the Federal Party in 1975 after Tom Swartz's retirement and was again nominated to the C.P.R.C. after failing to win election that year. He led the Federal Party delegation at the meeting of Vorster's Cabinet Council in 1976, but resigned from the party and politics in 1979 after clashing with other members of the party hierarchy.

CURRY D M G:

Curry was a fiery and outspoken stalwart of the Labour Party. Unloved by his opponents and by many within his own party, he was often accused of "radicalism" and of seeking to win control of the party himself, as well as of victimising the more moderate members. He was elected to the C.P.R.C. Executive after 1975 and later to Hendrickse's Cabinet in the House of Representatives.

DU PREEZ L V:

du Preez was elected to the Council as a Labour representative in 1969, resigning in 1973 and standing successfully for election again in 1975. He was the Chairman of the Council in its sessions after then and also chaired a committee of Labour Councillors investigating viable constitutional options for South Africa. He was unhappy that the party had decided that the report of the committee not be submitted as evidence before the Schibusch Commission and, having resigned from Labour, submitted it as an independent. He was elected to the President's Council in 1980 and heavily defeated in the 1984 election.

ESSOP S.:

Essop was the only independent candidate to be elected, in both C.P.R.C. elections, although he briefly joined the Federal Party after winning in 1969. He came around to voting predominantly for Labour in key issues after 1972, but only formally joined the party after the abolishing of the C.P.R.C. in 1980. He died soon after winning election to the House of Representatives in 1984.

FORTUIN G J:

Having been elected to the C.P.R.C. Executive after the 1975 elections, the more moderate Fortuin soon clashed with the hardliners in the Labour Party. He was unhappy about resigning his position with the rest of the executive after Leon's dismissal as Chairman of the Executive and piqued at not being re-elected to his former position the following year. After resigning from Labour, he became one of its bitterest foes and worked actively to undermine its influence.

LEON L S "Sonny":

Possibly the most influential Coloured politician since Dr Abdurahman, Leon took over the leadership of the Labour Party in 1970. After the 1975 elections, however, he came into increasing conflict with the more uncompromising elements in the party hierarchy due to a perceptible moderation of his stance. The estrangement led to his resigning as party leader in 1978 and from the party itself in 1980, after which he was appointed to the President's Council.

MIDDLETON N S:

An executive member of the Labour Party between 1970 and 1982, Middleton was known as one of the hard-liners in the party, being a staunch advocate of Black Consciousness and of building a united front of non-white leaders, particularly with Chief Buthelezi. He resigned from Labour, largely out of sympathy for the latter, after the party decided to take part in the tricameral parliament.

MULLER J A:

Like Adams, Muller was a nominated, Federal Party member of the Council who quickly became disenchanted with the nature and aims of Swartz's party. After switching to Labour, Muller became a dedicated party worker and stood successfully for election in 1975. Afterwards he came to oppose the Labour Party's boycottist tactics and went independent. He died in 1979.

PLAAITJIES W D:

An elected Federal member from the conservative Free State, Plaaityies abruptly switched to Labour at a crucial stage of the July 1974 No-Confidence debate, precipitating the collapse of the Federals. His switch to Labour was a temporary one, his essential conservatism

seeing him leave the party in opposition to their boycottist tactics.

RABIE J A:

A colourful, ambitious figure whose long career in participation politics seems set to continue into the 1990's. Rabie's reputation as a Coloured nationalist was not undeserved, particularly in the light of his advocating a possible Coloured homeland being established in Malmesbury. After failing to win the leadership of the Federal Party after Swartz's retirement, Rabie became an independent. In 1979 he joined the Labour Party. Rabie was also the only C.P.R.C. member to serve on the Theron Commission.

ROOKS E G:

Rooks, a founder member of the Labour Party, broke with it in 1971 after publically criticising its leadership for fostering closer ties with Buthelezi. The following year he formed the Social Democratic Party which fared disastrously in the 1975 elections.

SWARTZ R R:

Although probably well-intentioned, Tom Swartz was also a megalomaniac who put the favour of his white masters before that of the Coloured electorate. His willingness to be used as a tool to implement a hated social policy, first through the chairmanship of the Union Council for Coloured Affairs and then as the nominated chairman of the C.P.R.C. Executive eventually made him an object of derision, not least for those whom he served so loyally, if misguidedly.

SWARTZ W J:

The only successful National Coloured People's Party candidate in the 1969 election, Swartz continued to support separate development even after the Federal Party rejected it. He was nominated to serve a second term in 1975 by a grateful Government.

VAN DER ROSS R E:

The founder of the Labour Party and its first chairman, van der Ross left politics in 1968. His activities since then included serving as a member of the Theron Commission and becoming the first Coloured rector of U.W.C.

JANSEN A A:

Nominated to the C.P.R.C. after 1975, Alatheia Jansen was used, in her capacity as Government-appointed Chair of the Executive, as a willing rubber stamp to execute the Council's functions

after Leon's refusal to sign the budget. Good-natured and well-intentioned, she was also, as her exasperated opponents discovered, thick-skinned and extremely stubborn.

APPENDIX 7POLITICAL PARTIES 1964-1980

Federal Party: Founded predominantly by members of the Union Council for Coloured Affairs in 1964, this party won the favour of the Government through its wholehearted support for Separate Development and political quietism. It opposed communism, liberalism and racial intermixture, and sought to uplift the Coloured people as a distinct, separate national group within a multi-racial South Africa. Superior organisation, abundant funds and careful planning saw the party run a slick campaign in the 1969 elections, but nevertheless it fared disappointingly, winning only 11 of the 40 seats contested. All twenty members nominated by the central Government, however, were Federal members, enabling the party to control the C.P.R.C. until July 1974 when a number of defections saw them lose a no-confidence motion. Even before that, there had been a shift to the left in policy, Separate Development coming to be rejected altogether. Nonetheless, the party lost further ground in the 1975 elections, even though the other conservative parties had been virtually wiped out. Anxious to be rid of its "stooge" image its name was changed to Freedom Party at the beginning of 1978, but it was clear by this stage that with the collapse of Separate Development had the effect of rendering it redundant. Party splits in 1979 and 1984 as well as the defection of many of its leaders to the dominant Labour Party resulted in the Freedom Party being almost completely crushed in the 1984 elections, though its shadow lingers on.

Labour Party: The formation of the Federal and other pro-Government Coloured political parties after 1964 led to the Labour Party being formed in 1966 to ensure that these were not seen to be representative of Coloured opinion. It opposed apartheid, discrimination and attempts by the Government to foist on the Coloured people a separate ethnic identity and forthrightly called for equal rights for all South Africans. It also resolved to destroy the C.P.R.C. and fight for representation in the central Parliament, and won 26 of the 37 seats it contested in 1969. This triumph was repeated on an even greater scale in 1975, despite the fact that the party was hampered by a number of resignations in the early 1970s. After resisting a number of attempts by the Government to co-opt it into its

power-sharing schemes, it was eventually decided, in January 1983, to participate in the tricameral Parliament, and Labour won nearly all the seats in the 1984 elections. However, the unpopularity of their decision to participate and a low percentage poll greatly undermined the party's credibility.

- MINOR PARTIES:** The National Coloured People's Party
The N.C.P.P. was slightly to the right of the Federal Party, more forthright in its advocacy of an exclusively Coloured nationalism and making use of racist slogans in the 1969 elections. It polled reasonably well in the Transvaal and won one seat. In 1972 it merged with the Federal Party.
- Republican Party:** Uncommitted on the apartheid issue, the R.P. sought to capture the Cape rural vote and particularly that of the Griqua community. The personality of its leader, Tom Le Fleur, who advocated an independent homeland for the Griqua people, played an important role. The party gained the third-highest number of votes in 1969, despite winning only one seat, and survived to fight the 1975 elections with embarrassing results.
- Conservative Party:** A minority group aiming at maintaining existing Coloured rights and protection from African competition. It made little impact in the 1969 elections and threw in its lot with the Federal Party soon afterwards.
- Social Democratic Party:** A break-away group of disaffected Labour members who tried unsuccessfully to set up a middle-of-the-road party in the Council while opposing apartheid. The S.D.P. failed completely in the 1975 elections and disbanded shortly afterwards.
- Liberal Independent Party:** A small, maverick group called 'the biggest joke of 1974' by Sonny Leon. It advocated the establishment of a Coloured Homeland. Fielded no candidates in 1975 and petered out soon after.

APPENDIX 8Extracts from the C.P.R.C. Debates

The following verbatim extracts are not included solely for interest value (though some are entertaining for their own sake) but also to illustrate the often undisciplined and petty nature of many of the exchanges. Noteworthy remarks concern the low esteem nominated members were held in by the elected Labour representatives:

- i) M.D. Arendse: Do not order me to sit down. I am not a bloody nominated member! (Vol. 23 1973 9 Aug. p. 153)
- ii) Hon. Members: Nominated!
J.D. Pieterse: Mr Chairman, I feel very embarrassed about this call of "nominated! nominated! every time I... (INTERJECTIONS) (Vol. 27 July 1974 p.78)
- iii) Chairman: Order, the Honourable Mrs Potts. Please do not get so excited! (Vol. 27 July 1974 p. 205)
- iv) W.S. Africa: Labour kan seker kaffirtaal praat (Vol. 27 25 July 1974 p 178)
- v) N. Middleton: A n d M r C l o e t e e said...(INTERJECTIONS)...Just shut up man! (Vol 27 25 July 1974 p. 109)
- vi) Lofty Adams, who had left the Federal Party and openly supported Labour, had recently been on trial for murder and subsequently acquitted. Tom Swartz, in the bitterness of defeat, asked this breathtaking question:
"Who saved you from the gallows? Tell us" (Vol. 27 1974 26 July p 302)
- vii) P. Swartz: Some of the political parties favour political integration, others a coloured homeland.
N. Potts: Rabie! Rabie!
J. Rabie: Los vir my uit!
Chairman: Sal die agbare Mev. Potts asseblief stilbly? (Vol. 25 19 Sept. 1973 p. 751)
- vii) The Chairman: The Honourable Mr Solomon, I am going to ask you to withdraw that. I cannot allow anybody to threaten anybody in this chamber! (Vol. 40, 8 Sept. 1978 p. 40)

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