

The Princess

# QUERIES SWAMP IMPORT CONTROL

From Our Own Correspondent

PRETORIA, Wednesday.

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# General Upholds Sentence

TOKIO, November 24

The war-time Prime Minister of Japan, Admiral Tojo, and six other Japanese war criminals will be executed secretly within 10 days, says an announcement issued today after the Supreme Commander, General MacArthur had stated that he would sustain all the sentences recently passed by the Allied Military Tribunal.

"No duty I have ever been called upon to perform in a long public service, replete with many lonely and forlorn assignments and responsibilities, is so utterly repugnant to me as that of reviewing the sentence adjudged by the Tribunal," said General MacArthur.

### INTERVENTION

General MacArthur's announcement, quoted by United Press, says: "I can find nothing of technical commission or omission in the incidents of the trial itself of sufficient importance to warrant my intervention in the judgments which have been rendered.

"No human decision is infallible, but I can conceive of no judicial process where greater safeguards were made to evolve justice.

"It is inevitable that many will disagree with the verdict. Even the learned justices who composed the tribunal were not completely unanimous."

Tojo had submitted to General MacArthur a motion asking for the acquittal of all 25 men on the grounds that the trial and judgments were not based on international law.—(Sapa-United Press.)

The Daily Forum

# PLEDGES GIVEN TO THE NATIVES

## What Protectorates Will Want To Know

To The Editor, "The Natal Mercury"

Sir,—Speaking about Protectorates Dr. Malan is reported in "The Natal Mercury" of September 2 to have said: "There has never been any question of incorporation being subject to the agreement of the Natives."

When the Protectorate question was discussed before the last war Mr. Malcolm Macdonald, Dominion's Under-Secretary, answering Labour Member Parkinson in the Commons said: "The Government is pledged to ascertain Native opinion and the opinion of the House before anything is done."

Again, when Lieut-Commander Fletcher asked: "Whether the position of the Government remained unchanged — namely, that the acquiescence of the Natives must be obtained before transference can take place?" the reply was: "Yes sir."

Protectorate Natives would have many pertinent questions to ask before being handed over. They would refer to the history of their present standing in the Empire. They would want to know what they are going to gain by the change and whether a fair proportion of the Union revenue would be spent on them or whether they might be neglected in this respect.

They would want to be certain about the possibility of alienation of parts of their land to Whites for any purposes and whether other tribes or groups of Natives might be dumped on them. They would ask questions about rights of appeal, Parliamentary representation, powers of chiefs, Colour bar, prospecting, taxation, education, change of officials, passes, liquor, stock, trading, missions and 101 other points great and small but all important to them.

D. R. HUNT

Blackridge.

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*The Daily Forum*

# SHOULD U.K. RETAIN PROTECTORATES

## Juggling With Cit

To T

Sir,—Your leading article on the Protectorates is excellent. It is exceedingly unlikely that the present Labour Government in Great Britain would hand over the Protectorates to the present reactionary and repressive Nationalist Government of the Union.

The Protectorates are not now so backward as is so often still commonly asserted. Their soil erosion and agricultural problems are now being tackled to a greater degree than is being done in the Native Reserves in the Union. Their communications and social services are also being developed more rapidly than was formerly the case.

Whatever Dr. Malan may say, the British Government have a perfect right to consult the Natives concerned before handing them over to the Union and have time and again, even as late as last July, asserted that they will not hand over these territories until the inhabitants have been consulted and expressed their views.

You say in your leading article that the Union would be required to give safeguards, but the Natives have become conscious and only too well aware that safeguards are apt to wear thin with time.

D. R. HUNT.

Blackridge.

# S.A. SEEKS CONTROL OF PROTECTORATES

PRETORIA, Wednesday.

IT was the natural thing that the British Protectorates of Swaziland and Basutoland should be incorporated in the Union and the Government would not neglect in due course to make further approaches to the British Government on this question, said the Prime Minister, Dr. D. F. Malan, at the Transvaal Nationalist Party Congress today.

Dr. Malan said that under the South African Act provision was made for the ultimate incorporation in the Union of the Protectorates of Swaziland and Basutoland under certain conditions, but from 1910 until today no further progress had been made in the matter.

The British Government had adopted the attitude that the Protectorates would not be handed over to the Union except with the consent of the Native population of the territories.

That consent would never come while the Native people of the Protectorates continued to be misled about the intentions of the Union Government.

## "NOT INCLUDED"

The condition of the consent of the Native population was not included in the original provisions of the South Africa Act. There had on one occasion been an attempt in the House of Lords to have the Act amended to provide that the consent of the Native people of the Protectorates should be a condition of their incorporation in the Union. But that amendment was rejected and all that was necessary for incorporation was the consent of the British Government.

"I am glad to say that on representations from the Union Government the British Government has agreed not to allow the arming of Natives in the Protectorates. Our policy in the Union is to forbid the arming of the Natives, and Britain has agreed to follow the same policy in the Protectorates," said Dr. Malan.

"We are grateful for that assurance, but the natural thing is that these territories should be

incorporated in the Union. Unless that is done serious difficulties may be created for the Union. In time to come the Government will again take up the whole matter with the British Government."—(S.A.P.A.)  
(See also Page 16, cols. 3, 4 & 5)

1935  
May I have this  
paragraph back please?

## FUTURE OF THE PROTECTORATES

### RHODESIA STAKES A CLAIM

### NORTHERN PORTION OF BECHUANALAND

### NO NEW MOVE FROM UNION

LONDON, April 16.

In the House of Commons to-day Mr. W. Lunn (Lab., Rothwell) asked whether any correspondence had passed with the Union Government regarding the transfer of the Native Protectorates since January 1 and whether the Union had given an undertaking that its general Native policy should be announced in detail before such transfer occurs.

Mr. Malcolm Macdonald replied in the negative to both questions.

Mr. John Parkinson (Lab., Wigan) asked whether the Government of Southern Rhodesia claimed the incorporation of the Northern portion of Bechuanaland.

Mr. Malcolm Macdonald (Parliamentary Under-Secretary for the Dominions) said a dispatch had been received from Rhodesia which would receive the most careful consideration. He recalled that the Government was pledged to ascertain Native opinion and the opinion of the House before anything was done.

Replying to Mr. Parkinson, Mr. Malcolm Macdonald said the application for assistance from the Colonial Development Fund for carrying out the recommendations of the Pim report had been recently approved.

Mr. Parkinson also asked whether any

## "NATAL MERCURY" AT EASTER

### NO ISSUE ON SATURDAY

"The Natal Mercury" will be published on Good Friday, April 19, but there will be no publication on Saturday, April 20. The usual Saturday features will be published on Good Friday.

On Easter Monday "The Natal Mercury" will appear as usual.

steps had been taken to develop co-operative enterprise in Bechuanaland, Swaziland and Basutoland.

Mr. Malcolm Macdonald replied that the question was specifically included in the terms of reference to the Commission to inquire into the economic position of Basutoland. The Commission's report would shortly be published and its recommendations carefully considered from the viewpoint of the three Protectorates.—(Reuter.)

S Letters to the Editor

SOUTH AFRICAN  
NATIVES

RECONDITIONING THE  
PROTECTORATES

TO THE EDITOR OF THE TIMES

Sir,—Owing to absence in Ireland I missed the correspondence of the last few days on the question of handing over the Native Protectorates. It had been my intention not to trouble you again on this subject, but it is clear there are three points which need still to be emphasized:—

(1) Our pledges to the Protectorates must be kept. Lord Lugard, in his admirable letter read to the meeting of the Empire Society on February 8, laid great stress on this, quoting the statements made in both Houses last June.

To Lieutenant-Commander Fletcher's question "Whether the position of the Government remained unchanged—namely, that the acquiescence of the natives must be obtained before transference can take place" the reply was "Yes, Sir."

I have heard it suggested that acquiescence is not the same as consent. It would surely be a woful thing if we wriggled out of a pledge in this way.

It has further been suggested that the Chiefs might be "got at" and their consent deemed sufficient. I fancy this would be no easy task. Tshekedi, Chief and Regent of Bechuanaland, in his "Statement to British Parliament and People," quotes promise after promise, made from the days of Sir Charles Warren onwards. He says: "The Union Status Bill, in view of the native, has severed the connexion between the Union Government and the British Government, and if this territory (Bechuanaland) is transferred to the Union, he would feel that his connexion with the British Crown and Government has also been severed, a position he will never accept or agree to."

While the Paramount Chief of Swaziland, Sobhuza, when, with his Chiefs and Headmen, he was welcoming the new Resident, Mr. C. L. Bruton, said: "You have come to Swaziland at a time when this nation feels it needs the affection and protecting hand of his Majesty the King Emperor and the British Government, and when the nation needs a champion to remind his Majesty and the British Government of what Swaziland in the past has done and suffered for the cause of England in South Africa and across the sea. I need not repeat what I have said before . . . that we trust and depend on the promises made to us by the British Government, and that therefore we should not fear about our future as a British Protectorate." There is no question that the people of the Protectorates are behind their Chiefs in this.

(2) We are frequently told that we must not offend South Africans, by hinting that they do not know how to treat natives, and that we must not interfere. I assert with absolute confidence that the bulk of the people of South Africa welcome our "interference." I have noticed again and again that when people speak of South Africans they refer to the 2,000,000 whites. The population of South Africa is 8,000,000, not 2,000,000, and the 6,000,000 natives still look longingly to England, and by their side are many whites. After all, it is on these 6,000,000 blacks that the material welfare of South Africa depends. Without them farming would be difficult and mining would be impossible.

I have had many letters from South Africa since I first wrote to *The Times*. Not one of them has been critical of the line I have taken. I have before given instances to prove that South Africa does not know how to treat natives. Mr. Lionel Curtis admits that he disapproves of recent legislation.

Let me remind your readers of one fact: The native franchise has been taken away because South African politicians proclaim they are afraid of the white vote being swamped by the black. What are the facts? Black voters have had to pass an educational and property test not imposed on the white, and after all these years there are only 13,000 black voters, compared with 951,000 white voters. I could give many other instances of the continued deterioration of native policy that have poured in to me lately from South Africa, but space does not allow it.

(3) South Africa does not stand alone. There are many millions of black men under British rule in the rest of Africa. They are watching anxiously. British prestige does not stand as high as it did. The Abyssinia affair, and much that has gone on since, has dealt it a shrewd blow. If once again we allow political opportunism to triumph over idealism, if in order to keep white South Africa safe and snug within the Empire we break our word, our prestige may never recover.

Our policy is clear. We must recondition the Protectorates as Sir Alan Pim has suggested, spending money on irrigation, cattle breeding, planting, fighting soil erosion, and so on, waiting for the day when such a liberal policy will have triumphed that the natives of the Protectorates will welcome inclusion in the Union because assured of justice and freedom.

Yours truly,  
ARTHUR SOUTHAMPTON.  
The Close, Winchester, March 2.

THE NATAL MERCURY, FRIDAY, NOVEMBER 26, 1948.

An Eskimo

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**U.K. POLICY IS UNCHANGED**

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# Britain Says No Approach From Malan On Protectorates

LONDON, November 25.

THE South African Government had so far made no official representations to Britain about the future of the British Protectorates of Swaziland and Basutoland, Mr. Philip Noel-Baker, Secretary for Commonwealth Relations, told Parliament today. British policy, he added, remained unchanged.

## *M.P. QUESTIONS SPEECH*

He was replying to Mr. F. W. Skinnard (Labour) who had asked whether his attention had been drawn to a Nationalist Party congress held in Pretoria on November 17, when Dr. Malan had said that his Government would make approaches to the British Government for the incorporation of Swaziland and Basutoland into the Union.

Mr. Skinnard asked the Secretary for Commonwealth Relations what representations he had received from South Africa and whether he would give the assurance that the policy of the British Government on the retention of responsibility for the High Commission territories remained unchanged.

Mr. Noel-Baker replied: "I have seen Press reports of a statement by the South African Prime Minister, in which he said his Government would not neglect to make approaches in due course to the United Kingdom Government about the High Commission territories.

"The South African Government has, however, so far made no official representations. The policy of his Majesty's Government in the United Kingdom remains unchanged." — (Sapa-Reuter.)

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MERCURY, MONDAY, SEPTEMBER 6, 1948.

*The Daily Forum*

# PLEDGES GIVEN TO THE NATIVES

## What Protectorates Will Want To Know

To The Editor, "The Natal Mercury"

Sir,—Speaking about Protectorates Dr. Malan is reported in "The Natal Mercury" of September 2 to have said: "There has never been any question of incorporation being subject to the agreement of the Natives."

When the Protectorate question was discussed before the last war Mr. Malcolm Macdonald, Dominion's Under-Secretary, answering Labour Member Parkinson in the Commons said: "The Government is pledged to ascertain Native opinion and the opinion of the House before anything is done."

Again, when Lieut-Commander Fletcher asked: "Whether the position of the Government remained unchanged — namely, that the acquiescence of the Natives must be obtained before transference can take place?" the reply was: "Yes sir."

Protectorate Natives' would have many pertinent questions to ask before being handed over. They would refer to the history of their present standing in the Empire. They would want to know what they are going to gain by the change and whether a fair proportion of the Union revenue would be spent on them or whether they might be neglected in this respect.

They would want to be certain about the possibility of alienation of parts of their land to Whites for any purposes and whether other tribes or groups of Natives might be dumped on them. They would ask questions about rights of appeal, Parliamentary representation, powers of chiefs, Colour bar, prospecting, taxation, education, change of officials, passes, liquor, stock, trading, missions and 101 other points great and small but all important to them.

D. R. HUNT

Blackridge.

Shot: A Native seen removing goods from a railway truck at Germiston was called on to surrender, but tried to escape. A shot was fired and the Native dropped with a fatal wound in the back.—(S.A.P.A.)

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FOR THE ARTIST

### Africa

(Continued from

United Nations had had the effect of inciting the world and the Natives against the Union and of making incorporation more difficult than before. But the Government were waiting for the right time to tackle the problem again.

The Prime Minister said that he had also been asked about the Government's Africa policy.

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UNION'S RIGHT TO ASK FOR  
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LACK OF NATIVE POLICY A SERIOUS OBSTACLE.

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BY MAJOR D.R. HUNT.

Formerly Native Commissioner,  
Sekukuniland, Transvaal.

As a result of the enhanced price of gold, South Africa's treasury is overflowing. It has been able to pay off its War debt to England, to write off or reduce its loans to drought and locust-stricken farmers, to restore civil servants' salary cuts, to start an iron industry, and to lighten the taxation of its White population.

But what do the Natives, who form five-sevenths of the whole population gain by all this prosperity? Very little. They seem almost disregarded or forgotten. Their direct taxes have not been reduced, their wages on the mines have not been scaled up, neither has their condition as farm servants been improved, while their crowded reserves and locations, overstocked with scrub cattle, become less fertile year by year.

Prior to Union there were four different governments in South Africa, each jealously holding its own view of the Native question, and each impotent to force its view on the country as a whole.

After Union, General Smuts, when in power, was content to let evolution take its course.

In 1924, General Hertzog, on taking over the reins, said, at Smithfield, that he was going to solve the question, but during his 10 years' of office he did as little as his former political adversary towards a solution.

Now that there is a combined Hertzog-Smuts government it remains to be seen whether a definite Native policy will be laid down and carried out.

General Hertzog wants to take over Basutoland, Bechuanaland and Swaziland, partly to get more Native land space, and partly because he feels uncomfortable in an "independent" South Africa with these Native territories in its midst, or on its borders, controlled from England.

General Smuts would not only favour taking over these three Native areas, but would go still further and try to induce Southern Rhodesia to come into Union as well. It is many years since he visited Rhodesia with this object in view, but not long ago he sent his trusty lieutenant, Colonel Deneys Reitz, to Salisbury to renew the invitation, which the Rhodesians declined. The result being that the Union has begun a policy of squeeze in that direction.

POSITION ALTERED SINCE 1910.

At Union, in 1910, there was no Statute of Westminster, and no thought of the later changes in the Status of the Union. The Imperial Government left the door open for the inclusion of Basutoland, Bechuanaland and Swaziland in the Union as it was then, but even in those days insisted that before inclusion took place the inhabitants of those three territories should at least have a say in the matter. Meanwhile the status of the Union has altered very considerably since the Imperial Government laid

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*Published in the  
Natal Mercury*

*March 30<sup>th</sup> 1935*

down those terms.

The Natives concerned would have plenty of pertinent questions to ask before being handed over. They would refer back to the history of how they arrived at their present standing in the British Empire. They would want to know what they are going to gain by the change, and whether a fair proportion of the abundant revenues of the Union would be spent on them, or whether they might, perhaps, be neglected in this respect as are the Natives of the Union. They would also want to be certain about the possibility of the alienation of parts of their land to Whites for any purposes, and whether other tribes or groups from the Union might be dumped on them. They would ask questions about rights of appeal, parliamentary representation, powers of chiefs, colour bar, prospecting for minerals, taxation, education, change of officials, carrying of passes, liquor, stock, trading, missions, and a hundred and one other points both great and small but all important to them. There is no doubt that they are, and always have been, alive to the situation since the days of the "closer union" cry when, in 1908, the Conference met to formulate a scheme which resulted in the Act of Union.

It was in that year, 1908, that Chief Letsie and the whole Basuto nation petitioned the King that "Basutoland may not be included in such Union but may remain outside it." The Secretary of State, Lord Crewe, in answering the petition, assured the Basutos that if a change took place their land would be preserved to them.

Lately, from a different quarter, Northern Bechuanaland, Chief Tshekedi, of the Bamangoto tribe, has also petitioned against a change over.

As onlookers they also are well aware that safeguards, however strictly drawn up, wear very thin with time.

The Union Government would be in a stronger position if, before asking for the Protectorates, it gave indications that it means seriously to tackle its own Native questions on broader lines of progress and by a more sympathetic rule. Before handing over these areas the Imperial Government may well ask the Union: Are you quite sure that your own house is in order in respect of your own Natives?

The Union may reply that within recent years it has made great strides towards giving a helping hand to its Native population. It will show that it has examined its position through a Native Economic Commission and is prepared to act; that it is about to deal with the question of parliamentary representation of Natives; that it has established a Native Agricultural sub-Department to deal with the Reserves; that its mine Natives are well fed, housed and kept in good health; that it has many years' clear record in regard to rebellions or similar upheavals; and that in various minor matters, such as the carrying of passes, railway travelling, and the care of town Natives, it has made improvements.

#### OTHER STEPS POSSIBLE.

Yet there are more steps which the Union might take to better the lot of its Natives. Admittedly, it is difficult, in fact it might be suicidal for any South African government that we can visualise, to attempt to expropriate farms of White people on a large scale, in order to provide a fairer division of land between White and Black. But something could be done in this direction without raising a storm. It is largely in the Transvaal that the Natives feel the pinch for land. There are Government-owned farms, especially in the northern and north-eastern Transvaal unoccupied by Whites, which could be made over to the Natives. Again, big land companies own stretches of country there which they do not develop but from which they collect heavy annual rents from their Native tenants. Many of these particular Transvaal farms are of no great value as White farming propositions, as they

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are far from railways or in mountainous country, but would be useful for closer Native occupation. These farms could be expropriated by the Government at a fair valuation and made into locations without running counter to local sentiment, as the general public has no great sympathy for soulless concerns like land companies. An arrangement might even be made for the companies to retain the mineral rights if that point was considered a hindrance to the transfer. This would not solve the Native land question entirely, but would go some way towards it and be a guarantee of good faith that the Union means to do its best in this direction.

The Native Affairs Department should not be subordinated to the extent it is at present to the Department of Justice. In some farming districts where there are few locations it is common to see the magistrate delegate the Native work to his most junior clerk, while he himself attends to the needs of his White farming population. The junior clerk, perhaps, does not know the Native language and is not interested to learn it nor to study the customs of the Natives with whom he is compelled to deal till such time as promotion to other work comes to him. He certainly has no incentive to leave the more congenial White area and be transferred to a junior department, that of Native Affairs, and be sent to a purely Native area and thus diminish his chances of more rapid promotion. The Native Affairs Department should be made more independent, be strengthened, and be made to study the languages, customs and histories of the Natives. A bonus, or small increase of pay, on gaining proficiency certificates in these subjects, combined with a better chance of promotion for the efficient, would go a long way to encourage an understanding of and an interest in the Natives. At present youths are drafted into the Native Affairs Department with no particular knowledge of Natives and do not receive enough encouragement to specialise in that direction. The necessity for passing the lower law examination merely turns their ambition from Native Affairs to the Department of Justice.

#### TEACHING FARMING.

The Native Agricultural sub-department of Native Affairs should be strongly reinforced with level-headed competent men, who should be well paid. The Government should vote money generously towards the training of Native agricultural demonstrators, and establish more Native agricultural training centres in the Transvaal, Cape Province and Natal, to which centres selected Native youngsters could go, and at which passed demonstrators could have occasional refresher courses. The future of the Natives of South Africa should lie largely in the hands of an energetic Native Agricultural Department. It is obvious that good farming methods would ease the land difficulty by a more economic use of Native land.

The squatting system on farms is too open to abuse besides being wasteful and slipshod. Squatting contracts or agreements are often loose and vague. In some parts of the Union they give rise to endless disputes which are most difficult for magistrates and Native Commissioners to decide with equal justice to all. The whole system requires to be better regulated.

The vote for Native education should be largely increased. The £170,000 voted in the last Union Budget towards the Native Development Fund may, it is true, be intended to be spent partly on Native education, but the whole sum is paltry compared with what is required. Many people say that it is a mistake to educate African Natives, and that they should be taught manual work, rather than to read and write. This question has many sides and extends far beyond the Union. Suffice it to say that the young Native is quick to learn and, as a craftsman, finds himself, in the Union, up against the Colour bar. His demands for education increase

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year by year, and the paucity of the vote under this heading has been a great and growing grievance.

The Native is heavily taxed compared with his wage-earning power. He has to pay the ordinary direct tax and many indirect taxes besides. In days gone by the direct tax may have been intended partly as a lever to induce him to go and work, but nowadays his wants have increased and, with them, his indirect taxation. There is, therefore, no longer any excuse for so heavy a direct tax, as he must now go out to work for his living in any case.

The Union should put the screw on all its towns to clear Native slum areas and to provide healthy recreation for town Natives. This would be synonymous with the lessening of illicit liquor traffic, the suppression of 'leita gangs and other evils.

The representation of Natives in Parliament should be made real and not a sham.

The above are a few suggestions how the Union could make up more of its lee-way of inaction before asking for the Protectorates.

The Union is the main stronghold of the White population of the Continent of Africa, and is likely to remain so while its mines hold out and prevent the country from becoming stagnant. That is all the more reason why it should lay down a policy that can be an example and guide to the rest of Africa. Not a policy based on the fear that seems to obsess the mind of Mr. Pirow, but one which is more up to date, more in tune with and less antagonistic to the methods of the other Powers which are interested in this Continent. In fact, the Union, should take the lead and not be the shocking example.

Till then and till our policy is widely known, it is better that the Protectorates should stand apart as interested onlookers.



## The Natal Mercury

FRIDAY, NOVEMBER 19, 1948.

### The Protectorates

It is not surprising that the Nationalists should once again have brought to the forefront of political discussion the future of the Protectorates. The existence of these British enclaves — Basutoland, Swaziland and Bechuanaland—has long been a source of real grievance to those Afrikaners who attach supreme importance to the question of sovereignty. What is, however, surprising is that the Nationalists have the effrontery even to contemplate the incorporation of these territories at the very moment when they are proposing to deprive the South African Native of his limited political rights by a thoroughly discreditable manoeuvre. The Nationalists must surely have strangely undeveloped sense of smell otherwise they would never attempt to use apartheid as a bait with which to ensnare the Protectorates. They are, however, faced with the difficulty that the presence of these territories will undoubtedly be constitutionally embarrassing when they consider the time is opportune to fulfil their Republican ambitions. For this reason they are anxious, if at all possible, to secure an early settlement of a problem that has been hanging fire since Union.

### Repressive Policies

But, unless we are mistaken, where even General Smuts has failed to break down the prejudice and suspicion of the British people, Dr. Malan will certainly not succeed. Two years ago the Prime Minister said that "the only reason for the British Government's unwillingness to transfer the Protectorates was that they doubted whether South Africa would do justice to the Native." Have not the Nationalists by their reactionary plans more than justified that fear? Until Dr. Malan and his colleagues show a readiness to refrain from repressive racial legislation, we, for our part, could never conscientiously urge the Native inhabitants of the Protectorates to join forces with the Union. The Protectorates may be backward. They may lack adequate communications and social services. Their agricultural systems may require modernisation. But, at least, their people enjoy a measure of freedom which the Nationalists seem determined to deny the South African Native. At the same time it must be frankly admitted that ethnologically, industrially and culturally these territories form part of the Union. They will never be able to stand on their own feet politically or economically. Their eventual absorption by South Africa is as inevitable as the night that follows the day. But this does not mean that such a step should be either hurried or even contemplated until political conditions in the Union are more stabilised than at present.

### Native Consent

Although Dr. Malan is correct in his assertion that the South Africa Act does not lay it down that incorporation is conditional upon the consent of the Native populations of these territories, it seems to us highly desirable, in spite of the purely legal position, that the views of the people intimately concerned in such a transfer of sovereignty should be sought. When the Act of Union was framed it was not always customary to solicit the opinions of subjects and backward peoples. But times have changed. The world has moved forward to new conceptions. The British Parliament of today would be reluctant arbitrarily to effect any constitutional change if Native opinion were to be adamantly opposed to such action. Incorporation would not alter the ownership of land in these areas, for the South Africa Act clearly provides that "it shall not be lawful to alienate any land in Basutoland or any land forming part of the Native reserves in the Bechuanaland Protectorate and Swaziland from the Native tribes inhabiting these territories." Obviously the Union would be required to give a firm guarantee that this safeguard would be scrupulously honoured. The Union, therefore, has little to gain from the transfer of these territories. On the other hand the Nationalists may hope that their acquisition by the Union would give them an excuse for failing to complete the purchase for settlement purposes of all the land promised the Natives under the Hertzog inspired legislation of 1936.

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