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Race Policies in Rhodesia

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The manner in which European authority was established in Rhodesia originally was completely different from that which applied in other British African territories. There has never been any question of Europeans residing in Rhodesia on a temporary basis in order to develop the land and then hand it back to earlier settlers. The principle of paramountcy of African interests was the cornerstone of British colonial policy in Africa between the two world wars. This principle decreed that where African and European interests clashed those of the former would prevail, but it has never applied to Rhodesia.

The background to current race relations in Rhodesia is not only historical. It comprises also the principles and policy announced from time to time by the present government which has been in office since 1962, and it embraces also various laws including particularly the 1969 constitution and its complementary laws. That is to say the Land Tenure Act and the Electoral Act, both of 1969 also. These three, the 1969 Constitution, the Land Tenure Act and the Electoral Act will be referred to later as the Constitutional Documents.

BASIC FEATURES

At the centre of the policy of race relations in Rhodesia are the following five main features. The first is that Rhodesia is a home for all racial groups. The Shona, the Ndebele and the

Europeans were all migrants, conquerors and settlers and all of them know now no other home. Thus they have established for themselves and their successors the right to remain in this country in perpetuity. For these reasons it has been accepted as a fundamental principle that Rhodesia is the permanent and rightful home of people of different origins and backgrounds and does not belong to one race alone. It follows from these beliefs that a cardinal principle of government policy is that it will ensure the permanent establishment in Rhodesia of all races including the European.

The second feature basic to the current race relations policy deals with the individual; and here the policy is to recognise the rights of all people of all races within the framework of law and order through freedom of worship, of speech, of association and of opportunity to develop their abilities to the full. I lay stress here on the qualification that these rights and freedoms must be exercised within the framework of law and order.

The third feature is the co-existence and preservation of identities of racial groups. A guiding principle is to ensure that conditions are created and maintained whereby racial groups and communities in Rhodesia may co-exist with due regard and respect for the major differences between them. The thinking is that whether this position is likely to change is a matter for conjecture, but for the present

these differences of background, tradition, history and culture are realities that will persist for some considerable time. The belief is that the co-existence of people comprising a number of groups can only be achieved when groups and communities have the rights and the opportunities to preserve their own identities, their own traditions and their own customs. It follows from this that compulsory integration is opposed and that Rhodesians must be afforded the opportunity of contributing to and sharing in the development of their groups and their communities, subject to their acceptance of a competence to assume the responsibilities thereby imposed. This, related to the policy on land which I deal with a little later, involves the adoption of the principle of community development, the promotion of local and regional authorities of government, the establishment of industries in the rural areas, the provision of separate amenities for the use of each main race and multiracial amenities where these are required or necessary, and the recognition of the responsible position of the chiefs in the tribal structure.

The fourth feature concerns land. The policy of land is based on the principle of apportionment of land between Africans and Europeans as entrenched in the Land Tenure Act of 1969, and in particular on the principle of preserving the Tribal Trust Lands for Africans living under the tribal system. The subject of land tenure has been considered in a number of well-documented reports. Policy on land tenure is based on the principle that the apportionment of land between African and Europeans is justifiable in all respects. Some may argue that such a system is morally indefensible. Economists emphasise that land apportionment prevents the fullest use of land compatible with modern forms of production in a money economy, and that there is no escape from the deleterious effect of eliminating freedom of economic action and mobility resultant from a system of land apportionment. The validity of these arguments in ideal situations is indisputable; but the realities of the situation are that land apportionment and the different systems of land tenure have been woven into the fabric of Rhodesian society since 1894, and that there are still deep and fundamental differences between the races.

The fifth and final feature revolves about government and franchise. The policy is to

ensure that the government of Rhodesia remains permanently in responsible hands. The belief is that Europeans because of their greater competence and experience should exercise the more authoritative voice at national government level for a period which cannot be measured by the clock or the calendar. At the same time Europeans must concede to Africans a voice in government at national level which with the passage of time must be allowed to gain increasing but not limitless bounds. Thus the only acceptable solution is one based substantially on racial parity of political representation. It is around this core that the framework of the 1969 Constitution is built. This type of solution is the most likely to produce both immediate and long-term confidence and stability. It does not follow from this that inevitably there will be permanent polarisation of political forces along racial lines. The hope is that with the passage of time the boundaries of politico-racial cleavage may become blurred and finally eliminated. But if these hopes are not fulfilled and people divide on racial lines the parity principle may produce a political balance in which the power of each will be equally rated. Thus both Europeans and Africans will be reassured by being able to conduct their political activities in the knowledge that the constitution does not permit either race to dominate the other after parity is reached.

These then are the features basic to the philosophy of race relations in Rhodesia at the present day. Their application in various areas of human endeavour is to be found in the Constitutional Documents, other laws, ministerial pronouncements and practice. First comes land, for the belief is that the system of land tenure is intimately bound up with the social, cultural and economic aspects of Rhodesian life, and as far as most Africans are concerned it is of greater significance than most other facets of the Constitutional Documents. Europeans also lay great stress on the security of their land rights. Apportionment of land is a subject about which people and races are politically sensitive. In the Land Tenure Act there are definitions of the terms African and European. African denotes any member of the aboriginal tribes or races of Africa and the islands adjacent thereto, including Madagascar and Zanzibar, or any person who has the blood of such tribes or races and who lives as a member of an aboriginal native community; and this

definition includes also a company that is controlled by an African, for such a company is designated under the Land Tenure Act as African, and vice versa, a company controlled by Europeans is designated as European.

LAND

All land in Rhodesia is classified into three areas: the European Area which is 18,150,000 ha. in extent, the African Area which is 18,200,000 ha. in extent, of which 16,100,000 ha. is attributed to the Tribal Trust Lands; and thirdly a National Area which is 2,668,000 in extent. A section of the Land Tenure Act entrenches the extent of the European, the African and the National areas. In other words these particular areas cannot be changed without following the special procedure in the Constitution for amending the Constitution. The European and African Areas are areas in which the interests of Europeans and Africans respectively are paramount in terms of the Land Tenure Act. Practically, this means that subject to many exceptions a European is prohibited from owning or occupying land in an African area and vice versa. The reason for the many exceptions lies in the need, existing and future, for members of one race to occupy land in the area of another. For example the need for townships for one race in the area of another. The need for occupation for members of one race in the urban and rural land of the area of another and the need for non-racial residential, commercial and industrial land, in the two areas.

As has already been stated there are both social and economic considerations why the policy of land apportionment should continue. Firstly the African Area includes the Tribal Trust Lands which are reserved and protected under the Land Tenure Act for Africans living a communal existence under the tribal system. Africans, it is held, must be presented with the opportunity of moving into the cash and the capitalistic economy. Therefore in the Tribal Trust Lands there is provision for procedures which with the consent of tribesmen will enable areas in the Tribal Trust Lands to be converted to freehold tenure. Therefore also, there are rural areas in which African farmers may lease and own farms, that is the African Purchase land. Therefore also in business areas in African Townships African businessmen are protected from competition by Europeans. Be-

cause of social differences, and also for the economic interests of the country as a whole, an area of Rhodesia is set aside for use and exploitation by Europeans. On this subject Professor Sadie of the University of Stellenbosch had this to say:

A study of the Bantu peoples of Africa reveals the absence at this stage of most of those elements which are conducive to economic development . . . breaking the fetters of tradition is a most difficult operation . . . Until this has eventuated . . . [an] increase in the standard of living, of the African population will be dependent upon an adequate . . . European population . . . from [whose] ranks emanates the spirit of enterprise which is the [fount] of economic advancement . . . [Their necessary skills and experience] cannot simply be imparted to an economically underdeveloped people by way of a crash programme of education and instruction.¹

Finally owing to social differences, separate residential areas are retained for Europeans and Africans within urban areas. Due to the problems which arise, not the least of which is intermarriage between Africans and Europeans, multiracial residential areas are provided within the urban area. There is provision also in the legislation for multiracial industrial and commercial areas, and these in fact exist.

CONSTITUTION

Now I turn to National Government and Franchise. In the 1969 Constitution the definitions of African and European are the same as in the Electoral Act. They differ from the definition of African and European in the Land Tenure Act in that they refer to natural persons only and do not include a company. Legislative power in Rhodesia is vested in a legislature consisting of the President of the state and Parliament which in turn comprises a Senate and a House of Assembly. The President may be a person of any race. Members of the Senate for the most part and of the House of Assembly entirely are elected and appointed according to race. In this connection it is interesting to note the views of Sir Robert Tredgold a former Chief Justice of Rhodesia and of the Federation of Rhodesia and Nyasaland, in his autobiography:

My second conviction is that the time has passed when we can hope, as an immediate prospect, for a multiracial state [in Rhodesia] in which differences of race play no major part in the political field. No one has worked harder than I have to attain this ideal, yet, in the light of what has happened here, in Zambia, and in South Africa. I now accept that, for a long time to come, politics in countries in Africa where there is a mixed, permanent resident population, will follow racial lines. This does not mean that I despair of the nobler concept prevailing in the end. It does mean that for an interim period, perhaps of fairly long duration, there must be an approach that accepts present-day realities, and that these must be given full account in the making of constitutions if they are to have any chance of working.²

Legislatively the Senate can only review and delay legislation, except that the Senate could vote the amendment of a specially entrenched clause of the Constitutional Documents in certain circumstances. The powerhouse of Parliament in Rhodesia is the House of Assembly. Significant in the Constitution is the section which confers on the legislature the power to make laws providing for the division of Rhodesia into various provinces and other regional divisions. This of course foreshadows the creation of provinces, in other words the policy of provincialisation. The Senate consists of 23 persons of whom 10 are European elected by an electoral college comprising the European members of the House of Assembly, and 10 are African Chiefs of whom 5 are Chiefs in Matabeleland and 5 Chiefs in Mashonaland, and they are elected by the Council of Chiefs. In addition there are three persons of any race nominated by the President. The proceedings in the Senate are conducted in all three languages, Shona, Ndebele and English. In the House of Assembly there are 66 members, 50 of whom are Europeans elected by enrolled Europeans. Sixteen are African members of whom 8 are elected by enrolled Africans (referred to as African Roll members) of whom 4 are from Mashonaland and 4 from Matabeleland; a further 8, referred to as the Tribally Elected members, are elected by Electoral Colleges in

Mashonaland and Matabeleland, again 4 for the Tribal Trust Lands of Mashonaland and 4 for the Tribal Trust Lands of Matabeleland. Each Electoral College comprises all Chiefs, Headmen and Elected Councillors of the African Councils in the Tribal Trust Lands, in Mashonaland and Matabeleland respectively.

There is provision in the Constitution for the increase in the number of African members of the House of Assembly to parity with Europeans, so that there would be 50 African members and 50 European members. The increase is based on the contribution to income tax by Africans, and it works this way. The increase takes place at the rate of 2 or integral numbers of 2 when the aggregate income tax payable by Africans exceeds 16/66ths of the aggregate income tax payable by both Africans and Europeans. The excess over 16/66ths must be sufficient however to justify an increase of 2 African members of Parliament or an integral number of 2 at a time, and the first 2 to be elected according to this system will be Tribally Elected Members, then 2 African Roll Members and so on. Thus in both the Senate and the House of Assembly the provision for representation is strictly along the lines of the three main racial groups, Shona, Ndebele and Europeans.

Now to take a look at the second limb of government, that is the Executive. The Executive Government of Rhodesia is vested in the President acting on the advice of the Executive Council, consisting of the Prime Minister and such other persons being ministers as the President on the advice of the Prime Minister may appoint. And here again, I would draw your attention to the fact that as far as the law is concerned, these people, that is the Prime Minister and other members of the Executive, can be members of any race. The President appoints as Prime Minister the person who in his opinion is best able to command a majority of the members of the House of Assembly.

The third limb of the Government is of course the judicature but this is not directly relevant to this subject. There are, however, some miscellaneous provisions in the Constitution which are of interest and of relevance here. For example, an African, generally speaking, is not entitled to vote in any election for or to be elected or appointed as a member of a Council or of a Local Authority established in a

European area, and the same restrictions and prohibitions generally apply to Europeans in relation to Local Authorities in the African area. Another provision of the Constitution is that the Senate is the guardian of a restricted non-justiciable Declaration of Rights; section 20 of this Declaration provides that every person is entitled to the enjoyment of fundamental rights and freedoms set forth in the Declaration of Rights without discrimination on the grounds of race, tribe, political opinion, colour or creed, but this general right is extensively qualified.

The Electoral Act of Rhodesia provides that every person, European and African, may qualify for the vote who is a citizen of Rhodesia, is of the age of 21, has the requisite residential qualifications, has an adequate knowledge of English and is able to write in his own handwriting and complete and sign the claim form; to actually qualify for their respective rolls, Europeans and Africans are required to have prescribed means and educational qualifications. The European levels are substantially higher than those of the Africans, but the means and educational qualifications for Africans for their Roll will be gradually increased, so that when the number of African members in Parliament is equal to the number of Europeans the qualifications for both African and European will be the same. A European cannot be enrolled as a voter on the African Roll and vice versa. The taxpayer is required to state in his return for assessment of income whether he is European or African for obvious reasons. As far as married women are concerned, if a married woman does not have the means of qualification in her own right she is deemed to have that of her husband unless he is married polygamously in which event only the wife married the longest takes the means qualification of her husband.

Now in each of these fundamental issues, that is to say land, national government and franchise, it will be seen that the Constitutional Documents clearly reflect the current policy of differentiation between the main racial groups. It now remains to follow the thread of the policy through other areas of endeavour.

Local Government policy in Rhodesia is founded on the concepts, principles and practice of Community Development. Responsibility for local government is divided and the division is based on race. The Ministry of Local Govern-

ment administers European areas, and the Ministry of Internal Affairs the African areas, as one of its responsibilities. The policy is to blanket the country with Local Authority Councils. In the European areas this has been achieved by rural and municipal councils. African areas are estimated to have a total capacity of 260 African Councils of which 148 are in existence. African Councils are empowered by warrant to carry out specified functions which now number 52; and these Councils are making increasing use of the powers granted to them especially those pertaining to education, health, roads, veterinary services and water supplies. They also have certain taxing powers.

The policy of Government is to enhance the office and stature of the Chiefs, firmly believing in the chiefly assertion that they are the true leaders of the African people. Hence since 1969 the Government has passed legislation conferring criminal jurisdiction on the Chiefs and increasing their civil jurisdiction in certain cases. Tribal Land Authorities, that is to say Chiefs and those appointed by them, have wide powers of controlling the allocation of land in the Tribal Trust Land. The Government is also intent upon introducing its policy of provincialisation, which has been referred to already, but details of this scheme are not yet available.

The Ministry of Internal Affairs is represented throughout the country by District Commissioners of 50 districts, and they constitute the liaison between the Government and the community whether European or African. The economic development of the Tribal Trust Lands is high on the list of priorities, through irrigation schemes, agriculture and generally through the promotion of commerce and secondary industry. Promotion of commerce, both primary and secondary, is the responsibility of a body set up by the Government known as the Tribal Trust Land Corporation. In addition to founding a complete pattern of local government in the European areas, official policy is also to introduce autonomous local authorities in African Townships in European urban areas:

This Government has always accepted the need to distinguish, at all levels of Government, between our two societies: African on the one hand and European, including the minority races, on

the other. It is also accepted that at the local government level there should be separate local authorities for Europeans and Africans. In the urban context of African townships, it is Government policy to sponsor and encourage the progressive evolution of these townships and that they be governed at local level by the African residents.³

But the handing over of such authority must be matched by the competence, capacity and willingness to assume the responsibility. Here it must be borne in mind that the sophisticated urban township is new to the African and he has some way to go before he has the skill and experience to administer and undertake full financial responsibility for local government of these concentrated residential areas with the costly and complex services on which they depend. Government supports the policy of home-ownership in these townships, believing this to be the essential prerequisite for stability and a sound basis for African advancement towards autonomy in these townships.

EDUCATION

In education there are two systems, one for Africans and the other for Europeans. They differ substantially at the primary school stage but are the same practically speaking in secondary school. Each system is administered by its own division but both come under one Minister. Education is and always has been compulsory for Europeans, presently up to the age of 15 years. For financial reasons the same compulsion cannot be brought to bear on Africans. Since education began in Rhodesia, much more has been spent on the education of each European child than on each African child. Limitations of finance prevent the same expenditure on each African child, but more is being spent on Africans collectively each year. The European system would not function were the finances available to education to be distributed between each African and each European child equally. Rapid progress is being made towards the objective of offering a full primary course to all African children. The policy was inaugurated in 1971 to accelerate the pace at which African Councils are taking over the responsibility for primary education.

There is no integration in Government schools, but limited integration is permitted

in private schools. In inter-school sport the policy is to be no compulsory integration. Training for trades according to standards prescribed by industrial legislation is available to all races at the two technical institutions in the country, one in Bulawayo and one in Salisbury. The possibility of establishing a technical centre to provide various forms of vocational training specifically to cater for the needs of Africans is being explored by the African Division of the Ministry of Education. The University of Rhodesia is open to all who qualify for admission regardless of race.

In the field of labour, there are two main pieces of legislation, the Industrial Conciliation Act and the Apprenticeship Act. The provisions of these two Acts apply non-racially. The Industrial Conciliation Act provides for the procedures for conciliation between employers and employees and for terms and conditions of employment. The principle here is the rate for the job. The Apprenticeship Act, established an apprenticeship authority which in turn lays down the standards for apprenticeship and the disciplines and conditions governing training. I have already mentioned that there are two technical colleges for trade training.

Socially people of all races may meet and mix in their homes and they also contract marriages across the colour line but the official policy is to discourage miscegenation. As far as immigration is concerned the Prime Minister stated on 28 June 1972 that rapid economic growth is always accompanied by a shortage of skilled labour. In order to attract the required volume of skilled labour, conditions must be offered that are competitive with those which prevail in other countries which are competing for the same skills. It is a known fact that an increasing European population results in the provision of a proportionately greater number of employment opportunities for Africans. Since the natural rate of increase of Rhodesia's European population is relatively low, immigration of skilled Europeans has played and will continue to play an important part in the development of this country.

CONCLUSION

The conclusion of this brief survey of race relations policy in Rhodesia is to note that the aim of the policy is not to achieve complete

separation of the races, but to distinguish between them for the various reasons and purposes already stated. The premise of this policy is that Rhodesia is one nation, I repeat one nation, made up of three main racial groups with different cultural backgrounds; that for the foreseeable future, and in the interests of all inhabitants, leadership at national level must rest predominantly, but not exclusively, upon Europeans acting in concert with the Chiefs as the leaders of the majority of the African people; that this responsibility for

leadership derives only from the European's knowledge and experience in the administration and operation of a sophisticated form of government, and a complex industrialized economy, and does not affect the essential dignity of Rhodesians of all races; and finally that at the local level power of administration must increasingly be transferred to the racial groups and communities as they show evidence of a capacity and a competence to accept the responsibility.

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