

Duma Nokwe

advocate for change



Bailey's African History Archive

Duma Nokwe (1927 - 1978)

Duma Nokwe was the first African advocate to be admitted to the Bar. But the Minister of Native Affairs, Verwoerd, refused to grant a permit to Duma to allow him to set up chambers in a 'European area'. Duma was told to find an office in a 'native' residential area. Nevertheless, Duma worked for a few months until he was arrested for treason, in an office in the 'white' part of town in His Majesty's Building. After he had gone into exile to avoid a likely term of imprisonment for promoting the aims of the ANC, then a banned organisation, Duma spoke at a number of OAU and UN meetings. He also made speeches on the ANC's radio service. He died in 1978.

After Duma Nokwe had been admitted to the Bar, the Law Society discussed whether or not he should be allowed to become a member. There was a small group of protestors who supported the government's racist attitude to Duma. Among them was Munnik (referred to in the Minutes) and the future prime minister, BJ Vorster. On this page are the Minutes of the Meeting held by the Bar Council so we can follow the discussions that were held about whether or not Duma should be allowed to have full membership of the profession's bodies and associated amenities.

In preparation for your lesson, ask the learners if they know what Minutes are, and why they are taken at meetings of societies or organisations. Explain that being able to take Minutes is a useful skill.

Study the form of the Minutes of the Meeting of the Bar Council held on the 26th of March 1956. Look at all the elements you should have in Minutes:

- *Place of meeting*
- *Time and date of meeting*
- *Present (and explain 'Apologies')*
- *Confirmation of Minutes (from the previous meeting)*
- *Matters Arising (from the Minutes of the previous meeting)*
- *Note the sub-headings*
- *Note phrases such as: 'it was agreed' and 'it was resolved'.*

Minutes of Meetings as Historical Sources: How Far Would You Go for a Cup of Tea?

This lesson plan demonstrates to learners why Minutes of meetings are good sources of historical evidence. Learners can also learn the valuable skill of taking minutes.



MINUTES OF A MEETING OF THE BAR COUNCIL HELD IN THE COMMITTEE ROOM ON MONDAY 26TH MARCH 1956 AT 2 P.M.

PRESENT. I.A. Maisels, Q.C. (In the Chair).
W. Pollak, Q.C., A. Fischer, Q.C., J.D. Schwartz,
G. Colman, M.H.S. Festenstein, H.G. Nicholas.
Secretary: A.P. O'Dowd.
Asst. Secretary: C. Flewman.

ADMISSION TO THE SOCIETY - P.P.D. NOKWE.

A letter from Snyman in regard to the admission of Non-Whites to the Society was read to the meeting.

After discussion it was agreed that a letter should be written to Snyman pointing out:-

- (a) In regard to the subject matter of his letter, namely the sharing of social amenities by white and non-white members of the Bar, neither the Society nor the Bar Council have made any decision in regard thereto.

(b)/ . . . (2)

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- (b) In view of the fact that Nokwe has stated that he has no wish, for the present at any rate, to make any use of the Common Room, there was no occasion for the Council to rule on the matter.
- (c) In regard to his request that the Council should reconsider the matter of Nokwe's admission he should be informed that as the Constitution of the Society clearly states that there shall be no colour Bar, the Council, even if it desired to do so, could not accede to this request; and
- (d) The Council does not propose to call a special meeting of the Society to discuss the matter.

A letter from Munnik requesting a ruling from the Bar Council in regard to whether or not Non-Europeans should be permitted to have access to the Common Room, was then read.

It was agreed that Munnik be informed that as Nokwe the only African member of the Society, has indicated that he does not desire to use the Common Room at present, there is no necessity for the Bar Council to give a ruling on the matter.

Read from the March 1956 Minutes from the heading: 'Admission to the Society – P.P.D. Nokwe'. The Law Society's constitution said that it had no colour bar – that meant that black people could NOT be prevented from becoming members. But what about the Common Room (Staff Room)?

Go back to Minutes of the Meeting make sure the learners understand the point of view expressed by the letter writer, George Munnik. He said that he would like to make a condition that if Duma were allowed to become a member of the Society, he should not use the Common Room. We also know from George Bizos's autobiography (see below) that other members of the group that protested against Duma's inclusion because he was an African, were JH Snyman and Vorster.



Duma Nokwe (left) & Ahmed Kathrada (right)
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Duma Nokwe outside the court house Bailey's African History Archive

Now it seems that Duma had already agreed that he wouldn't go to the Common Room – but why?

In George Bizos's autobiography, *Odyssey to Freedom*, Bizos tells us that he was asked to be a member of a commission appointed by the Bar Council to investigate the conflict that had arisen over whether or not Duma should be allowed to become a member of the Society. The commission recommended that Duma should be allowed to have chambers in His Majesty's Building along with white lawyers, and that he should be allowed to use the law library. But the commission was worried that if Duma used the Common Room the protestors would complain that an offence had been committed under the Group Areas Act, which might have destroyed his career.

Bizos says that Duma was upset because he felt everything was up to him. He asked Mandela, Tambo and Walter Sisulu what to do. They agreed that the commission's recommendation about the Common Room was racist, but said the most important things was to be able to occupy law chambers in an area that was close to the courts along with other lawyers without getting into trouble with the government. According to Bizos, Sisulu 'had the last word: "Are we to lose an opportunity to break the barrier for lack of a cup of tea?"'.



Lewis Levin, Vuyiswa Nokwa, widow of Duma Nokwe and George Bizos, who illegally shared his chambers with the late Duma Nokwe Sunday Times

Learner Activities

- Divide your learners into groups. Each group must have a chairperson whose job it is to make sure that everyone has a fair chance to speak, and a Minute taker. The Minute taker should set out the Minutes formally, with date, time, place, those present etc. At the end of the discussion the Minute taker must make sure that all members of the group agree with the content of the Minutes and should sign them. Allow 10 minutes for discussion and another 10 for checking and making necessary corrections to the Minutes. Explain to the learners that at the end of the exercise the Minutes of each group will be stuck up around the classroom walls. Learners will then take a 'gallery walk', reading the Minutes of other groups and noting new points.
- The subject of the group discussion is: Do you think Duma should have insisted on his right to go to the Common Room for tea?
- As a written exercise you could ask learners to write up two paragraphs about what they have learned about the nature of so-called 'petty apartheid' (segregation of social amenities). Ask them to consider the motives of the people who supported petty apartheid, and why it was so hard for a person like Duma to make a stand against being banned from social amenities reserved for whites.

Assessment Criteria

- Learners are able to give a clear definition of petty apartheid or the segregation of social amenities under apartheid.
- The learners are able to advance possible reasons for petty apartheid, which may include a desire not to mix socially with black people, fear of having contact with black people, a desire to make it harder for black people to succeed in the professions or other reasons which could be right within the historical context.
- The learners are able to refer to the fact that it was hard for the few black professionals in existence in the 1950s to confront the economic and political power vested in the apartheid government.

Curriculum Link - Grades 10 & 11

LO 1: AS 4
LO 2: AS 2

(Additional Reference: Bizos, G. *Odyssey to Freedom*. Random House, 2007, pp 138 - 40)

