



A SURVEY OF  
**RACE RELATIONS**  
**IN SOUTH AFRICA**  
1952 — 1953

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## INTRODUCTION

The following survey of race relations for the period October 1952 to September 1953 does not make the happiest reading. It is true that in some fields significant measures have been introduced to improve the conditions of living of our Non-European people: for example, many municipalities have made imaginative and strenuous efforts to deal with the housing position and they and their Managers of Non-European Affairs are to be congratulated on this; Non-European education has advanced another measured step; an organized system of labour bureaux is being set up; and the dire health needs of the Non-European people are being recognized increasingly. There are also many indications that the general European public are more aware of the dangers and difficulties of the situation and that Non-Europeans are increasingly anxious to be given the opportunity to help themselves. Yet the survey has to report the riots of last October and November, serious curtailments of civil liberties and fundamental freedoms, a constitutional struggle centering in the attempt to deprive the Cape Coloured of common franchise rights, an increased legislative drive towards further discriminatory segregation, and the engendering of greater distrust between black and white.

In all this we see the contradiction with which white South Africans live and have lived over the centuries, — their sense of right and justice has driven them to give with one hand; their fears have made them take away with the other. While this policy has enabled a certain inter-racial stability to be maintained in the past, it is unlikely that this will be maintained to any significant degree in the future, for it has to be realized that the conditions of the twentieth century are not those of the nineteenth. The emphasis in the racial situation has shifted from the welfare, educational and economic to the political, and it will be the course of wise statesmanship to recognise this and to secure for South Africa internal peace and freedom from external danger in the future. Governments are elected to ensure that citizens can trust one another, have peace and prosperity, have dignity and opportunity: the legislative measures of 1952-1953 are not conducive to this end.

Force of circumstances will no doubt lead to an increase in positive action and to modification of the negative or deleterious measures which have been taken. The Group Areas Act is to be modified; difficulties have been found in its application, and the Land Tenure Board has not yielded to the many unjust suggestions put before it. Shortage of labour is already modifying the traditional labour pattern of the country. The desire to exploit the African consumer market is already inducing changes of attitude. Africans are in urban areas to stay: Indians will not be expatriated. European racial attitudes are changing and the courageous emergence of a group bound to a qualified franchise for Non-European is symptomatic of new thinking

and new forces. The younger generation is unwilling to accept the strait-jacket in which many of the older generation wish to confine it. Travel and international contact are having their effect. The Dutch Reformed Church is courageously facing the logic of its own beliefs. Non-European leaders are not intransigent in their attitudes.

To some ears this may sound optimistic, but my own belief is that there are in South Africa forces, spiritual and material, so strong that the constant adjustments that have to be made in a young, changing society will be made, and that policies born of the weakness which is fear will give way to policies and actions based on the strength of faith and courage.

QUINTIN WHYTE.

### NON-EUROPEAN POLICIES OF POLITICAL PARTIES, AND THE GENERAL ELECTION

Prior to the general election, which took place in April, 1953, the then two opposition parties, as well as the Nationalist Party, clarified their Non-European and other policies. As, in some cases, points of policy had been developed to meet changing circumstances, it is useful to record briefly the Non-European policies put before the country.

#### Nationalist Party<sup>(1)</sup>

1. Rejection of total territorial segregation, but gradual, enforced separation of ethnic groups and sub-groups into group areas.
2. Each group and sub-group to develop in accordance with its own "national character, abilities and destiny." Gradually increasing rights of self-government and of development to Non-Europeans in their own areas; but European guardianship to be retained.
3. Development of the Reserves as the true fatherland of Africans. In the towns, no political rights for Africans, nor equal social rights with Europeans nor freehold rights to property. Strict influx control.
4. Segregation in transport and other public amenities, and in so far as is practicable, in the industrial field.
5. State control in matters of labour so that, by application of a fair quota system, the position of European workers will be safeguarded, and so that the necessary farm labour will be available. Dispersal of industry: industrial development on the borders of and within the Reserves.
6. Coloured voters to be removed from the common roll and given four representatives on a communal basis.
7. No Parliamentary representation for Asiatics. Prevention of further Asiatic immigration and competition. Negotiations with India and Pakistan in regard to repatriation of Indians.

#### United Party<sup>(2)</sup>

1. Maintenance of the supremacy of Europeans. Reduction of their fears of being "swamped" by Non-Europeans by the expansion of the white population through planned, large scale immigration and provision of generous children's allowances. A target of ten million whites by the end of the century.

(1) From speech by Prime Minister in Assembly, 12th April, 1950 (Hansard No. 11, 1950, Cols. 4141-2); speech by present Minister of Native Affairs in Senate, 3rd September, 1948; Nationalist Party's *Economic Plan for South Africa*; *The Colour Policy of the Nationalist Party*; and trends of recent legislation.

(2) As enunciated by Mr. J. G. N. Strauss and endorsed at the Party Conference in Bloemfontein, Nov. 1952.

2. The Non-European question "to be taken out of party politics." Consultation with other political parties and also with responsible Non-European leaders, in the endeavour to find a common solution.
3. Rejection of total *apartheid* but acceptance of social and residential segregation.
4. Non-Europeans to be afforded a "reasonable" voice in their own affairs. African councils in the Reserves and townships to be strengthened.
5. Present political rights of Non-Europeans to be retained until, by the "broad agreement of the Europeans and thereupon the co-operation of the Non-Europeans," revision is decided upon.
6. A definite undertaking to implement to the full the land purchase programme for Africans. Development of the enlarged Reserves with capital obtained from the American Point-4 Programme.
7. A Commission to be appointed to investigate the possibility of granting Africans freehold right to property in urban areas. Compulsory vocational training for all unemployed African youths in the towns.
8. Present political and economic rights of the Coloured people to be retained.
9. All possible steps taken to bring about a round-table conference with India and Pakistan with a view to repatriating Indians.

#### Labour Party<sup>(3)</sup>

1. Retention of the present franchise rights of Coloured people in the Cape.
2. Retention of the present franchise rights of Africans in the Cape and of their representation by 3 Europeans. Male Africans in the remaining Provinces to elect European representatives, 3 from the Transvaal and 2 each from Natal and the Free State.
3. Similar system of representation of Africans on Provincial Councils. Qualified direct representation on town and village councils.
4. So far as political rights for Asiatics are concerned, the Party supported the Asiatic Land Tenure and Indian Representation Act of 1946.
5. Abolition of criminal penalties under the Pass Laws and similar legislation. Inclusion of all workers in the definition of "employee" under the Industrial Conciliation Act. Training of all Non-Europeans to play their part according to their abilities. "Equal pay for equal work." European workers guaranteed security of employment at standard rates of pay.
6. Residential segregation in urban areas to be obtained by using "the builder rather than the policeman." Energetic plans to provide adequate housing over a 5-year period.

<sup>(3)</sup> Revised Non-European policy adopted at the annual Labour Party Conference in January, 1953.

7. Free and compulsory education for Non-European children in large urban centres from the ages of 7 - 14 inclusive as part of a long-term development plan.
8. Minimum wages to be laid down for farm labourers; proper training provided for them; present provisions of the Master and Servant Ordinances to be abolished.
9. A planned policy, adequately financed, to improve conditions for present Reserve-dwellers.

#### The General Election

Following the general election in April and including the result of a by-election soon afterwards, the state of the parties was:

	<i>Number of seats in previous Parliament</i>	<i>Number of seats in present Parliament</i>
Nationalist Party ...	86	94
United Party ...	64	57
Labour Party...	6	5
Natives' Representatives	3	3

In a political broadcast following the election, Mr. J. G. N. Strauss said that through an anomaly of the electoral laws, the Nationalist Party obtained 61 per cent of the Parliamentary seats with only 45 per cent of the votes. This statement was not refuted.

#### Liberal Party

In May, 1953, a Liberal Party was formed. At the time of writing, it has one member in the Senate and one in the Assembly (both Natives' representatives). The fundamental tenets of the Party are:

- (i) the essential dignity of every human being irrespective of race, colour or creed, and the maintenance of his fundamental rights;
- (ii) the right of every human being to develop to the fullest extent of which he is capable consistent with the rights of others;
- (iii) the maintenance of the rule of law;
- (iv) that no person be debarred from participating in the government and other democratic processes of the country by reason only of race, colour or creed.

The Party stipulates that it will employ only democratic and constitutional means to achieve its objects and will oppose all forms of totalitarianism such as communism or fascism. Unlike all other political parties in South Africa, the Liberal Party accepts Non-European members.

Following a National Conference held in July, a statement of aims and principles was issued to the Press. Some of these are:

1. Extension to Non-Europeans of the right to sit on national, provincials and local bodies if they possess the requisite qualifications.

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2. Immediate extension of the franchise to South African citizens of all races, men and women, over the age of 21 and able to fulfil one of the following requirements:
  - (a) completion of Standard 6; or
  - (b) income of not less than £250 a year in cash or kind; or the ownership of unencumbered property valued at a minimum of £500; or
  - (c) a special qualification for persons of not less than 35 years of age who are adjudged by a judicial tribunal to deserve the franchise on the grounds that they occupy position of special responsibility, or have rendered meritorious service to the community.
3. Indirect representation in the Senate for all South Africans over the age of 21 who do not qualify for the common roll.
4. All franchise rights to be entrenched.
5. Compulsory education to be provided within 20 years for all sections of the population at least to Standard 6 or the age of 16.
6. The industrial colour bar is opposed.
7. The Party rejects the Group Areas Act.

**Union Federal Party**

Also in May, 1953, the Union Federal Party was formed, its main strength being in Natal. At the time of writing it has two members in the Senate, both ex-members of the United Party. According to a manifesto issued to the Press, its policy is:—

1. A future federal union of the States and Territories of Southern Africa.
2. The material elements of the contract of Union to be entrenched, and within that framework, the present "quasi-unitary" system to be reshaped to one of Federal Union. The Provinces to be given a far greater measure of autonomy and the right in given circumstances (e.g. attempted violation of the letter or spirit of the Constitution, weakening of allegiance to the Crown, etc.) to secede from the Union.
3. Over a considerable period of years, and subject to safeguards against the disproportionate representation of any one section of the Non-European people, the placing of those Non-Europeans who have passed suitable tests of a high standard on the common roll of voters. In the meanwhile.
  - (a) the present Coloured vote to be retained;
  - (b) the present system of limited group representation of Africans to be retained.
  - (c) a system of group representation for Asiatics on similar lines to be instituted;

- (d) limited group representation of Non-Europeans on the Natal Natal Provincial Council to be instituted.
4. Residential and social segregation between Europeans and Non-Europeans to be obtained on an equitable basis and wherever possible by the encouragement of voluntary population movements through housing and town planning schemes.
5. Rapid improvement of living conditions, welfare services, education and economic opportunities for Non-Europeans.
6. Exemption from the Pass Laws for all Africans who have attained a high degree of civilization.

**Union Commonwealth Party**

A third party formed in May, 1953, was the Union Commonwealth Party which at present has no Parliamentary representation. It stands for a South African republic within the Commonwealth.

**GENERAL WORK BY THE INSTITUTE AND OTHERS FOR IMPROVED RACE RELATIONS****Mr. J. D. Rheinallt Jones**

The death on 30th January, 1953 of John David Rheinallt Jones, then President of the S.A. Institute of Race Relations and its founder in 1929, is recorded with very deep sorrow. During 1953, the Institute published a memoir of him, prepared by Dr. the Hon. E. H. Brookes.

Mr. Rheinallt Jones's last message was his Presidential address prepared for the Annual Council meeting of the Institute in January, 1953, which was read for him at the meeting by Dr. J. Reyneke. The Institute has since published this address under the title *At the Crossroads*. It is a closely reasoned analysis of policies in South Africa and their likely results, ending with a renewed plea that all South Africans, white and black, should work together to seek a solution to our racial problems.

**Racial Tensions.**

A large proportion of the time of the Institute's Council meeting in 1953 was devoted to consideration of racial tensions and racial policies. The discussion was introduced by the Director, Mr. Quintin Whyte. Council's findings were as follows:

- (a) Council approves the statement of the fundamental beliefs and attitudes of the Institute of Race Relations as contained in the pamphlet . . . *go forward in faith*.
- (b) Council considers that it is urgently necessary to re-establish contact between all the population groups in our country.
- (c) Council therefore recommends that a conference or series of conferences of responsible individuals drawn from the various

population groups should be organized with as little delay as possible.

- (d) Council instructs the incoming Executive Committee of the Institute to arrange for such a conference or conferences and to decide both on the time and place for these conferences, and on the programmes of discussion.
- (e) Council recommends to the incoming Executive Committee that arrangements be made for the publication of Mr. Quintin Whyte's assessment of the present situation.

This assessment of the nature and power of the various forces at work in South Africa, by Mr. Quintin Whyte, has since been published by the Institute under the title *Behind the Racial Tensions in South Africa*.

### Inter-Group Conferences.

Several of the inter-racial or inter-group conferences envisaged by the Institute's Council have been held or planned during the year.

A number of organizations have recently been pointing to the urgent necessity for such consultations. The Leader of the Opposition said in April that the United Party was willing and eager for Non-European affairs to be lifted out of party politics. He suggested that the Prime Minister should invite his party's co-operation in an attempt to find a common solution. In January the Executive Committee of the Christian Council of S.A. approached the Prime Minister urging, as the Institute has so frequently done, that members of the Government should consult with accredited representatives of the Non-European peoples in an endeavour to understand the causes which had led to a position of acute racial tension. At its annual conference in January, 1953, and subsequently, the S.A. Labour Party has urged that a National Convention, representative of all the peoples of South Africa, be called to attempt to create better understanding between the racial groups and to formulate some method of working together in increased harmony. The Association of Chambers of Commerce and the National Council of Women have made similar recommendations.

Several organizations and individuals approached the Institute suggesting that it should arrange for such a National Conference to be held, and, in consequence of its Council's findings and these requests, the Institute has decided, provided there is sufficient support, to convene an agenda conference representative of all racial groups to consider arrangements for a national conference and to appoint an independent sponsoring committee for this. If the national conference is held, its purpose will be to try to evolve a *modus vivendi* for the country. Preliminary circulars have been sent to some 250 organizations and individuals in the endeavour to ascertain whether sufficient support will be forthcoming to make it possible to hold a truly representative conference, and, at the time of writing, the response is proving encouraging.

During December, 1952, representatives of the Federal Missionary Council of the Dutch Reformed Churches held discussions with leading members of their African congregations. A series of resolutions was passed, including recommendations for improved housing for Africans in the towns, better living and working conditions on the farms, and the industrial and agricultural development of the Reserves. It was agreed that these resolutions be accepted as a basis for further investigation, a continuation committee being appointed for the purpose.

The Federal Missionary Council of the Dutch Reformed Churches is now planning a conference to be held in Pretoria during November, 1953, to consider the application of Christian principles in our multi-racial land, with special reference to the extension of the Kingdom of God amongst the Non-European peoples of South Africa. This conference will be held in *camera*, and will be a preliminary one. Invitations have been sent to leading representatives of the Dutch Reformed Churches and to European leaders of about 25 other Churches and Missionary Societies. The preliminary conference will prepare the ground for a subsequent one, to be more widely representative, inter-racial, and open to the Press.

The Durban Corporation has set up an Indian and Coloured Advisory Committee, partly as result of the Institute's suggestion, which it continues to press, that Mayor's Inter-Racial Committees be established in the larger towns (see 1950/51 *Survey*, page 21). The Natal Chambers of Industry and Commerce have supported the Corporation's move. Unfortunately, for several reasons, neither the Natal Indian Congress nor the Indian Organization have proved willing to co-operate.

### Afrikaans-English Relations

With the aid of a further generous donation from the Abe Bailey Trust, the Institute's work to achieve greater harmony between Afrikaans-speaking and English-speaking people has during the year been extended.

The special, independent sub-committee set up by the Institute to enquire into the origin of inter-group antagonisms (see page 18 of 1951/52 *Survey*) is, with the assistance of its field-worker, Miss A. Dodson, collecting personal documents on the origin and development of present inter-group attitudes. It is hoped, as a first stage in the enquiry, to obtain 100 of these from members of each group. The documents will then be analysed to provide preliminary data for a larger survey on a national scale.

Dr. the Hon. E. H. Brookes suggested that the Institute should provide some means of interpreting current Afrikaans trends of thought to the English-speaking section of the community. Letters have been sent to a number of persons who are in a position to comment responsibly on current Afrikaans thought, asking whether they would be prepared to contribute to a quarterly publication which would be

issued by the Institute, initially in duplicated form. If sufficient response is forthcoming this publication will be produced.

The Assistant Director continues to give lectures to various organizations, English, Afrikaans and mixed, on relations between the two groups. He represented the Institute at the annual Council meeting of S.A.B.R.A. in January.

Many organizations and individuals outside the Institute are interesting themselves in this work of promoting better understanding. Mr. J. W. de Preez, an ex-school teacher, has for the past 20 years been arranging for English-speaking urban children to spend holidays with Afrikaans-speaking platteland families, then for reciprocal visits. The East London Round Table has recently started a similar scheme. Mr. G. H. Langelier, a retired business-man, has presented to the nation an hotel in Durban to be converted into a club for members of the two groups, with the aim of fostering goodwill between them.

#### School History Text-books.

Mrs. S. Toens has kindly completed for the Institute a survey of history books used in secondary schools for English-speaking children. The books used in Afrikaans schools are, in general, the same in translation. She has marked all passages which might tend to give unnecessary hurt to any ethnic, religious or language group, and Professor I. D. MacCrone will, as a next step, test the psychological effect of these passages on groups of pupils.

The necessity for such work was demonstrated at an exhibition held in London during January, 1953. School history text-books from 37 countries were on show, and as a result 37 different versions of events were presented.

#### Dr. Frank Loescher

Early in 1953, with the assistance of the Ford Foundation, the American Friends' Service Committee and the Institute combined to arrange for Dr. Frank Loescher to visit South Africa. Dr. Loescher is an authority on race relations in the United States, among many other qualifications having been Executive Director of the Philadelphia Commission on Human Relations and of the Fair Employment Practices Commission of that city. He spent some months touring South Africa and, at the conclusion of his visit, made many valuable proposals for the development and extension of the Institute's work.

#### Regional Organization of the Institute

The S.A. Institute of Race Relations has Regional Committees and offices in Cape Town, Durban, Johannesburg and Port Elizabeth, operative groups in Alice and Pietermaritzburg, representatives in

Bulawayo and London and correspondents in Northern and Southern Rhodesia, South West Africa, the Belgian Congo and Portuguese East Africa. The Institute is proud to have the Rev. G. B. Molefe, M.A. of Port Elizabeth as its first African Regional Chairman.

The Port Elizabeth Regional Committee and office, and the operative group in Pietermaritzburg, were established during the year under review. The Institute hopes further to expand its regional organization during the forthcoming year.

#### Joint Councils

Joint Councils of Europeans and Non-Europeans, with which the Institute's Field Officer keeps in touch, exist in the following centres in the Union and neighbouring territories:

Bremersdorp	Mbabane
Durban	Pietermaritzburg (2 Councils)
East London (2 Councils)	Pietersburg
George	Potchefstroom
Germiston	Pretoria
Grahamstown	Rustenburg
Kimberley	Springs
Ladybrand	Zoutpansburg
Lydenburg	

Altogether there are nineteen active Councils and a number more that are in recess. In the large urban centres, many welfare and self-help organizations have been established during recent years, and the scope of the Joint Councils has been correspondingly narrowed. Further, in consequence of the growing spirit of "non-co-operation," fewer Non-Europeans are willing to serve on Joint Councils than was formerly the case. Nevertheless, the Councils continue to do useful work.

During 1952/53, for example, the Pretoria Joint Council of Europeans and Non-Europeans studied plans for the racial zoning of Pretoria and submitted a memorandum to the Land Tenure Board protesting against proposed injustices. Extensive study of the local African housing question has been made, and the African point of view made known to the authorities concerned. The Joint Council is pressing for the erection of shelters at Non-European bus stops, it runs an African School Feeding Fund and supplies 16 schools with additional rations for pupils who do not fall within the Government scheme, and it is concerning itself with the operation of labour bureaux.

The Germiston Joint Council of Europeans and Non-Europeans during 1952 concerned itself with water pressure and night-soil removal in the African township, and with transport facilities to the Asiatic Bazaar. Bursaries were provided by the Council and its individual members to enable needy African students to continue their studies.

Pietermaritzburg Indo-European Joint Council has made representations to the education authorities in regard to the need for

Relations, also to get into practical partnership with African women, to help to rebuild African family life, and to make the needs of Africans known to Europeans.

The Organizing Secretary of the Union of Jewish Women of Southern Africa makes a special point, during her frequent tours of the country, of addressing meetings on the need for better inter-racial attitudes and the European's responsibility towards the Non-European. The Toni Saphra bursary established by this Union for post-graduate studies was in 1952 awarded to an African, Miss Mary Nongauza, who is the first African woman to obtain her B. Ed. Degree at Cape Town University. Welfare work done by branches of this Union is described in subsequent sections of this *Survey*.

Durban International Club continues to be a popular meeting-place for people of all racial groups. The Mayor of Springs announced in November, 1952 that, recognizing that he represented the Non-Europeans as well as the Europeans, he was inviting representatives of the former group to the Mayoral Service. During February, the Rev. G. B. Molcfe, an African, was inducted as Moderator of the Presbyterian Church in the Port Elizabeth region, where the Church membership is predominantly European.

Discussions on "Race" and on the possibilities of total *apartheid* continue. In an article on "Blood Groups and Skin Colour" in the first number of *The Journal of Forensic Medicine*, Dr. M. Shapiro stated that the distribution of blood groups among the various peoples of the world certainly indicates that no "pure" race exists. The Caucasians themselves, he said, appear to be half proto-European, half Mongoloid, with a dash of Negroid strains. In his book *Die Kleur-Krisis in die Weste*, Dr. Ben J. Marais, a Minister of the Dutch Reformed Church, states that on the whole he finds no scientific or theological reasons for believing that Non-Europeans are inferior to Europeans or for believing that racial mixtures are harmful, biologically speaking.

The Statement advocating complete separation of Europeans and Africans on a territorial basis, produced by the Federal Missionary Council of the Dutch Reformed Churches in 1950, has never been endorsed by the separate synods. Dr. Ben Marais stated, in the book quoted above, that if large-scale territorial division is proved impossible and the Europeans accept that a few million Non-Europeans will live permanently among them, there is no honourable manner in which they as Christians and democrats can permanently withhold from the Non-Europeans political and other rights or can limit such rights to an insignificant minimum. At a student congress in Stellenbosch in May, 1953, Professor G. B. A. Gerdener, Chairman of S.A.B.R.A., is reported to have said that a fatal dualism prevails even among convinced supporters of *apartheid*. Many Europeans want separation, but not at the cost of their own comfort or the abandonment of so-called cheap labour in the factory or on the farm. One feared that the ruling motive for supporting *apartheid* was egotistical and not altruistic.

## EVENTS OUTSIDE THE UNION WITH BEARING ON THE SOUTH AFRICAN SCENE

### Debates on South African Policies at United Nations.

#### U.N. Consideration of South Africa's Apartheid Policy

The question of race conflict in South Africa arising from the policies of *apartheid* of the Government of the Union was debated during the 7th Session of the United Nations General Assembly, held in New York during November, 1952. The Arab-Asian block had drafted a resolution recommending the appointment of a three-member fact-finding commission to study the extent to which *apartheid* legislation might affect the maintenance of peace and security, inviting the Union Government to co-operate with this commission, and proposing that the question be retained on the agenda for the 1953 Session of the General Assembly. In spite of protests from the South African delegation that the matter was one of domestic jurisdiction, from dealing with which the United Nations was precluded in terms of Article 2, paragraph 7 of its Charter, the resolution was approved by 35 votes to 1, with 23 abstentions.

In a further resolution, passed by 24 votes to 1 with 34 abstentions, all member states were called upon to bring their policies into conformity with their obligations under the Charter and to promote the observance of human rights and fundamental freedoms.

The President of the Assembly later appointed the three members of the fact-finding commission, Mr. Hernan Santa Cruz of Chile (Chairman), Mr. Henri Laugier of France and Mr. Dante Bellegarde of Haiti. The Commission invited member Governments of the United Nations to submit oral or written testimony. South Africa refused to do so, on the ground that this would indicate indirect approval of interference in her domestic affairs. She also decided not to allow the commission to visit the Union, nor to permit representatives of non-Government organisations to leave the country to testify before the commission.<sup>4</sup>

Several private persons who happened to be overseas gave oral evidence, however, and certain Non-European organizations in the Union sent memoranda.

Following its sitting in Geneva during August, 1953, the Commission prepared a report for consideration by the General Assembly of United Nations in November.

#### South-West Africa

It will be remembered that in December, 1951, the General Assembly of United Nations once again asked the Union to place South-West Africa under international trusteeship (although it accepted the International Court's ruling that there was no legal obligation on

(4) From speech by Prime Minister in Assembly, 8th August, 1953.



the Union to do so), to submit reports on the administration of the territory, and to agree to transmit petitions. It re-constituted the *ad hoc* committee to hold consultations with South Africa, members being Norway, Syria, Thailand, the United States and Uruguay.

The Union remained unwilling to place South-West Africa under international trusteeship. Its international function of administration, it has declared, was exercised on behalf of the League of Nations, not of the United Nations. However, in September, 1952, it offered certain concessions. It suggested that, under the aegis of the United Nations, an international treaty embodying the spirit of the mandate should be concluded between the Union on the one hand and, on the other, the United Kingdom, France and the United States, which were the only remaining Powers of those originally conferring the mandate on South Africa, and which were all permanent members of the U.N. Security Council. Should negotiations on these proposals progress satisfactorily, the Union Government would agree to make available to the Powers concerned information on its administration of South-West Africa.

The *ad hoc* committee wished to have time to consider these suggestions; and at its request no discussion of the South-West African issue took place during the 1952 Session of United Nations. The matter will again be raised during the 1953 Session, however. It is understood that the committee will report that it has found the South African proposal to be unacceptable.<sup>(5)</sup>

#### Relations between the Union and India and Pakistan

The question of the relations between the Union and India and Pakistan has been on the agenda of the U.N. General Assembly each year since 1950. It will be remembered that in November, 1951, the Assembly called for the establishment of a three-member commission to help to settle the difficulties that had arisen, one member to be appointed by the Union, a second by India and Pakistan, and the third to be appointed jointly by the three countries concerned, or, failing agreement, by the Secretary-General of United Nations. Nothing came of this proposal, however: the Union was unwilling to accept the resolution as a basis for negotiations, and in view of this, India and Pakistan saw no point in nominating a member to the suggested Commission.

This was reported to the United Nations General Assembly in November, 1952. By 42 votes to 1, with 14 abstentions, the Assembly resolved to set up a three-member Good Offices Commission to arrange and assist in negotiations between the three countries concerned over the problem of the treatment of Indians in South Africa.

(5) In November, 1953, the Trusteeship Committee adopted a proposal establishing a nine-member committee on South-West Africa to function as far as possible like the former Permanent Mandates Commission of the League of Nations.

The Union was again called upon to suspend implementation of the Group Areas Act pending conclusion of the negotiations. Once more she protested that the United Nations was precluded from dealing with this matter, which was one of domestic jurisdiction.

Later, the President of the General Assembly appointed Cuba, Syria and Yugoslavia as members of the Good Offices Commission. In May, 1953, the Union announced that it regarded the appointment of such a commission to be unconstitutional, and therefore refused to recognize it. The Union was still prepared to take part in the round-table discussions with India and Pakistan proposed following the 1950 tripartite talks, provided that the discussions were not held under United Nations auspices and that no prejudice to South Africa's standpoint on the question of domestic jurisdiction was involved. However as India had refused in June, 1950, to take part in a conference held on this basis, no progress was achieved. At the 1953 Session of the General Assembly, the Good Offices Commission will report on its failure to arrange negotiations.<sup>(6)</sup>

#### United Nations—International Labour Office Committee on Forced Labour

In March, 1951, the Economic and Social Council of United Nations adopted a resolution inviting the co-operation of the International Labour Office for the establishment of an *ad hoc* committee on forced labour. The Committee was in due course appointed by the Secretary-General of U.N. and the Director-General of the I.L.O.<sup>(7)</sup>

Its findings were made public on June 24th, 1953.<sup>(8)</sup> It found "the existence in the world of two principal systems of forced labour, the first being employed as a means of political coercion or punishment for holding or expressing political views, and the second being employed for important economic purposes." Allegations of forced labour and documentary material relating to 24 countries, one of these South Africa, had been studied. So far as South Africa was concerned the committee found that the Native population was compelled "to contribute by their labour to the implementation of the economic policies of the country, but the compulsory and involuntary nature of this contribution results from the particular status and situation created by special legislation applicable to the indigenous population alone, rather than from direct coercive measures designed to compel them to work, although such measures, which are the inevitable consequences of this status, were also found to exist." It was "in this indirect sense, therefore," the report said, "that

(6) The Good Offices Commission was re-appointed by U.N. in November, 1953.

(7) From reply to a question in the Assembly by the Minister of Native Affairs, 6th July, 1953. (Hansard No. 1 of 11th Parliament, Col. 15).

(8) I.L.O. News Service Supplement.

in the Committee's view a system of forced labour of significance to the national economy appears to exist in the Union of South Africa."

Comments on the report were invited from Governments concerned: the Union has replied. The report will now be submitted to the governing body of the I.L.O. and to the Economic and Social Council of U.N.

### The High Commission Territories

During December, 1952, White Papers were issued by both the Union and the United Kingdom Governments giving factual accounts of negotiations from 1910 to 1939 on the question of the transfer of the three High Commission Territories to South Africa. Since 1939 there have been no inter-governmental talks, but the matter has been referred to many times in speeches by the South African Prime Minister.

Although both documents cover the same field, there is a difference in emphasis. The Union White Paper underlines arguments in favour of the transfer of the territories while the British report emphasizes undertakings given to the Parliament at Westminster and to the Africans. The Union paper does not mention steps taken by Southern Rhodesia to stake a claim to a portion, or the whole, of the Bechuanaland Protectorate, nor the pledge given by the British Government "that when the occasion arises the views of the Southern Rhodesian Government will be given due consideration."

It emerges from both papers that, while accepting the view that Section 151 of the South Africa Act (which makes provision for the transfer of the territories) had "meaning and intention", the United Kingdom Government has repeatedly reaffirmed the undertaking, given in 1909, that the British Parliament should have the fullest opportunity of discussing and if it wished, disapproving any transfer of the territories, and that the wishes of the inhabitants would be ascertained and considered before any transfer took place. General Hertzog, when South African Prime Minister, stated that he was not prepared to incorporate any territory in the Union unless its inhabitants, African as well as European, were agreeable; but in later years there was argument over the exact meaning of the word "acquiesce." The United Kingdom Government has further undertaken that it will not support in the House of Commons or elsewhere any proposal for transfer if this involves the impairment of the safeguards of African rights and interests.

In recent years it has been recognized by Britain that if the transfer of the territories were made now the schedule to the South Africa Act, which was designed to safeguard African rights and interests, would not be binding, because the Union Parliament has since the passage of the Statute of Westminster had the power to amend the South Africa Act. The schedule is not "entrenched." In 1939 the Union Government drew up a memorandum outlining how it pro-

posed to govern the territories: whether the present government would be prepared to adhere to the conditions then suggested has not been stated.

Meanwhile, with the assistance of Colonial Development Corporation funds, Britain is undertaking large-scale development projects, for instance the Usutu afforestation and the Komati River irrigation schemes in Swaziland and the Chobe cattle-ranching and Lobatsi abattoir projects in Bechuanaland. Soil reclamation and conservation schemes are meeting with considerable success in Basutoland.

On several occasions during the year (for example on August 11th and September 18th, 1953) the Union Prime Minister has in the Assembly referred to the control of the three territories. He hoped, he has said, that within the next five years the question would be settled finally; South Africa's patience was being exhausted; the country's nationhood revolted against the administration of the High Commission Territories, which were inside the Union, by another country; South Africa could not tolerate that two separate Native policies should exist within its frontiers.

### International Institute of Differing Civilizations

Mr. Quintin Whyte, Director of the S.A. Institute of Race Relations, has been appointed a corresponding member of the International Institute of Differing Civilizations.

### Systems of Government in Other African Territories.

In its Journal No. 4 of 1953, the Institute of Race Relations published "Outline of Systems of Government, and the Political Status of Non-European Peoples, in Africa South of the Sahara," by Muriel Horrell.

## PROPOSED AMENDMENTS TO SOUTH AFRICA'S CONSTITUTION

### Separate Representation of Voters and High Court of Parliament Acts

In our last annual *Survey* (Page 3 et seq) it was reported that the Separate Representation of Voters Act, No. 46 of 1951 (in terms of which Coloured voters were to be placed on a separate roll from the Europeans, to elect certain representatives of their own), had been declared invalid by the Appellate Division of the Supreme Court, and that the High Court of Parliament Act (No. 35/1952) was then introduced. This Court was constituted and met in August, 1952 (the sitting being attended by members of the Nationalist Party only), and ruled that the Assembly and Senate, and not the Courts, are alone competent to interpret and apply the law in so far as it relates to the procedure to be followed by them for the enactment of any law.

Meanwhile the Supreme Court, Cape Town, had been considering

an application by four Cape Coloured voters to have the High Court of Parliament Act declared invalid. The day following the announcement of the High Court's decision, the Supreme Court declared the Act to be "invalid, null, void, and of no legal force and effect." The Government immediately lodged an appeal against this decision.

On November 13th, 1952, the five senior judges of the Appellate Division declared the High Court of Parliament Act to be invalid. Though each put in a separate judgment, the judges were unanimous in dismissing the Government's appeal. The Chief Justice concluded his judgment by saying: "In my view Parliament cannot, by passing an Act giving itself the name of a court of law, come to any decision which will have the effect of destroying the entrenched provisions of the Constitution. It seems to me that the High Court of Parliament Act offends against Section 152 of the Constitution as properly interpreted."

The Prime Minister announced two days later that the Government would accept this judgement, and the forthcoming general election would be held with the Cape Coloured voters on the common roll. At this election, however, the electorate would be asked to give the government a mandate to take steps to place the sovereignty of Parliament beyond doubt.

#### South Africa Act Amendment Bill

The results of the general election are summarized on page 1. The Nationalist Party being returned to power with an increased majority, the Government decided to take further steps in regard to the sovereignty of Parliament and the voting rights of Coloured people.

A South Africa Act Amendment Bill was gazetted. This had four main provisions:

- (a) It set out to repeal Section 35 of the South Africa Act which entrenched the voting rights of Non-European voters.
- (b) It sought to revalidate the Separate Representation of Voters Act (see 1950/51 Survey, page 8, for the terms of this Act).
- (c) It proposed to re-entrench Section 137 of the South Africa Act which provided for equal language rights for English and Afrikaans.
- (d) It provided that no court of law shall be competent to enquire into or pronounce upon the validity of any law passed by Parliament other than a law which alters or repeals sections 137 or 152 of the South Africa Act. (Section 152 is the over-all entrenching provision, which, if the Bill became law, would in future apply only to Section 137 of the Act).

The Prime Minister announced that the Government would follow the procedure set out in the South Africa Act for the passage of the

Bill since it sought to repeal one of the entrenched clauses. Joint Sittings of the Senate and Assembly were accordingly convened during July for the first and second readings. All opposition parties opposed the Bill; but it was passed at the second reading by 117 votes to 79. The Joint Sitting then adjourned to August 19th, but was further postponed until September 16th. Behind the scenes, in the meanwhile, there was much activity. Firstly, negotiations took place between senior members of the United Party and representatives of the Government, but came to nothing. From correspondence between the Prime Minister and the Leader of the Opposition later released to the Press, it emerged that deadlock had arisen over the nature of exploratory discussions that had been proposed.

Secondly, representatives of the Government met four deputations from the Malay and Griqua communities and two Coloured organizations. An official statement was then issued to the Press through the Prime Minister's office. The deputations were informed, the statement said, that there could be healthy relations between the Government and the Coloured people only if the latter were placed on a separate voters' roll. The Government had, as result of the discussions, gained the general impression that the opposition of the Coloured community to separate representation was not so strong as was pretended in some circles. Even in the more vocal section of the Coloured community there were strong minority groups who were willing to accept the Government's *apartheid* policy as a condition for their development and uplift. In addition, there were broad layers of the Coloured community who were not vocal and who, by their actions and co-operation, showed a favourable reaction towards the *apartheid* policy, especially in its positive aspects.

The standing of the deputations in their own communities was not stated. One of them, representative of the Coloured People's National Union, handed to the press a copy of the memorandum it had put before the Government. The C.P.N.U., it was stated, was totally and unequivocally opposed to any tampering with the existing Coloured vote, and strongly appealed to the Government to refrain from committing an act which would, without any doubt, create a situation that would disturb the peace of the land. Following publication of the impressions gained by the Government as result of the discussions, several Coloured organizations, including the C.P.N.U. and the Kimberley Civic League and Ratepayers' Association, issued statements maintaining that the Government's impressions were false and challenging it to hold a referendum among Coloured people.

Thirdly, there was much activity in the Coloured community. A Coloured People's Convention was called in Cape Town representative, it was said, of 33 organizations with a total membership of 30,000. The leading C.P.N.U. representative withdrew, however, during the proceedings. A resolution was passed urging that the present Coloured vote on the common roll be retained, and demanding

that all adult men and women, irrespective of colour, should have full democratic rights. A committee was elected to draft a constitution for this new body, to be known as the S.A. Coloured People's Organization. A petition signed, it was reported,<sup>(9)</sup> by over 155,000 Coloured people in the Cape was prepared for submission to Parliament, protesting against the proposed removal of Coloured voters from the common roll.

The Joint Session was reconvened for the third reading of the Bill on September 16th. There were 122 votes cast for the Bill and 78 against, which meant that it was rejected: 138 votes were required for the necessary two-thirds majority.

Earlier, the Prime Minister had said:<sup>(10)</sup> "If this attempt to attain our object . . . by a two-third majority fails, . . . other steps will follow."

#### **Appellate Division Bill**

Two days after the rejection of the South Africa Act Amendment Bill, the Appellate Division Bill was published. It provided for an Appellate Division of the Supreme Court, to consist of a Court of Civil and Criminal Appeal and a Court of Constitutional Appeal.

The proposed Court of Civil and Criminal Appeal is merely the present Appeal Court in a new, limited guise. This Court will have no jurisdiction to hear or determine any appeal in any case, criminal or civil, in which the validity of an Act of Parliament or Provincial Ordinance, or of any provision of such an Act or Ordinance is in question.

The new Court of Constitutional Appeal, it is proposed, should consist of a President and four or more judges of constitutional appeal, to be appointed by the Governor-General from the ranks of judges or acting judges of the Supreme Court. This will be the court to hear appeals relating to the validity of Acts of Parliament or Provincial Ordinances, and there will be no appeal from its judgment.

No secret was made of the fact that the Government's intention in attempting to establish a Court of Constitutional Appeal, with members appointed by itself, was primarily in order to secure the validation of legislation such as the Separate Representation of Voters Act which was rejected by the present Appeal Court.

The second reading of this Bill was on the Order Paper of the House of Assembly for 28th September; but when this item was reached the Minister of Finance moved that the House adjourn. The following day it was announced that the Bill was not part of the legislative programme with which the Government intended to proceed that Session.

(9) "Star", 15th September, 1953.

(10) Hansard Report of Joint Sitting, col. 230.

#### **Separate Representation of Voters Act Validation and Amendment Bill**

On the same day, the terms of the Separate Representation of Voters Act Validation and Amendment Bill were published. This was a very short measure, seeking to revalidate the Separate Representation of Voters Act (No. 46 of 1951) and making one small amendment in regard to the date of establishment of a Board for Coloured Affairs. (The provisions of this Act were outlined in our 1950/51 Survey, page 8). A Joint Session of both Houses of Parliament was convened on the morning of October 2nd for the first reading of this measure, and at a further Joint Session that afternoon a Select Committee on the Bill was appointed and converted into a Commission to enable it to sit during the recess and prepare a report for submission to Parliament early in 1954. <sup>(11)</sup>

#### **THE RESISTANCE CAMPAIGN, THE RIOTS, AND ACTION TAKEN BY THE GOVERNMENT AND OTHERS.**

##### **Campaign of Defiance of Laws deemed Unjust.**

The commencement of the Campaign of Defiance of "Unjust" Laws on June 26th, 1952, the fact that by 30th September some 5,000 volunteers had been arrested, and the action taken by the S.A. Institute of Race Relations and others in connection with the campaign, were reported in our last *Annual Survey*, page 11 *et seq.*

By the end of 1952, just over 8,000 Non-Europeans had been arrested for participation in organized contraventions of Pass Laws, of general *apartheid* regulations at stations or post offices, or of curfew regulations. But then, for a number of reasons, the nature of the Campaign was altered and in its original form it came to an end.

After the disturbances that took place in Port Elizabeth towards the end of October and in Johannesburg, East London and Kimberley early in November (see page 29), Non-European leaders realized that, although there was no direct connection between the rioting and the Defiance Campaign, it would for the time being be unwise in the extreme to arrange further organized demonstrations in the areas concerned. They decided, instead, to attempt to place opposition to laws deemed unjust on a non-racial basis, and to that end invited sympathetic Europeans to meet them for discussions in Johannesburg. As result, two multi-racial demonstrations were planned, to take place in areas which had not been affected by the riots.

On December 8th, Mr. Patrick Duncan and Mr. Manilal Gandhi led a party consisting (in all) of 7 Europeans, 19 Asiatics and 12 Africans into Germiston Location without having obtained the necessary permits. They were all arrested and the Europeans and Mr.

(11) The Institute gave evidence before this Commission in November. (RR 186/53).

Gandhi were charged under Proclamation 276 of 1952 (see page 34) with having acted in a manner calculated to "cause Natives to resist or contravene any law or to prevail upon them to obstruct the administration of any law". Lesser charges were preferred against the remaining Non-Europeans. All were found guilty, Mr. Duncan being sentenced to a fine of £100 or 100 days' compulsory labour, Mr. Gandhi to a £50 fine or 50 days' compulsory labour, and the rest to sentences of decreasing severity in accordance with what was adjudged the degree of guilt. Notice of appeal was lodged; but some months later Mr. Duncan, Mr. Gandhi, Miss Troup and Miss du Toit decided, in view of developments in the country in the meanwhile, to renew their protests by withdrawing their appeals and serving prison sentences.

A second demonstration took place in Cape Town on December 9th, when four Europeans occupied seats reserved for Non-Europeans in the General Post Office. They were arrested and charged with causing an obstruction, but were found not guilty.

The Campaign was suspended over the Christmas and New Year period, and, in its original form, was not renewed. It was thought wise to postpone it until after the general election; but in the meanwhile, following vigorous action taken by the Government, which is described below, the leaders realized that it would be unfair to expect their followers to participate in further overt acts of defiance. A meeting of the Joint Planning Council was held during April, and thereafter the President-General of the African National Congress said at a press conference that the leaders had discussed how they could best act within the new framework. The struggle would continue, and would remain non-violent.

Although the Defiance Campaign did not flood all the goals with volunteers nor render unworkable the laws deemed unjust, its results cannot be dismissed as insignificant. It brought together the leaders of various Non-European groups and considerable talent for organization and willingness for self-sacrifice was revealed amongst them; it enhanced the prestige of the African National Congress amongst Non-Europeans (the President-General claimed in July, 1953<sup>(12)</sup> that the paid-up membership of this organization was then 100,000, as against some 7,000 at the commencement of the Campaign); and it focussed attention outside the Union on the position of South Africa's Non-Europeans. Funds were opened in several overseas countries to support the Campaign or to assist persons suffering through no fault of their own as result of racial disturbances.<sup>(13)</sup> Further, the fervour shown by normally law-abiding participants in the demonstrations indicated that they sincerely believed themselves to lie

<sup>(12)</sup> See "African Affairs" for July, 1953.

<sup>(13)</sup> The Criminal Law Amendment Act later prohibited the acceptance of financial assistance for organized protest or resistance against the laws of the Union.

under irksome and discriminatory laws and regulations derogatory to human personality.

Early in June, 1953, the President-General of the African National Congress issued a special call to the people which was endorsed by the S.A. Indian Congress. He asked them to keep June 26th, the first anniversary of the launching of the Campaign, as a day of commemoration of sacrifices made in the struggle, and as a day of dedication to the cause of freedom.

In its *Race Relations Journal* No. 3 of 1953, the Institute published a sociological analysis of the Campaign, by Professor Leo Kuper, entitled "The Background to Passive Resistance."

## RIOTS OCCURRING DURING THE YEAR

### The events

The first of the riots that took place in South Africa during 1952-53 occurred in Port Elizabeth on the afternoon and evening of October 18th, 1952. It was touched off by a comparatively minor incident: when a railway policeman attempted to arrest two Africans in connection with an alleged theft he was attacked by several bystanders, and resorted to use of his revolver. A rumour was widespread among Africans later that he had shot one man who was lying on the ground. It happened that a large number of Africans were approaching the station at the time, following the funeral of a head-man. The crowd suddenly went berserk, stoning and attempting to fire the station, attacking officials and police re-enforcements. Later the mob set fire to the cinema, the post office and five European stores, killed four Europeans and seriously assaulted a fifth, and stoned ambulances and fire engines attempting to enter the township. Seven Africans were killed during the rioting and two died later from injuries received.

The second disturbance took place in Johannesburg in November. The municipal hostels for African men had for some years been run at a loss, and the City Council decided to increase the rentals as from 1st November, 1952. Unfortunately, in spite of representations made by the hostel residents, the Joint Native Advisory Boards, the S.A. Institute of Race Relations and the S.A. Labour Party, a drastic and sudden increase was decided upon, - from 11s. to £1 a month in the case of the Denver Hostel. Early in November, when the increased rentals first became payable, resentment mounted amongst the hostel residents. On November 3rd, a party of disgruntled Africans attacked a man when he was paying his rent at the higher rate at Denver Hostel. Suddenly tempers were lost, and a mob began stoning the European superintendent's office and the building generally. When police arrived, summoned by the superintendent, they, too, were stoned. In an effort to force their way to the office, the police opened fire; three Africans were shot dead and four wounded.

In Kimberley, on November 8th, three hooligans created a disturbance in the beerhall at No. 2 Location. When ordered out they were followed by others, tempers rose, and the crowd began stoning the beerhall and finally set it alight. When a party of policemen arrived hurriedly in a commandeered bus they were stoned heavily. A larger party of police arriving soon afterwards was met by an angry mob of Africans, brandishing stones, sticks and knives. The police opened fire and made baton charges, eventually succeeding in restoring order. In the meanwhile, however, the mob had set fire to the cinema, clinic, post office, communal hall, crèche, sub-power station and municipal offices. Firemen rushing to extinguish the fires were stoned and forced to withdraw. During the rioting 13 Africans were killed — eleven of them as a result of gunshot wounds — and 78 were injured.

Following the rioting in Port Elizabeth, the Government placed a ban for a month on all open-air meetings in the Eastern Province. A group of Africans requested special permission to hold a prayer meeting in East Bank Location, East London, on November 9th: this was granted on the understanding that political matters were not to be mentioned. A force of policemen visited this meeting and, coming to the conclusion that it was not a religious one, ordered the people to disperse. They refused, the police made a baton charge, the Africans commenced stoning the police, and the latter opened fire. The people then ran amok, dispersing in angry groups. A European nun who was a medical practitioner and a European insurance official who happened to be in the township were killed, and several buildings including the training college, Catholic Church, communal hall and dairy depot were fired. Not until late that night was order restored, and by that time eight Africans had been killed, and a policeman and many Africans injured.

Further but less grave disturbances occurred in other areas during 1952 and 1953. In December, attempts were made to burn down three churches and the municipal administrative offices in Langa African Township, Cape Town. Trouble arose in Klerksdorp during May and again in September when Africans were ordered to move from the old location to municipal housing in a new township. Some 400 refused, a few of them obtaining interdicts against the municipality and the Minister of Native Affairs on the ground that they had received insufficient compensation for their old homes which they had built themselves. On both occasions the police were finally called in to serve ejection orders, were attacked by crowds of people, and had to use forceful methods — fire-arms on the latter occasion.

There was further anti-Indian rioting in the Cato Manor area of Durban on September 20th, 1953, touched off by an accident in which an African was killed by a bus driven by an Indian. The driver left the scene to report to the police. An angry crowd collected, set fire to the bus, stoned the police when they arrived, and then dispersed, looting and firing hastily deserted Indian shops and homes. Police re-inforcements were able to restore order some hours later.

Student riots occurred at two Mission schools during May, 1953, following on minor grievances concerning meals, disciplinary regulations, etc. The school buildings were in each case fired, the police had to be summoned, and numbers of students were later found guilty of arson or public violence.

### ACTION FOLLOWING THE OCTOBER AND NOVEMBER RIOTS

#### Action taken in the towns concerned by the City Councils, the Institute and others

Municipal authorities in the three towns in which major rioting had occurred wisely refused to allow events to stampede them into irrational decisions.

The Director and Field Officer of the Institute visited **Port Elizabeth** and offered help in the restoration of peaceful relations. Their assistance was welcomed. Following discussions with leading citizens, African and European, they were able to put forward various constructive suggestions to the Mayor, among them that a citizens' committee of prominent European and African leaders be formed as a link between their communities while feelings were strained. This was not done, but the City Council held discussions with "moderate" Africans. The Institute was urged to open a Regional Office in the city: it did so during 1953.

Many of the local African leaders had been prohibited for the time being from attending or addressing meetings. Their resentment was increased by the imposition of a curfew in Port Elizabeth and they resolved to call an indefinite strike as from November 10th: subsequently, however, it was decided that the strike should be for one day only. It is estimated that some 90 per cent of African workers and a large proportion of the Indians stayed away from work. Large numbers of them were dismissed by their employers the following day, but the majority were subsequently re-engaged. The following week, the City Council met a deputation of African leaders who presented a seven-point plan for improved relations. As in every other urban area, more educational facilities, employment opportunities for juveniles and housing appeared to be the chief needs.

During December, the Government intimated that Port Elizabeth would not be granted exemption, (for which it had applied) from the obligation to impose influx control measures, and would be required to create an organization for the purpose, to administer a scheme for registration of service contracts, and to inaugurate a labour bureau.

The Assistant Director of the Institute visited **Kimberley** immediately after the riots and his visit, too, was much appreciated. He found that the vast majority of Africans strongly deprecated the senseless destruction of amenities, and were making joint efforts with the Europeans to repair the damage that had been done. The City

Council decided to enter into direct and immediate consultations with the Native Advisory Board to ascertain African grievances and complaints and to try to eradicate the causes. Here the Institute was able to be of some assistance. The City Council requested the Government to appoint a Judicial Committee of Inquiry into the causes of the disturbances; but the Minister of Justice replied that the Government did not intend doing so. The Council thereupon decided to appoint its own committee. Some months later it was announced in the Press that the committee had been unable to determine the true causes of the riots, but had brought to the Council's attention various domestic grievances which had been mentioned by witnesses. The Mayor stated that energetic action would be taken as result.

The Director and Field Officer of the Institute proceeded to **East London** after visiting Port Elizabeth, and again were able to make constructive suggestions. A little later the Field Officer returned to investigate the case histories of African juveniles involved in the riots. His findings were issued as RR. 41/53. He ascertained that 48 of the 91 persons charged before the courts were juveniles, their average age being 17.4 years. Two-thirds came from broken homes; in most cases there was no father.

Copies of the Field Officer's report were sent to the City Council, to appropriate government departments, and to delegates attending a conference called on May 21st by the Mayor of East London to consider the problems presented by the urban African youth of that town. The Director of the Institute attended at the Mayor's invitation: his report on the conference was issued as RR. 81/53. The conference welcomed the Government's decision in regard to training camps for African youths; recommended a municipal survey of the number of unemployed youths and job-opportunities for them; urged the speedy expansion of general educational and vocational training facilities; pressed for an extended housing programme; and suggested the appointment of a sports official and the creation of a sports arena at Duncan Bowl. The Director of the Institute was able to offer a donation of £2,500 from a trust fund for this sports arena provided that sporting bodies in East London contributed an equal amount, and the municipality put up pound: this offer was accepted. A continuation committee was elected to further the work initiated by the conference.

Later, on August 13th, the Mayor called another conference on the subject, this time of African residents of East London. The Institute's Field Officer was invited to attend and asked to preside: his report was issued as RR. 116/53. This conference endorsed the recommendations made at the earlier one and in addition pressed for the institution of an African Juvenile Affairs Board, censorship of films shown to children, increased jurisdiction for headmen of wards, appointment of health visitors, and better clinical, sanitary and marketing facilities.

### General action taken following the riots

Immediately after the riots the African National Congress issued an appeal to the African people to keep calm, to exercise restraint, and at all costs to prevent further outbreaks. Together with the S.A. Indian Congress it urged the Government to institute a judicial inquiry. This request was endorsed by Parliamentary Representatives of Natives in an interview with the Prime Minister, by the Institute of Race Relations, and others. In its letters to the Prime Minister and Minister of Justice, besides pressing for this inquiry, the Institute pleaded for constructive steps to go some way towards meeting the aspirations of Non-Europeans: it again drew attention to its "Minimum Constructive Programme for African Development" (RR. 129/50). The Minister of Justice replied that it would be inadvisable to appoint a Judicial Committee of Inquiry at the present time, for certain prosecutions connected with the riots were being carried out in the Law Courts and it would be preferable to await the outcome.

The Institute also issued a press statement (RR. 174/52) expressing its horror at the crimes which had been committed, appealing to all South Africans to distinguish carefully between the orderly African majority and the lawless and irresponsible minority, and pleading once more for direct negotiations between the Government and African leaders.

In a report on his visits to the riot areas (RR. 9/53) the Institute's Director made the general comment that there was, in South Africa, too little contact between Europeans and Africans, and his overall impression was of attitudes of mutual, watchful, worrying apprehension between the groups. In the absence of a full enquiry the true causes of the riots could not be ascertained; but major contributory factors appeared to be threefold: firstly, the existence of a general state of tension; secondly, an emotional atmosphere caused partly by meetings held in connection with the Defiance Campaign and partly by ill-considered electioneering speeches by European political leaders, both Government and Opposition; and thirdly, the presence of a tsotsi or lawless element which took advantage of dangerous situations for its own purposes.

On their return from these visits the Institute's Director and Assistant Director went to see the Secretary for Native Affairs to place before him the information they had gained and to offer constructive suggestions for the easing of tensions. The Director drew up a document RR. 22/53, copies of which were sent to the Secretary for Native Affairs and to Managers of Municipal Non-European Affairs Departments, in which he outlined causes of unrest; how, when and where riots might arise; measures that could be taken to allay resentments; and suggested measures to prevent outbreaks.

**Government action following the riots**

Following the intensification of the Defiance Campaign and the riots, the Government placed restrictions, under the Suppression of Communism and Riotous Assemblies Acts, on many of the African and on several Indian leaders. They have been prohibited for stated periods from attending any public gatherings in any place in the Union to which the public has access, also from entering or being in stated magisterial districts. In reply to a question in the House of Assembly on 18th September, 1953, the Minister of Justice said that 33 trade union officials and 89 other persons had been served with notices under the Suppression of Communism Act. <sup>(14)</sup> The large majority of the 89 "other persons" are undoubtedly Non-European leaders of the African National Congress or S.A. Indian Congress. Chief A. J. Luthuli was ordered by the Native Affairs Department to resign from the African National Congress or give up his chieftainship of a tribe in the Grootville Mission Reserve near Stanger: he declined to resign from Congress, and in consequence was deposed from his chieftainship. Subsequently he was elected President-General of the A.N.C. He is one of those whose activities and movements have been severely restricted.

In the earlier stages of the Defiance Campaign, some of the Non-European leaders who had been forbidden to attend or address public meetings did so in defiance of the ban, and were arrested. Others were arrested on charges of contravening Section 11 of the Suppression of Communism Act by attempting to bring about changes by the promotion of disorder or unlawful acts. In most cases these leaders were sentenced to varying terms of imprisonment with compulsory labour suspended for two or three years on condition that they did not in the meanwhile again contravene the same section of the Act. At the conclusion of the trial of twenty prominent Non-European leaders in Johannesburg during November, the Judge made it clear that the offence of which they had been found guilty was "statutory communism," and that the charge had nothing to do with communism as it is commonly known.

On November 27th, 1952, the Ministers of Justice and Native Affairs met delegates from the Executive Committees of the four Provincial Municipal Associations. It is understood that the latter pleaded for further measures calculated to maintain order and security.

**Proclamations 276/1952 and 198/1953, and Government Notice 2753, of 1952.**

These measures provided for the "control of meetings, gatherings or assemblies and prohibition of incitement of Natives." Proclamation No. 276 dealt with Native areas. It provided that any person who, without the permission of the chief or headman and the approval in writing of the local Native Commissioner or Magistrate, held,

(14) Hansard No. 10, Col. 3674.

presided at or addressed any meeting, gathering or assembly at which more than ten Africans were present at any one time, or who permitted any such assembly to be held in his kraal or house or on premises under his control, would be guilty of an offence. Certain exceptions were made: the regulations would not apply if a gathering was for a *bona fide* religious service, sports gathering, entertainment, wedding or funeral, was held in connection with the domestic affairs of a kraal or household or for transacting the business of a statutory body, was held for administrative purposes, or was called by a Senator, Member of Parliament or Provincial Councillor.

A second section of the Proclamation provided that any person who at any time used language or behaved in a manner or did any act or things calculated to cause Africans to resist or contravene any law or to prevail upon them to obstruct the administration of any law, should be guilty of an offence.

Proclamation 198/1953 issued after the passage of the Acts discussed below, confirmed the first section of Proclamation 276/1952, but, by implication, withdrew the second section. The penalties for contravention of the provisions of either Proclamation were a fine not exceeding £300 or a term of imprisonment of up to three years.

Government Notice No. 2753 applied to areas outside Native areas. Its provisions were similar to those of Proclamation 276/1952 except that the section referring to control of meetings was not made immediately effective, the Governor-General being empowered to bring this section into force, or to suspend it, at any time.

**Public Safety Act (Act No. 3 of 1953)**

Proclamation 276/1952 and Government Notice 2753 were gazetted during the Parliamentary recess. Soon after the commencement of the new Session, the Minister of Justice introduced the Public Safety Bill. The riots had demonstrated its necessity, he said, for there had been no legislation authorizing him to proclaim a state of emergency in a limited area. In terms of the Riotous Assemblies Act, he had been able to prohibit meetings in certain areas, but it had been necessary for all meetings, of all racial groups, to be prohibited unless under permit. <sup>(15)</sup>

The Act, as finally passed, provides that if in the opinion of the Governor-General any action or threatened action by any persons or body of persons is endangering public safety or the maintenance of public order, or if any circumstances have arisen that constitute such a danger, he may, should the ordinary law of the land be inadequate to deal with the situation, proclaim a state of emergency either in the Union and/or South-West Africa as a whole or within a speci-

(15) See speech by Minister of Justice in Senate, 17th February, 1953. Senate Hansard No. 4, Col. 752.



sified area. Such proclamation may be antedated up to four days. A proclamation made under this measure shall not remain in force for longer than twelve months, but its terms may in effect be extended by the publication of another in similar terms. The Governor-General may at any time withdraw a proclamation made under the Act.

Once a state of emergency has been proclaimed, the Governor-General may in respect of the area concerned issue such regulations as appear to him to be necessary. These may be in the form of orders or rules designed to preserve public order and safety in which case penalties for contraventions may be specified. Such penalties may include the confiscation of any goods, property or instruments by means of which an offence has been committed. Alternatively, the regulations may empower specified persons or bodies to make necessary orders and to prescribe penalties for their contravention. Different regulations may be made for different areas or classes of persons. Regulations issued under the Act may suspend the provisions of any laws except those concerning defence service, the operation of legislatures or industrial conciliation actions.

Penalties imposed may not exceed a fine of £500 or 5 years' imprisonment. Should any regulation provide for the summary arrest and detention of any person, and should such person be detained for longer than 30 days without trial, both Houses of Parliament must be notified.

Any regulations issued must be tabled in both Houses of Parliament within 14 days of their promulgation if Parliament is in session, otherwise within 14 days of the commencement of the next session. They will lapse if disapproved of by both Houses or unless they receive the approval of both Houses during the session in which they are tabled; but action taken under them up to the date on which they are disapproved or lapse will remain valid.

In special circumstances the Minister of Justice (or, in the case of South-West Africa, the Administrator) may exercise the powers conferred under the Act on the Governor-General. Notices so issued will remain in force for up to ten days only; thus, if a state of emergency is thought likely to extend beyond this period, any such notice must within ten days be confirmed by a Governor-General's proclamation.

#### **Criminal Law Amendment Act (Act No. 8 of 1953)**

This measure was the companion to the Public Safety Act. Its first purpose is to provide for increased penalties for persons found guilty of offences "committed by way of protest, or in support of any campaign against any law, or in support of any campaign for the repeal or modification of any law." The maximum penalties for such offences are laid down as a fine of £300, or 3 years' imprisonment, or 10 lashes, or a combination of any two of these. When anyone is found guilty of such an offence, any person who is proved

to have been with him at the time or at approximately the same time as the offence was committed will be presumed to be guilty too, unless he can prove his innocence. Groups of persons accused of protesting against a law, or of supporting a protest, cannot insist on separate trials.

The second purpose of the Act is to discourage incitement to protest. It states that it is an offence to advise, encourage, incite, command, aid or procure any person or persons in general to protest or to support a protest against any law, or to use any language or to do any act or thing calculated to cause persons to do so. Maximum penalties for such incitement are a fine of £500, or 5 years' imprisonment, or 10 lashes, or a combination of any two of these. The penalty imposed for second or subsequent convictions must include whipping or imprisonment.

Thirdly, the Act makes it an offence to solicit, accept or receive any financial or other assistance for organized protest or resistance against the laws of the Union. Penalties for such offences are as laid down for incitement, and in addition, the money or other article received may be confiscated. Further, any postal matter containing or suspected of containing money or other articles to assist protest campaigns may be opened and the contents seized if the Minister of Posts and Telegraphs considers the suspicion to be justified, unless the addressee or sender, who will be notified, proves within 90 days that the suspicion is unwarranted.

When fines are imposed under the Act and are not paid within 48 hours, the offender's property (including immovable property) may be attached and sold in execution. Any person convicted under the Act who is not a South African citizen by birth or descent may be deported and will thereafter be a prohibited immigrant. Others found guilty of offences outlined above may be ordered to refrain from being within defined areas except on temporary permit, and, should they disobey such an order, may be sentenced to a fine of £200 or a year's imprisonment or both.

When this Bill was published, the fear was expressed on many sides that if a newspaper published accounts of protest or defiance meetings, the editor might lay himself open to a charge of incitement. In the Senate on 23rd February, the Minister of Justice said <sup>(16)</sup> that the intention was that only obvious cases of report or comment which could reasonably be regarded as nothing other than incitement would be liable to prosecution. *Bona fide* reporting or comment would not be affected.

#### **Comment on the Public Safety and Criminal Law Amendment Bills**

Many organizations, including the Torch Commando and numerous trades unions, protested against these Bills. The African National

<sup>(16)</sup> See Senate Hansard No. 4, Col. 1162.

Congress, the S.A. Indian Congress and the Franchise Action Council (largely a Coloured body) organized protest meetings and demonstrations.

The S.A. Institute of Race Relations issued a Press statement, saying that while it agreed that law and order must be maintained, it considered that the two Bills were unduly harsh and dealt with symptoms and not with causes. Positive action was needed to cure the maladies in our society. Attention was again drawn to the Institute's "Minimum Constructive Programme for African Development" (RR. 129/50). Unless positive steps such as these were taken it was feared that the time would arrive when no repressive measures, however harsh, would be able to control the situation.

The Christian Council of South Africa had meanwhile sought an interview with the Prime Minister, who was unable to grant it. The President of this Council then made a statement protesting against the severity of the Bills. The provision of the Public Safety Bill under which Acts of Parliament, with one or two exceptions, might be suspended was a dangerous extension of the principle of government by regulation. In regard to the second Bill and its penalties for incitement, the President said that the Christian Church could never undertake to maintain silence in the face of laws which seemed to it to infringe Christian principles. Moreover, it was important that all citizens should be allowed, and indeed be encouraged, to criticise existing laws.

### GENERAL SOUTH AFRICAN AFFAIRS

#### RESERVATION OF SEPARATE AMENITIES ACT. (Act No. 49 of 1953).

In our 1951/52 *Survey* (page 14) it was reported that George Lusu, one of a group participating in the Defiance Campaign, had been arrested for using a waiting-room reserved for Europeans at Cape Town Station, but, following a principle established in earlier cases, was acquitted by the Magistrate on the ground that if separate facilities were provided for various groups, these facilities must be substantially equal. The Crown appealed against this judgment on the question of the law applicable, but its appeal was dismissed by the Supreme Court, Cape Town during November, 1952, and subsequently by a majority decision of the Appellate Court during March. Thereafter, in May two Non-Europeans named Welcome Zihlangu and Stanley Sale both successfully appealed against convictions in Magistrates' Courts for using facilities on the Railways reserved for Europeans.

The Minister of the Interior said in the Assembly on 24th August 1953<sup>(17)</sup> that the Government was determined to "clear up the position

<sup>(17)</sup> Hansard No. 7 of 11th Parliament, col. 2148.

now not only for the Railways but for every other body which may be endangered." The Reservation of Separate Amenities Bill was accordingly introduced, and became law early in October.

It provides that any person who is in charge of or has control of any public premises or public vehicle may, whenever he deems it expedient, reserve such premises or vehicle or any portion thereof for the exclusive use of persons belonging to a particular race or class. Such action, whether past or future, cannot be ruled invalid on the grounds that provision is not made for all races, or that the separate facilities provided for the various races are not substantially equal. Wilful contravention of measures for separate facilities in public premises or vehicles is rendered an offence, punishable on conviction by a maximum sentence of a fine of £50 or three months' imprisonment or both.

During the debate in the Senate, the Minister of Transport moved an additional clause excluding from the provisions of the Act, provided they obtained the necessary certificate, representatives of foreign governments and members of their families, also nationals of foreign countries travelling in the Union on official business. This clause was adopted.

The Institute of Race Relations was so appalled by the sweeping provisions of this measure, and by its utter lack of protection for Non-European groups, that it brought the exact terms of the Bill to the attention of its members by publishing them in *Race Relations News*.

#### PASSPORTS

In reply to a question in the Assembly on 8th September, 1953, the Minister of the Interior said <sup>(18)</sup> he adhered to the view that the possession of a passport was not a right but a privilege and that it was in the discretion of the Government to issue it or not. That was the accepted policy in the Western countries. A decision to issue a passport or visa depended on the information from official sources. He did not say the information was always infallible, but he tried to weigh up the facts placed before him before making a decision. There were no political reasons for refusals. The only reasons were security reasons, on the broad ground that a passport or visa should not be granted if it was not in the interests of the country.

#### POPULATION REGISTRATION

Considerable progress has been made during the year in the implementation of the Population Registration Act, No. 30 of 1950 (see 1949/50 *Survey* page 24). The Director of Census and Statistics is reported to have said during August that the Register is practically complete. In reply to a question in the Assembly on 10th February,

<sup>(18)</sup> Hansard No. 9 of 11th Parliament, cols. 3067-3069.

1953, the Minister of the Interior said <sup>(19)</sup> that to date £40,000 had been spent on mechanical equipment and £200,000 on compilation of the Register. 202 persons were employed on this work.

He said, too, that the first group to be issued with identity cards would be African males: they were to be singled out purely because of the convenience involved by the simultaneous issue of these cards and the reference books provided for in the Natives (Abolition of Passes and Co-ordination of Documents) Act of 1952.

In February, teams of European and African workers from the Native Affairs Department commenced issuing reference books to African men in urban areas. These books, and the advantages and disadvantages of the new system, are described on page 30 of our 1951/52 *Survey*. All African men over the age of 16 will eventually be required to carry reference books: those who were exempt from the Pass Laws when the Act was passed are provided with books bound in green instead of the normal brown. African women are for the time being exempt from carrying these documents. During August, 1953, a start was made with the issuing of identity cards to Asiatics.

### POPULATION FIGURES

In its *Journal* No. 3 of 1953, the Institute published "The Population of the Union of South Africa" by Muriel Horrell.

### LIQUOR LAW AMENDMENT BILL

The Liquor Law Amendment Bill was not proceeded with during the 1953 Sessions of Parliament. The findings of the Institute's Council on this Bill were issued as RR. 10/52.

### MATTERS AFFECTING AFRICANS

#### Natives' Representatives in Parliament

It was reported in our 1951/52 *Survey* that during 1952, Mr. S. Kahn M.P., who represented Africans of the Cape Western constituency, was expelled from the Assembly after Parliament had adopted a report by a Select Committee majority that he was a communist as defined in Act 44 of 1950. Similar action was taken during 1953 against Mr. Brian Bunting who had been elected in Mr. Kahn's place.

#### Organization of Native Affairs Department

During 1953, the central office of the Native Affairs Department was re-organized into three sections, each headed by an Under-Secretary: Mr. H. S. J. van Wyk for Administration, Mr. C. A. Heald for European areas, and Mr. C. B. Young for Native areas.

An information section under Mr. C. W. Prinsloo was created with the three-fold purpose of keeping Africans informed of Government

(19) Hansard No. 3 of 10th Parliament, col. 881.

policies and laws, keeping the Government in touch with African opinion, and providing information for visitors and interested persons overseas.

A Native Affairs Central Reference Bureau, established in Pretoria, maintains the register of the African population provided for in the Population Registration Act of 1950, keeps the register of the fingerprints of Africans provided for in the Natives (Abolition of Passes and Co-ordination of Documents) Act of 1952, and also maintains lists of tax-payers and employment registers.

#### Bantu Urban Authorities

The Bantu Urban Authorities Bill, introduced in 1952, was not proceeded with during the 1953 Sessions of Parliament. The Institute issued a summary of this Bill (RR. 6/52) and two commentaries (RR. 36/52 and RR. 78/52).

At its meeting in January the Union Advisory Boards Congress was unenthusiastic about the Bill, considering that the only effective way in which Africans can share in the responsibilities of local government is by their direct representation on municipal councils. The United Municipal Executive met the following month in Cape Town, and declined to accept the principle of the Bill.

#### Bantu Rural Authorities

Regulations for the appointment of councillors, the procedure at meetings and the establishment of treasuries for Bantu tribal authorities were gazetted on May 19th (Proclamations 135 and 136). A summary of and commentary on the Bantu Authorities Act of 1951, in terms of which these regulations were issued, is to be found on page 11 of our 1950/51 *Survey*. Several tribal authorities have since been constituted in the Witzenbosch, Thaba Nchu and Rustenburg areas, but no Bantu regional or territorial authorities have yet been established.

It will be remembered that the Bantu Authorities Act provided that existing councils should not be replaced by the new tribal, regional or territorial authorities without full consultation with the people concerned. At its 1953 Session the United Transkeian Territories General Council (Bunga) resolved that existing councils in the Transkei be not replaced and that the Act be not applied there. It appears that their wishes will be met: during the period under review a revised constitution for the Bunga was promulgated, providing for the gradual transfer of the control of Council affairs to Africans when the time is considered ripe. In opening the 1953 Session the Chief Magistrate said that steps would be taken as early as possible to implement these new provisions.

#### African Juveniles

See pages 32, 33, 83.

### Survey of the needs of African women

A generous anonymous donor has made it financially possible for the Institute to undertake a survey of the difficulties and needs of African women in their rapidly changing circumstances. A special field worker, Mrs. Mia Brandel, has been engaged for the purpose. She is investigating what efforts African women are themselves making, either with or without the help of Europeans, and how far such work is succeeding in assisting the women in urban and rural areas to deal more effectively with their problems.

### Fagan Report

The Institute has recently issued a reprint of *A Digest of the Fagan Report* (Report of the Native Laws Commission, 1946/48), by Helen Suzman.

## MATTERS AFFECTING COLOURED PEOPLE

### Coloured Voters

Legislative action in regard to the Coloured franchise is dealt with on page 23 *et seq.*

### Coloured Juveniles

In the Assembly on 8th September, 1953, the Minister of the Interior said <sup>(20)</sup> that an amount of £20,100 had been provided on the estimates for providing "something on the lines of the Special Service Battalion" for young Coloured people, who "will get an opportunity of being disciplined and trained for some useful occupation. That scheme has not yet come into operation . . . It will be a selective process to start with. Of course this is only a drop in the ocean, but it is a direction which we are going to take and which we hope will pay dividends."

The Minister also said that two very successful courses at Klaasjagersberg for training Coloured sports leaders had been held. Further such courses were contemplated.

### Social and Economic Circumstances of the Cape Coloured People

With the assistance of the Regional Chairman, Dr. Sheila van der Horst, the Institute's Cape Western Regional Office has completed a detailed study of the social and economic circumstances of the Cape Coloured people. Copies of the memorandum have been sent to a group of business men who were concerning themselves with the subject, also, at his request, to the Commissioner for Coloured Affairs.

### Work of Division of Coloured Affairs

In his second annual report, made public during September, 1953, the Commissioner for Coloured Affairs said that one of the

<sup>(20)</sup> Hansard No. 9 of 11th Parliament, col. 3074.

main tasks which his Division had set itself was to bring about the segregation of Coloured people and Africans into separate residential areas.

Preparations were being made for a comprehensive conference on general matters affecting the Coloured community. An important part of the discussions would be alcoholism amongst Coloured people. Considerable attention was being given to housing. Municipalities could legally be compelled to provide housing for Africans, but there was no similar legislation for the Coloured people.

### S.A. Coloured People's Organization

The formation of the S.A. Coloured People's Organization is dealt with on page 26.

## MATTERS AFFECTING ASIATIC PERSONS

### Repatriation

The Prime Minister said in the Assembly on 24th September, 1953, that South Africa would have to be patient in seeking a solution of the Indian problem in the Union by repatriation because the Indian Prime Minister was unwilling to co-operate, and without such co-operation little could be done.

From the beginning of 1948 until the end of 1952, a total of 584 Indians have left the Union under the assisted emigration scheme. Financial assistance amounting to £3,402 15s. 9d. was given to the 51 who left during 1952. On the other hand, 549 Indian women and children entered the Union from India during 1952, and 715 during 1951. They were the families of South African Indians who had married while on visits overseas.<sup>(21)</sup>

### Immigration Regulation Amendment Act (Act No. 43 of 1953)

In terms of the Immigration Regulation Act of 1913, wives and minor children (under 16 years of age) of Indian men permanently resident in the Union were permitted to come from India to join them. On February 10th, 1953, the Minister of the Interior announced in the Assembly<sup>(22)</sup> that the former unequal relationship between male and female Indians in South Africa had now disappeared, and the Government had decided to withdraw the concession. This would require special legislation which would have to be made retrospective to the date of the present speech.

Hearing of this announcement, some 900 wives and children from India made last minute efforts to join their husbands. They were permitted to land in the Union but were warned that they did so at their own "risk."

<sup>(21)</sup> From reply by the Minister of the Interior to a question in the Assembly on 6th February, 1953. Hansard No. 2 of 10th Parliament, col. 712.

<sup>(22)</sup> Hansard No. 3 of 10th Parliament, col. 897.

It was reported by the Manager of the Durban Municipal Native Administration Department during August that to avoid payment of the levy, smaller employers in that city were apparently tending to replace African labourers by Coloured or Indian men.

### NATIVE BUILDING WORKERS

The Native Building Workers Act (No. 27/51) and the Institute's attitude to it were summarised on page 12 of our 1950/51 *Survey*. The Advisory Board provided for in the Act was established in September, 1952, under the Chairmanship of the Under-Secretary for Labour. During November, the Board placed advertisements in Bantu newspapers inviting Africans with experience of building work to apply for registration. Up to the end of July, 1953, 1,065 bricklayers, 456 plasterers, 432 carpenters and 359 painters had applied<sup>(31)</sup>. The next steps will be to test these applicants to ascertain their competence, to register those who pass the tests, and to determine what additional numbers of building workers are required.

A Government Inter-Departmental Committee has been set up to assist the Advisory Board in formulating a training scheme for the additional workers needed. No special training institutions will be created: training will take place on the job under the supervision of building examiners, the trainees being employed on the construction of houses for Africans. Learners will be divided into two grades, there will be two sets of trade tests, and the course will take between two and four years, depending on the trainee's ability.

A proposed wage determination was gazetted on the 1st May, to apply to African workers employed on skilled building work in urban Native areas. The suggested minimum wages vary according to the area: on the Reef the basic pay would be 10d. an hour for a Grade B learner, 1/0½d. an hour for a Grade A learner, and 1/5½d. an hour for an African building worker. Including cost-of-living allowance a trained worker on the Reef would thus earn a little over £20 a month (the average European receives £57). Overtime basic pay would be one-and-a-half times normal basic pay; and at least 12 working days' paid leave a year would be given.

The Native Building Workers Act Amendment Act (No. 38/53) was passed during the year. This made one small amendment only, allowing a retired official of the Department of Labour, instead of a present official, to be appointed Chairman of the Advisory Board.

### HOUSING

#### Regional Conference

On behalf of the Commission for Technical Co-operation in Africa South of the Sahara, the Union Government in November, 1952

<sup>(31)</sup> Hansard No. 4 of 11th Parliament, col. 857.

organized a Regional Conference on housing research. Representatives of the Union, Southern Rhodesia and the European Powers with colonial interests in Africa, and observers from the World Health Organization, United Nations, the Scientific Council for Africa and many other interested bodies attended.

#### Housing Section of Native Affairs Department

In order to facilitate co-operation between Government Departments concerned, local authorities and institutions such as the National Housing and Planning Commission and the National Building Research Institute, a housing section has been established within the Native Affairs Department.

#### Housing Bill

The Housing Bill was not proceeded with during the 1953 Sessions of Parliament. The Institute's views on it were expressed in a memorandum RR. 58/52.

#### The Shortage of Housing

At the Regional Conference on housing research, the late Minister of Health said that over the next ten years 350,000 houses would be needed in the Union for Africans only, and it would cost about £100 million to provide these. The Minister's estimate did not take into account the necessity for the elimination of slums; and, of course, further large numbers of houses are required for members of other racial groups.

A Government Inter-Departmental Committee was appointed in July, 1953, to inquire into the housing shortage, the priority to be given to housing, the funds required and the sources from which these should be obtained. So far, this Committee has not taken oral evidence. The Institute has submitted memoranda and has offered to give any further assistance that is within its powers.

#### Present Rate of Building

In reply to a question in the Assembly on the 14th August, 1953, the Acting Minister of Health gave the following statistics in regard to houses built by local authorities during recent years: <sup>(32)</sup>

Sub-economic houses:	Europeans	Coloured	Africans
1948 ... ..	984	133	3,821
1949 ... ..	200	1,144	4,705
1950 ... ..	52	1,446	3,054
1951 ... ..	317	839	3,605
1952 ... ..	287	1,246	3,673
Economic houses:			
1948 ... ..	1,060	—	—
1949 ... ..	864	718	56
1950 ... ..	802	112	423
1951 ... ..	1,371	135	1,730
1952 ... ..	831	164	473

<sup>(32)</sup> Hansard No. 5 of 11th Parliament, col. 1585.

In addition, large numbers of private houses were built by Europeans, and much smaller numbers by members of other groups. In an article in the May number of *Industrial Review of Africa* it is estimated that Africans themselves built 4,229 houses during 1952. If this is correct, while the target should be the provision of 35,000 houses a year for Africans if the backlog is to be overcome, only 8,375 were built by local authorities and Africans themselves during 1952.

### Loan Funds for Housing

In the Assembly on the 28th July, 1953, the Acting Minister of Health said <sup>(33)</sup> that the actual expenditure incurred by the State on housing during the year ended the 31st March, 1953, was as follows:

	<i>Economic Schemes</i>	<i>Sub-economic Schemes</i>
For Europeans ... ..	£7,360,119	£280,447
„ Coloured ... ..	£95,043	£440,899
„ Asiatics ... ..	—	—
„ Africans ... ..	£876,006	£1,599,946
<b>Totals</b> ... ..	<b>£8,331,168</b>	<b>£2,321,292</b>

The Secretary of the National Housing Office informs the Institute that during the year ended 31st March, 1953, 1,961 economic houses for Europeans were built according to the Housing Commission's own schemes; 1,022 economic and 393 sub-economic houses for Europeans were built by local authorities; and local authorities also built 1,031 economic and 6,560 sub-economic houses for Non-Europeans.

Local authorities are required to return balances not expended at the end of each financial year, leaving it to Parliament to re-vote the money if it sees fit in the next allocation of housing funds. Further, they were until recently required to stop building operations on approved schemes in progress if funds granted by the National Housing and Planning Commission were exhausted at the end of a financial year and if Parliament had not yet voted new funds. However, in September, 1953, it was decided that local authorities would be allowed to finance approved schemes either from their own funds or from short-term loans in cases where sufficient money could not be provided from the Commission's resources.

### Plans for Speeding up the Provision of Housing

The Minister of Native Affairs has said<sup>(34)</sup> that it is impossible for the State to provide loan funds on the former basis for the erection of the 350,000 houses required for Africans within the next ten years.

<sup>(33)</sup> Hansard No. 3 of 11th Parliament, col. 503.

<sup>(34)</sup> Assembly, 15th September, 1953. Hansard No. 10 of 11th Parliament, col. 3527.

For this reason the emphasis during the year under review has been on the provision of economic housing for those who can afford it, the reduction of costs wherever possible, and the saving of labour costs by enabling Africans to build for themselves. It is of interest that for years the Institute has urged that this course be adopted (see Findings of Council, 1951 and earlier memoranda).

The National Building Research Institute has continued its investigations into the amounts Africans can afford to pay for housing. The socio-economic survey conducted at Springs is described on page 39 of our 1951/52 *Survey*. It showed that 40 per cent of the families could afford to pay economic rentals or to build for themselves; 13 per cent — the sub-economic group — could afford some rent but would have to be subsidised; and 47 per cent, constituting the sub-sub-economic group, could afford no rent whatsoever if they were to cover other essential expenses without resorting to illegal practices. Assisted by a grant from the National Council for Social Research, the Building Research Institute has since been undertaking similar surveys in Port Elizabeth, Durban and Vereeniging to determine whether results obtained at Springs are valid for other parts of the country.

Local authorities have been encouraged by the Government to convert existing sub-economic to economic schemes, either selling the houses on the hire-purchase system or letting them at economic rentals. Twenty-one municipalities have embarked on approved home-ownership schemes.<sup>(35)</sup> In some cases teams of African building workers are erecting the houses under municipal supervision, while in others Africans are assisted to build their own homes. Several local authorities have obtained National Housing economic loans in order to purchase building materials in bulk. Approved African applicants are then issued with materials up to the value of about £150, and are allowed to pay for these in instalments. Assisted by a grant from the Native Affairs Department, the National Building Research Institute has produced an excellent booklet by Betty Spence entitled *Build your Own House*. This contains specimen plans for various types of houses, details of materials required, and building instructions written in non-technical language and illustrated by well-drawn diagrams. The Central Council of the Institute of Architects of South Africa has also decided to assist by holding a competition for the best designs for two or three-bedroomed houses for Africans, the intention being subsequently to make available selected designs free of charge to those wishing to build homes.

The Building Research Institute is continuing its experimental work on reduction of building costs through greater economy in materials and use of labour. (See page 41 of 1951/52 *Survey*). The

<sup>(35)</sup> See speech by Minister of Native Affairs in Assembly, 30th January, 1953. Hansard No. 1 of 10th Parliament, col. 256.

functional efficiency of experimental houses is being tested, and time-studies of the work of building artisans have been conducted.

### Housing Schemes in Progress

#### *Johannesburg*

The shortage of housing is most acute in Johannesburg, where, it has been estimated <sup>(36)</sup> over the next ten years, 4,334 houses will be needed for Europeans, 1,898 for Coloured families, 4,000 for Asiatics and 19,937 for Africans (excluding the requirements of the surplus population in the Western areas.) In addition, hostel accommodation for about 20,000 African men and 500 women is required.

Under contract from the City Council, 1,000 houses are being built at Orlando West for renting — this scheme is practically completed — and 500 for sale on 30-years' leasehold at Dube Township. A total of 1,675 stands at Dube are being serviced: on some of these Africans will build their own homes, on others the Council will erect dwellings for rental or sale by hire-purchase and on 200 of the stands the B.E.S.L. is erecting houses for African ex-servicemen. 100 Economic houses for Coloured families have been built at Noordgesig during the year. The Council has appointed a Director of Housing who commenced work on the 1st July, and whose first responsibilities will be to implement plans for 2,465 houses at Mofolo and 1,110 more at Orlando West. It is envisaged that over 200,000 Africans will eventually be accommodated in the Orlando area.

The Johannesburg Citizens' Housing Committee has been very active during the year. In order to stimulate the City Council and the public to action it produced a pamphlet entitled *A Place to Live* which portrayed local housing conditions and needs. It offered to lend the Council £25,000 at a time when it appeared that the latter would be unable to continue building, but the Council did obtain funds and declined the loan.

The Institute's Southern Transvaal Regional Committee has concerned itself particularly with the plight of Coloured families being ejected from areas where industrial development is taking place, and with the Western areas removal scheme. It sent a deputation to meet the Non-European Affairs Committee to discuss the former problem, and, in regard to the latter, convened the conference which is described below (page 57).

#### *Other Urban Areas*

The position in Johannesburg has been dealt with at some length partly because of the immensity of the housing needs there, and partly because so much public interest has been aroused during the year. Restrictions on space prevent detailed consideration of the situation

(36) City Council meeting as reported in "Star", 22nd September, 1952.

in all other towns but this is unfortunate, as many local authorities are making strenuous efforts to provide adequate housing for the people for whom they are responsible. During the period under review several municipalities, notably Germiston, Springs, Pretoria, Boksburg and East London, have made rapid progress with assisted home-ownership projects for Africans, ownerbuilt or erected by African building workers. Vereeniging, Durban and the Natal Housing Board (at Umlazi Mission Reserve) have also provided economic schemes for Africans, and Cape Town and Port Elizabeth have done so for Coloured people. Extensions to the African townships are being made at many centres, for example, Port Elizabeth (New Brighton), Vereeniging (Sharpe Township), Pietermaritzburg (Sobantu) and Durban.

Some of the schemes at present being undertaken have particularly interesting features. Kwa-Thema at Springs is the first township to provide housing for the three economic groups recognized in the socio-economic survey conducted by the National Building Research Institute (see page 51). Teams of African workers, assisted by a few skilled European artisans, are building an average of four houses a day, and have also erected schools, shops, a crèche and various other amenities. Outside each of ten sample houses of different types, left unoccupied, is a board with a tariff of prices so that a man wishing to buy a home on the hire-purchase system can work out what it would cost him monthly according to the type of house and its finish — that is, whether or not the walls are plastered and a bath and stove are included.

Considerable extensions are planned to the first assisted housing scheme at Germiston, now nearing completion. These dwellings are in many cases erected by the future owners themselves, under supervision and assisted when necessary by loans in the form of building materials, and the amateur builders have been highly successful. It is noteworthy that, as National Housing funds were not immediately available when plans for the scheme were ready, the City Council allocated £15,000 from its Native Revenue Account and borrowed £10,000 at 3½ per cent interest from kaffir beer profits in order to make a start.

The Cape Flats Distress Association is planning a most interesting experiment in the rehabilitation of some of the poorest Coloured families on the Cape Flats. It has established a non-profit making company which intends building 320 houses, with more to follow, using Coloured labourers under the direction of skilled artisans. Applicants with total family incomes of under £200 will be admitted to the scheme and for some months will live under fairly close supervision and discipline so that their pattern of living may be improved. Later, when this has been accomplished, they will be moved to better-type houses where they will be expected to assume greater responsibility for their own welfare.

A committee appointed by the Minister of Native Affairs has completed plans, which have received official approval, for future African township development in the Pretoria area. There are to be two main African areas, around Atteridgeville in the West and Vlakfontein in the East. Each of these has been zoned for four types of housing schemes. The first type will be houses built by the Municipality, using African building workers, for rent or purchase on an economic basis. The remainder will be site-and-service schemes. A total of 9,000 sites are being provided for Africans who can afford to build their own houses, and 6,000 for those who can do so if granted building loans. A further 11,000 serviced sites are being leased to Africans who are permitted to erect simple-type dwellings of reasonable adequacy on condition that they improve these when able to afford to do so. The tenure of sites will be leasehold, for periods of 10 years, this means that Africans to be moved from Lady Selborne and Claremont according to the plan for township development will not again be granted the freehold title many of them now enjoy.

Benoni Municipality is planning to build up to 1,000 houses a year for letting to Africans on an economic basis or for sale by instalments, and to continue this programme until its whole African population is adequately housed. The dwellings, erected by African builders under European supervision, each have four rooms, a kitchenette with stove, pantry, bathroom with concrete bath, electric light and a plug for electric appliances, and three water points; and cost about £305. Playing fields equipped with children's playground equipment, two public parks, and a large turfed sportsground have been provided as well as church sites, schools, shops, etc.

The Cape Divisional Council is making strenuous efforts to clear squatter camps and "black spots" in its area; home-ownership and sub-economic housing schemes are being erected for Coloured people and Africans. At Nyanga 350 further dual-occupancy sub-economic houses, quarters for 448 single men, and 2,015 serviced plots for home-ownership schemes, are at present planned or under construction.

Kimberley is engaged in building 500 sub-economic houses for Africans, and municipal authorities are very impressed by the quality of the work being done by the African builders.

Vereeniging is re-housing at Sharpe Township Africans from the old Location. 3,165 new houses have now been completed and occupied. An assisted home-ownership scheme is also in progress, 160 four-roomed dwellings having been erected for the purpose, and a former sub-economic scheme has been converted into an economic selling scheme.

The first village at Umlazi Mission Reserve near Durban, consisting of 466 houses, has now been completed, the second, of 425 houses should be ready by the end of 1953, and tenders have been invited for

the erection of dwellings in the third. The houses, of varied types, are let on an economic basis or sold by hire-purchase.

### "LOCATIONS IN THE SKY"

The Minister of Native Affairs announced during June, 1953 that legislation would be introduced to abolish "locations in the sky." This was confirmed on his behalf by the Minister of Posts and Telegraphs in the Assembly on 24th July.<sup>(37)</sup> By means of appropriate amendments to the Natives (Urban Areas) Consolidation Act, he said, steps would be taken to regulate, in all urban areas, the position of accommodation for African servants in blocks of flats and on other premises where European families reside. The Minister of Native Affairs gave further information in the Assembly on 14th September.<sup>(38)</sup> In future, he said, instead of spending money on the provision of housing for Africans on the roofs, persons erecting blocks of flats should make this money available to the municipality by way of a loan so that the latter can provide housing in the African residential area. No indication was given by the Minister of his intentions regarding existing roof-top accommodation.

At the meeting in July of the Institute of Administrators of Non-European Affairs the Manager of Johannesburg's Non-European Affairs Department said that in his city 11,518 Africans were living in "flat-land": 8,028 were men employed by the owners of buildings and 3,490 were women servants employed by tenants. Durban's Municipal Native Administration Department is undertaking a similar survey, one of the purposes, it is reported,<sup>(39)</sup> being to ascertain how many Africans employed in the hotel and flat areas travel backwards and forwards to their work, then to try to relate hours of duty to transport facilities.

### MEANS TEST FOR TENANTS OF SUB-ECONOMIC HOUSES

As was reported in our last *Survey* (page 42) the National Housing and Planning Commission informed local authorities during 1952 that in future they would be required to conduct annual surveys of the incomes of tenants of sub-economic houses, and to charge those whose family incomes exceeded the maximum allowed an economic rental based on one-tenth of the overall capital cost of the dwelling. Present family monthly income-limits fixed for the purpose are £30 for Europeans, £20 for Cape Coloureds, and £17. 10. 0. for Africans.

During April, 1953, the Divisional Council of the Cape was pressed by the Commission to implement this ruling at Nyanga African township. This would have meant that rentals of 7/6d. per week would have been increased to £1. 11. 4d. for families with incomes of over £17. 10. 0d. a month. In alarm, residents appealed to the

<sup>(37)</sup> Assembly Hansard No. 2 of 11th Parliament, col. 362.

<sup>(38)</sup> Hansard No. 10 of 11th Parliament, col. 3453.

<sup>(39)</sup> "Natal Mercury", 12th August, 1953.



Cape Western Regional Committee of the Institute, which investigated the matter and collected information on family budgets in the Townships.

Meanwhile representatives of the Divisional Council and of several local authorities waited upon the Housing Commission, pointing out that annual income-surveys would be extremely costly undertakings, also that the income-limits fixed for sub-economic housing were too low. Further, it was discovered that under Section 20 of the Natives (Urban Areas) Consolidation Act local authorities were prohibited from charging differential rentals within the same housing scheme. The Housing Commission's ruling was therefore rescinded, but every effort is being made by the Commission to promote the provision of economic housing to cater for families who can afford this.

In its memorandum (RR. 58/52) on the Housing Bill, copies of which have been widely distributed, the Institute suggested that the family income-limit for Africans should be £19 at least: this would barely permit the average family to cover essential minimum expenditure according to calculations in the cost-of-living survey conducted for the Institute by Miss Ethel Wix. Further, it was urged that some way should be found of taking the circumstances of each family into account.

#### SITES FOR CHURCHES IN URBAN AFRICAN AREAS

In reply to a question in the Assembly on 25th August, 1953, the Minister of Native Affairs said <sup>(40)</sup> that in future, mission societies and church bodies wishing to obtain sites in urban African townships for the erection of churches, or to renew existing leases of such sites, would be granted leases for periods coinciding with the unexpired periods of loans by which housing schemes in the area were erected, or of leases to Africans of housing sites in the area; but in no case would a lease exceed 30 years. Leases of church sites might be cancelled if any activities conducted on the sites were such as to encourage or tend to encourage deterioration in the relationship between Africans and governmental bodies or were aimed at defiance or breaches of the law. The common law regarding compensation would apply if a lease was terminated before the expiration of the period for which it was entered into; but no compensation would be payable for improvements if the site remained in the occupation of the lessee for the full period of the lease.

It is not an innovation for conditions to be laid down for the occupation of church sites: the allocation of such leases is governed by paragraph (F) of Section 42 of the Natives (Urban Areas) Consolidation Act of 1945. But whereas in the past it was required of mission bodies that the sites should be used only for the purposes for which the lease was approved, now the Minister of Native Affairs has assumed

<sup>(40)</sup> Hansard No. 7 of 11th Parliament, col. 2201.

power to cancel a lease if, in his opinion, anything is said or done on the site which is not conducive to good relations between Africans and government authorities.

#### WESTERN AREAS REMOVAL SCHEME IN JOHANNESBURG

Our 1951/52 *Survey*, page 43, reported that an *ad hoc* committee had been appointed to investigate the removal scheme. This Committee, consisting of representatives of the Johannesburg City Council, working in consultation with representatives of the Minister of Native Affairs, reported to the City Council in 1952 with the broad outlines of a plan for the removal of all Africans from Sophiatown, Martindale and Newclare (but not the adjoining municipal location of Western Native Township) to Meadowlands and Diepkloof. The plan was adopted by the City Council in principle, subject to the request for certain safeguards. It also reaffirmed the desirability of giving freehold tenure in the areas of removal. Before the Minister's response was known, however, the Council, in February 1953, sold Meadowlands to the Government. This meant that the Government could exercise full control over the removal scheme.

In July, 1953, the Minister announced that legislation would be introduced for the establishment of a board to clear the Western Areas of Johannesburg and appointed a nine-man advisory board to assist the Department of Native Affairs in implementing the scheme. This Board consists of representatives of the Government and the Province and of four City Councillors who are, however, appointed in their individual capacities.

The Africans affected under present proposals are those at Sophiatown, Martindale and Newclare townships, established between 1905 and 1912, together with 1,000 families living as sub-tenants in Pageview. In the Assembly on July 21st the Minister of Posts and Telegraphs, on behalf of the Minister of Native Affairs, said <sup>(41)</sup> in reply to questions, that about 12,900 African families and 4,800 single persons i.e. a total of 57,800 Africans, would have to be moved.

According to a survey conducted by the Municipality, of the total of 1,885 stands in the three townships, 582 are in order or need minor repairs only, 388 are major slums, and the remainder are in intermediate stages. There is an average of 8.3 families per stand in Sophiatown and Martindale and 7.0 in Newclare. The total value of land and improvements is £2,464,260, while the value for expropriation purposes is probably 50 per cent higher than this.

In the reply to questions referred to above the Minister of Posts and Telegraphs said <sup>(42)</sup> that only leasehold tenure would be granted and that 862 morgen would be acquired at a cost of £398,002 and

<sup>(41)</sup> Hansard No. 2 of 11th Parliament, cols. 220-223.

<sup>(42)</sup> Hansard No. 2 of 11th Parliament, cols. 220-223.

divided into sites of each between 2,400 and 3,000 square feet. On some of these economic and sub-economic houses for letting would be built; but home-ownership schemes were preferred; particularly site-and-service schemes. No one would be moved until alternative accommodation was ready. The Department of Lands has commenced buying up properties offered for sale at Sophiatown.

African opposition to the removal scheme has been vociferous. An Anti-Expropriation Ratepayers' Association has been formed to resist the move.

The Southern Transvaal Regional Committee of the Institute convened a conference on 22nd August, 1953 to consider the different aspects of the scheme. The Secretary for Native Affairs and the City Council were particularly invited to attend and explain their plans, but both declined: the former stated that as the removal scheme was already accepted Government policy, no purpose would be served by further discussion. The Institute issued delegates with copies of the Minister's reply to questions in the Assembly and of relevant statistics from the Municipal report on the areas in order to try to cover the official points of view.

Over 100 delegates including representatives of 51 organizations attended the conference. Papers on the practical, financial and moral aspects of the scheme and the reactions of Africans were delivered and discussed. The main points made in the Findings adopted at the Conference were:

- (a) The implementation of this scheme would be unjust, create hardship, worsen race relations and involve substantial material waste. The problem of congestion and slum clearance could be resolved by other means.
- (b) Conference recorded its emphatic protest against the Government's intention of depriving stand-owners of freehold rights and substituting thirty years' leasehold tenure.
- (c) It suggested that only those Africans living under slum conditions should be moved; and that a buffer strip for light industry be created from contiguous European land. The enhanced land values that would result would probably prove sufficient attraction to induce Europeans to sell ground voluntarily for the purpose.

Copies of the findings, issued as RR. 131/53, were sent to the Prime Minister, the Minister of and Secretary for Native Affairs, Members of Parliament and City Councillors. The Prime Minister was urged to substitute a slum clearance and voluntary rezoning scheme for the plan for complete removal of Africans. He passed this letter to the Minister of Native Affairs, who replied that members of the conference knew that after full investigations the Government had reached a final decision on the matter and must therefore have realized that further representations were futile. The Institute's Regional

Committee wrote back emphasizing its right to make representations irrespective of the stage policy formulation had reached, and expressing the hope that even at the present stage the alternative suggestions made at the conference would receive consideration.

The Institute has since published *The Western Areas—Mass Removal?*, which contains extracts from statements made by the Minister, the papers read at the Conference, and the Findings, together with maps.

### REMOVAL OF SQUATTERS FROM NEWCLARE,— JOHANNESBURG

An account was given in our last *Survey* (page 79) of the unrest between the older residents of Newclare Township and gangs of "Russians." As the police appeared unable to prevent outbreaks numbers of older residents left their homes and squatted on an open square, remaining there for some seven months in deplorable conditions. Efforts by the City Council to have them moved, the attitude adopted by the Minister of Native Affairs, and action taken by the Institute were described in last year's *Survey*.

Finally the City Council obtained an eviction order in terms of the Prevention of Illegal Squatting Act of 1951, and on December 17th, 1952, provided transport and moved 160 squatter families from Newclare to the controlled squatter camp at Moroka.

### TORNADOES AND FLOODS

On November 30th a tornado swept through an African squatters' camp at Albertynsville, near Johannesburg, leaving devastation in its wake. There was a similar disaster in a portion of Payneville African Township, Springs, on December 2nd, and, a few weeks later, the lands of Indian market gardeners at Sea Cow Lake, near Durban, were flooded.

The significance of these tragedies from the race relations point of view was the spontaneous generosity of Europeans in South Africa. Relief funds were immediately set up, feeding depots opened, practical assistance given to the injured and homeless, building materials for new homes donated, and fertilizer and grain distributed to the market gardeners. Institute members contributed generously to the relief funds. It was heartening to have practical proof that in spite of much lack of understanding, fear and resentment between the European and Non-European groups, there is this goodwill to serve as a foundation for co-operative effort in the future.

### RENT COLLECTION

The Southern Transvaal Regional Committee of the Institute was concerned during the year under review with drastic measures adopted in a town in its area for collection of rent from tenants of

housing schemes for Africans. The practice had been adopted of arresting those who were in arrears. The matter was taken up with the Town Clerk of the urban area concerned and the Secretary for Native Affairs, and was finally referred to the Penal Reform League of South Africa.

### TRANSPORT FOR NON-EUROPEANS IN URBAN AREAS

The Government favours railway transport between African townships and the city areas, but, as the Minister of Native Affairs recently pointed out <sup>(43)</sup> this is possible on an economic basis only when the inhabitants of an African urban area exceed 40,000 in number. This was being borne in mind, the Minister said, in planning African township development in Pretoria and Durban.

Although municipal transport services to Non-European townships are often run at a loss, arguments about the "equal pay for equal work" principle, raised by European trade unionists, have deterred many local authorities from employing Non-European drivers and conductors on these routes. A few towns, however, for example Germiston and Benoni, have adopted this practice. Private transport companies do make extensive use of Non-European drivers, nevertheless they too are finding it increasingly difficult to cover costs and in consequence the services to many Non-European townships, Alexandra for instance, remain inadequate. Such companies are hoping for further relief from the Native Services Levy Fund.

The Southern Transvaal Regional Committee of the Institute is in touch with the Railways Administration in regard to waiting room accommodation for Non-Europeans which has been lacking at Johannesburg station, and in regard to the provision of more adequate staffing at Non-European booking offices.

### RURAL AREAS

#### REVENUE AND EXPENDITURE OF THE S.A. NATIVE TRUST

The accounts of the S.A. Native Trust for the period 1st April, 1952 to 31st March, 1953 were as follows: <sup>(44)</sup>

Expenditure		Revenue	
	£		£
Land purchase ... ..	793,784	Government contributions...	1,877,212
Grants to schools ... ..	927	General Tax ... ..	371,075
Development of Umlazi		Local Tax ... ..	274,067
Mission Reserve ... ..	158,778	Quitrent ... ..	60,078
Development work in the		Other fees, sales of produce	
Reserves ... ..	996,035	etc. ... ..	463,826
Reclamation work in the			
Reserves ... ..	1,096,734		
	<u>£3,046,258</u>		<u>£3,046,258</u>

<sup>(43)</sup> Assembly Hansard No. 10 of 11th Parliament, col. 3532, 15th Sept., 1953.

<sup>(44)</sup> Summary of full accounts which were published in the *Government Gazette*, 21st August, 1953.

### PURCHASE OF LAND FOR AFRICAN OCCUPATION

During the year ended 31st March, 1953, the S.A. Native Trust purchased 102,670 morgen of land <sup>(45)</sup>. The "scheduled" areas which were vested in the Trust in 1936 total 10,949,635 morgen: it was planned gradually to add to these another 7,250,000 morgen (the "released" areas). As at 31st March, 1953, only 4,562,534 morgen had, however, been added. Details are as follows (the figures representing morgen): <sup>(46)</sup>

Item	Transvaal	Cape	Natal	O.F.S.	Union
Purchased by the Trust ... ..	1,825,705	422,039	117,364	76,112	2,441,220
Crown Land vested in the Trust subsequent to 1936 ... ..	1,533,777	202,248	49,394	—	1,785,419
Land purchased by Africans and included for quota purposes	334,250	6,314	12,703	2,628	335,895
<b>Total</b> ... ..					<u>4,562,534</u>

### TONGALAND

On page 64 of our 1950/51 *Survey* an outline was given of the Institute's suggestion to the Commission on the Socio-Economic Development of Native Areas that a development and re-settlement scheme for Africans be established on the Makatini Flats in Tongaland (N. Zululand). This area could be irrigated by damming the Pongola River where it cuts through the Lebombo Mountains. It was also mentioned that the Institute had urged the Prime Minister and the Ministers of Lands and Native Affairs to earmark the land for a development scheme for Africans even if this scheme cannot be implemented at once. The Flats are Crown land but have never been occupied by anyone but Africans and are surrounded by Native Reserves.

Since then, the Department of Lands has been investigating the possibilities of irrigating the Flats. The Prime Minister's flight over the area was described in our last *Survey* (page 45).

The Institute's plea that any development scheme in Tongaland be for the benefit of Africans was endorsed by two Members of Parliament in the Assembly on 24th August, 1953; but from replies given by the Minister of Lands <sup>(47)</sup> it appears that if it is feasible for the proposed dam to be constructed the Government's intention is for the Makatini Flats (i.e. the area immediately East of the Lebombo Mountains along the Pongola and Ingwavuma Rivers) to be allocated for European settlement and used for sugar production. The land East of the

<sup>(45)</sup> From information given in Assembly by Minister of Posts and Telegraphs 24th July, 1953. Hansard No. 2, col. 364.

<sup>(46)</sup> Above figures combined with totals to 31st March, 1952 as given to the Institute by the Department of Native Affairs.

<sup>(47)</sup> Assembly Hansard No. 7 of 11th Parliament, Cols. 2176, 2177, 2196.

Flats towards the coast (which offers far fewer possibilities for development) may, the Minister indicated, be apportioned to Africans as part of the 1936 quota, but in his opinion it would be most unwise to hand the coastal belt over to Africans. It is understood that the Tomlinson Commission is interested in the possibilities of an afforestation scheme on this coastal strip.

### CONTROL OF RURAL AFRICAN VILLAGES

Regulations for the control of rural villages on land owned by the S.A. Native Trust were gazetted in December, 1952 (Government Gazette Vol CLXX No. 4976). These provide for the establishment of Bantu Village Councils, which will have similar powers to the Bantu Tribal Authorities provided for in Act 68 of 1951.

### CONTROL OF COLOURED MISSION STATIONS

The Division of Coloured Affairs has taken over from the Social Welfare Department the administration of Coloured Mission Stations and Reserves. Several Coloured men have been appointed superintendents of such settlements.

### BETTERMENT AREAS

In the "scheduled" areas, vested in the S.A. Native Trust in 1936, a location is not declared a betterment area unless at the wish of the people, as decided by majority vote at a general meeting. As at the end of 1952, 503 locations out of a total of approximately 1,300 had accepted the scheme, 119 of these had been assessed as to their carrying capacity, and in 55 of them reclamation work had commenced or had been completed.

All farms acquired by the Trust in "released" areas automatically become betterment areas. At the end of 1952, reclamation work had commenced or had been completed on 1,078 out of some 1,654 Trust farms. Of the remainder, many were in good condition when taken over, rendering reclamation work unnecessary.<sup>(48)</sup>

Some tribes themselves assist to raise money for betterment work. At their expressed wish, a special levy of 3/- was imposed during 1953 on taxpayers of an African community of Lower Ndonga location, Glen Grey district, to raise funds for the fencing of arable allotments and for other tribal purposes.<sup>(49)</sup>

### DEVELOPMENT AND RECLAMATION WORK

An African National Soil Conservation Association was formed during 1953, Mr. W. B. Ngakane, the Institute's Field Officer, being elected President.

The Native Affairs Department has continued to hold annual educational conferences for chiefs and headman in each of the

<sup>(48)</sup> Information from Department of Native Affairs.

<sup>(49)</sup> Government Gazette of 18th September, 1953.

Chief Native Commissioners' territories (except for the Witwatersrand). At these conferences lectures, demonstrations and film shows are given in connection with agriculture, health, law, administration and the encouragement of home industries. Bursaries are made available for secondary education for children of chiefs and headmen.

Increased opportunities are being provided for promotion of Africans on the Department's Agricultural staff in the Reserves. The Minister of Native Affairs said on 4th August<sup>(50)</sup> that 49 posts of Agricultural Assistant Grade I, and 6 posts of Assistant Engineering Foremen, had already been created and filled. 23 of the Agricultural Assistants were considered suitable for trial as Agricultural Foremen. Ten engineering assistants were being trained annually, and 12 men who had undergone such training had been appointed to supervise construction gangs with a view to their appointment as engineering foremen if they proved themselves sufficiently capable.

### TRUST AND LAND AMENDMENT BILL

The Native Trust and Land Amendment Bill, originally presented to Parliament in 1951, was again not proceeded with during the 1953 Sessions. The Institute's comments on this Bill were expressed in memoranda RR. 66/51 and 18/52.

### KEISKAMMAHOEK SURVEY

The *Keiskammahoek Rural Survey* has now been published in four volumes: (I) *The Natural History of the Keiskammahoek District*, edited by Edgar D. Mountain, contains the following: Introduction; Topography of the Keiskammahoek District; Geology of the Keiskammahoek District all by Edgar D. Mountain, note of the Climate of the Keiskammahoek District by J. V. I. Rennie; the Soils of the Keiskammahoek District by G. Murray; A Botanical Survey of the Keiskammahoek District by R. Story; Vegetation at the River Sources, by R. Lindsay Robb.

(II) *The Economy of a Native Reserve*, by E. Hobart Houghton and Edith M. Walton. Introduction; Population; Trade; Standards of Living; Labour; Production; Conclusions. (III) *Social Structure* by Monica Wilson, Selma Kaplan, Theresa Maki and Edith M. Walton. Contains the following major chapters:—Introduction; Village Organisation; Kinship; Sex and Age; Voluntary Associations; Expression of Conflict; The Ancestor Cult and Witch Beliefs; Male Initiation. (IV) *Land Tenure* by M. E. Elton Mills and Monica Wilson. Contains the following principal chapters: Introduction; Communal Tenure; Freehold Tenure; Quitrent Tenure; South African Native Trust Land; Land Use; Land Tenure and Family Structure; Conclusions. Appendix I, The Legal Position of the Village; II, The Size of Lineages: A Sample Lineage.

<sup>(50)</sup> Assembly Hansard No. 4 of 11th Parliament, col. 860.