

**A SURVEY OF  
RACE RELATIONS  
IN SOUTH AFRICA  
1955 — 1956**

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## POLICIES AND ATTITUDES

**The National Party**

Leading Government spokesmen have again confirmed, during the year under review, that the National Party's policy for the foreseeable future is not total territorial segregation.

The Prime Minister and the Minister of Native Affairs have said<sup>(1)</sup> that although total territorial apartheid would be an ideal solution and a final logical outcome of the existing developmental direction, the Government would not, in present circumstances, propagate or apply such a policy. It must be realistic; it must announce a practicable policy, acceptable to the majority of the electorate. Policy was an indication of direction. The Government was laying such foundations as would, in future, if it should then appear to be desirable, enable further progress towards total territorial apartheid to be made.

The objective of the foundations the Government was laying in European areas was to ensure that the Whites would be in no danger of being swamped by superior numbers, but, on the contrary, would be able to maintain their domination. But for some years to come, until measures now adopted began to take effect, the number of Africans in the European areas would continue to increase. These Africans must understand, however, that they were there to serve the interests of the Whites. Their rights in these areas would of necessity become fewer. Their mere presence in the White community must not be confused with their integration into the social, economic and political life of that community.

The objective in Bantu areas was to give Africans the opportunity, under White leadership and guardianship, to develop according to their own character and capabilities, and there to enjoy the rights and privileges which they must be denied in White areas. But it was necessary first to prepare the Bantu people, to bring them to understand and accept the plans, to enable them to fulfil their new commitments and duties. This task would require a great deal of time.

These matters were again discussed during the debate on the Tomlinson Report, which is described in a later chapter.

According to press reports<sup>(2)</sup>, at a National Party meeting in Stellenbosch held during March 1956, the Prime Minister said it was essential that there should be the greatest possible unity between the White races. The worst crime a White man could commit in South Africa was to make Non-Whites believe that some other White group or section was their enemy; to appeal to Non-Whites as allies against some other White group. Whites

(1) Prime Minister, Assembly 17 Jan., 1956, Hansard 1, cols. 41/3; Minister of Native Affairs, Assembly 20 Jan., Hansard 1, cols. 187/190; and Senate 24 May, Hansard 15, cols. 3867/70.

(2) e.g. *Star* 9 and 12 March, 1956.

should act in such a way that Whites and Non-Whites would not regard one another as enemies, but would fully recognize each other's right of existence in South Africa.

It was necessary, he continued, that neighbouring territories should also follow a policy that would ensure the continued existence of the White race. But there were other territories which must be regarded as Non-White, some of which were already independent. There should be no hostility in South Africa towards these states, but the greatest measure of friendliness, the Prime Minister maintained.

#### **United, Labour, Liberal and Federal Parties**

No changes in or developments of policy have been announced by these parties during the year.

#### **Conservative Party**

One of the six members of the Conservative Party crossed the floor of the House during April to join the Nationalists. The Conservative Party, it will be remembered, is led by "right-wing rebels" who were expelled from the United Party during 1954.

#### **Progressive Association of S.A.**

During August 1956 groups to the left of the United Party held informal discussions with a view to the formation of a new "progressive" party in which they would join forces. These discussions foundered, for the time being, on the question of membership: the Liberal Party was alone in urging that this should immediately be open to persons of all racial groups.

The Progressive Association of S.A. was then formed. It claims to adopt a realistic approach to the problems facing the country; to combine practicability with social justice. Membership is confined to registered voters. The Association hopes, when an appropriate moment arrives, to form a viable political party which will provide an effective parliamentary opposition.

It accepts that all persons are entitled to respect for their humanity. While believing there is need for a period of temporary trusteeship for the Non-European, it holds that any action designed to keep any racial group in a position of permanent inferiority is to be condemned. It maintains that the productivity of Non-Whites should be increased as rapidly as possible and that all economic colour bars should be abolished. All racial groups should enjoy full freehold rights. Residential and social segregation should not be enforced by statute, but should be left to the free choice of the individual concerned.

On the question of the franchise, the Association believes that Non-Europeans must be granted a continuous extension of political rights commensurate with the degree of development attained, until ultimately full rights are achieved. This, it states, will be a

very gradual process. It will ultimately be necessary for political power to be shared on a basis of partnership, with suitable checks and balances to avoid domination by any racial group or groups. Equal opportunities for education and cultural development should be afforded to all; and the parent should have the right to choose the medium and type of education which he deems most suitable for his child.

South Africa, the Association states, has a legitimate claim to the complete and undivided loyalty of all its citizens; and a wider knowledge of both official languages is needed for mutual understanding. Under present conditions it is in the country's best interests to maintain its position as a free, sovereign and equal member of the Commonwealth.

#### **South African Bond**

The S.A. Bond is a political party formed in December 1955 as a middle-group between the National and United Parties. It was launched without a leader. Its first objective, it states, is to build a united nation among the White population, and it therefore favours the adoption of one flag and one national anthem. It undertakes to respect the constitution, and would thus repeal the Senate Act. It favours parallel-medium schools so that English and Afrikaans-speaking children will get to know one another; the parents to determine through which medium their children should be educated.

The party considers that the only way to solve the racial problem is to decrease the disparity in numbers between Whites and Non-Whites. It thus advocates all possible measures to encourage the natural increase of the White population, combined with a large-scale State-aided selective immigration scheme. It accepts the Coloured community as the natural ally of the Whites; but opposes intermarriage. Indians, it considers, should avail themselves of repatriation arrangements. The party states that it would undertake the social and economic development of residential areas and settlements for Africans "in those areas where there are natural concentrations". Freehold rights would be available in these areas. It recognizes that various stages of development have been attained by Africans and that all of them cannot be treated alike.

The Bond states that any change in the form of government (such as the adoption of republican status) or any alteration of the present Commonwealth relationship should be made only if two-thirds of the electorate vote in favour of this by special referendum.

Late in August 1956, the Bond announced that Dr. F. J. Tromp of Pretoria had been elected its chairman. Shortly afterwards controversy arose as to whether or not republican status was desirable. Dr. Tromp and some of his supporters then resigned and formed the Central Party.

### Central Party

The aims of the Central Party are very much similar to those of the S.A. Bond. Some differences, and additional points of policy, are as follows.

The party stands for a republic, but only if it can be within the Commonwealth and only if a majority of English-speaking people as well as a majority of Afrikaners, counted separately, agree to it. The names of Coloured voters should be restored to the common roll. Africans should be guided to conform to Western, not tribal standards, and should be given greater political rights as their standard of civilization rises. Their natural rate of increase should be slowed down by making polygamy illegal, abolishing *lobola*, and enforcing payment of maintenance for illegitimate children. The party is not opposed to racial separation, but to racial injustice. Communism should be fought not by laws alone, which drive it underground, but by enabling more and more people to enjoy the fruits of democracy.

### "The Black Sash"

An account was given in our last *Survey*<sup>(3)</sup> of the rise of the Black Sash movement (formerly known as the Women's Defence of the Constitution League), which originated when the Senate Bill<sup>(4)</sup> was introduced. During the parliamentary recess women wearing black sashes continued, day after day, to keep vigil at the Union Buildings, Pretoria, and to form silent guards in towns and villages all over South Africa wherever a Cabinet Minister appeared in the course of his official duties.

When the Governor-General dissolved the old Senate, the women wore their sashes for a week, held protest marches in very large numbers of towns, kept vigils outside public buildings, and held ceremonies of dedication to the service of South Africa and to the ideals by which Union was inspired. Similar demonstrations were arranged to mark the elections of new Senators and the opening of Parliament.

During the Joint Sitting on the South Africa Act Amendment Bill the Black Sash women maintained an uninterrupted vigil around the Houses of Parliament. Their leaders sent letters to Members of Parliament and Senators urging them to consider the gravity of their duty to South Africa. Members of the movement sat in one of the public bays during the introduction of the measure, and, when there, donned their black sashes. The proceedings of the House were interrupted while a parliamentary messenger confiscated these sashes, and attempted also to confiscate some artificial black roses that the women then pinned to their dresses instead. They walked out, but after an argument with the Sergeant-at-Arms were permitted to return wearing their black roses.

<sup>(3)</sup> Page 29.

<sup>(4)</sup> See chapter entitled Constitution and Powers of Parliament.

Towards the end of November 1955 leaders of the movement met to discuss future lines of action. They decided that members would continue to dog the movements of Cabinet Ministers to remind the country continuously of "the wrong and dishonour perpetrated". An educational campaign would be undertaken to encourage political awareness; a monthly bilingual newsletter issued; and special *ad hoc* pamphlets produced. Members would keep a watching brief on the introduction or implementation of any measures by central or local authorities which invaded personal liberties and freedoms, and would study conditions in their home areas.

### Congress of the People

Attitudes of specific Non-White groups are, for convenience, described in the chapter of this *Survey* dealing with matters affecting these groups. The Congress of the People is an inter-racial organization created by the African National Congress, the Indian Congress, the Congress of Democrats, the S.A. Coloured People's Organization and the S.A. Congress of Trade Unions. During the year under review this body has continued a campaign to obtain signatories for its Freedom Charter. Its first anniversary meeting, held in Kliptown, Johannesburg, in June 1956 was well attended by the police as well as by members. Speakers protested against the Group Areas Act, the Senate Act, the Bantu Education Act, the introduction of reference books for African women, and other measures which, they said, discriminated unfairly against the Non-Whites, denied them human rights, and attempted to divide them.

Similar protests were made by representatives of the Federation of S.A. Women (which is associated with the "Congress" movement) in petitions handed in at the Prime Minister's office during October. Their gathering at the Union Buildings is described in a later chapter.

### The English Churches

Many of the so-called English churches are making efforts to increase the points of contact between White and Non-White members. The Lay Conference of the Anglican Church in Natal, for example, decided in December 1955 to adopt a programme including occasional exchange of pulpits between White and Non-White clergy, the attachment of a Non-White priest to the staff of one of the bigger city churches, the "adoption" of Non-White parishes by White parishes, and invitations to Non-White speakers to address societies in churches in White areas.

To mark the celebration of 150 years of Methodism in South Africa, a series of festivals of praise was held, with exchange of choirs between White, African and Coloured Methodist Churches and with inter-racial congregations. An African has been appointed Assistant Secretary of the Methodist (Mission) Church.

The Baptist Church, at its annual assembly in October 1956, passed a resolution which read: "This assembly . . . is of the opinion that much of the legislation recently passed presses very heavily on the Coloured and Native communities in the limitations imposed as to habitat, occupation, education and livelihood. This is the more serious when the right of free speech may be denied at the sole discretion of a Minister without the right of appeal to the law courts. . . . We would especially plead for a restoration of the legal safeguard. While seeking to uphold all legislation which is just, the assembly is deeply concerned at the hardships in which many of the Non-European peoples are involved through the implementation of such Acts as the Group Areas Act and the Natives (Urban Areas) Act. . . . We humbly beseech the Government to exercise Christian charity and patience in the application of these Acts. . . ."

### The Dutch Reformed Churches

The Federal Mission Council of the Nederduitse Gereformeerde Kerk (the largest of the three Dutch Reformed Churches) has published a brochure on the mission work it carries out in many African territories to which the European congregations contribute about £427,000 a year. The Mission Conference of this church decided during June<sup>(5)</sup> that it should take the initiative in endeavouring to establish a united Protestant mission front against "paganism, separatism, sectarianism and Roman Catholicism which were threatening the Non-White population". It was regarded as necessary that the Bantu Church should be encouraged to assume an indigenous character.

An African has for the first time been elected to a Synod of a Mission Church of the N.G. Kerk—that in the Transvaal.

There has been discussion during the year of the relationship between the Government and the Dutch Reformed Churches. The National Chairman of the Church Federal Poor Relief Council is reported<sup>(6)</sup> to have warned his colleagues that there was danger, because of the large subsidies made available for this work, that the Church would be dominated by the State. The Moderator of the N.G. Kerk in the Transvaal stated later<sup>(7)</sup>: "I dare to say that not a single responsible Church leader would tolerate the Church becoming a department of the State. . . . There are constant discussions between the Church and the Government, and the Church sometimes has great objection to practical measures the Government takes or intends to take. . . . The Ministers concerned . . . often adopt suggestions made by the Church".

It will be recalled that at a meeting of the World Council of Churches at Evanston, Illinois, in August 1954, the Assembly adopted a resolution to the effect that segregation based on race,

(5) *Star* report, 28 June, 1956.

(6) *Star*, 9 Nov., 1955.

(7) *Star*, 19 March, 1956.

colour or ethnic origin was contrary to the Gospel and was incompatible with the Christian doctrine of man and with the nature of the Church of Christ. Thereafter, the Federal Council of the N.G. Kerk appointed an *ad hoc* commission to prepare a statement interpreting its views. This has recently been published under the title *The Dutch Reformed Churches in South Africa and the Problem of Race Relations*.

To summarize very briefly, it is stated that the Church accepts that its divine calling is to proclaim clearly the unity of God's people; to educate men to the scriptural expression of this unity in daily life while taking into consideration the extremely complex and difficult situation in South Africa, which demands that one should act carefully and guard against any compulsory methods. The enforced practice of unity in Christ at this stage might do more harm than good. This need for careful action explains why so few of the principles have been realized; but the Church, it states frankly, may not seek to justify its acquiescence and neglect in this respect.

Members of the Dutch Reformed Churches have expressed very varied views on political issues. Many believe that while every effort should be made to Christianize Africans as co-heirs to the Kingdom of God, it is nevertheless the Will of God that in the foreseeable future White civilization should be maintained in South Africa, and that this can only be done by securing White supremacy. The Rev. N. P. J. Steyn of Krugersdorp recently received a double doctorate from London University for a thesis which concluded that apartheid as applied to the Native races in South Africa is a God-given command and is scriptural, legal, just and fair.

Very different views were expressed by Prof. B. B. Keet, senior professor of the Dutch Reformed Church Seminary at Stellenbosch, in his book *Suid-Afrika Waarheen?* (translated into English as *Whither South Africa?*). His main thesis is that colour, in the last resort, has no essential significance for human relationships; "that our fight is not between Black and White, but between barbarism and civilization, or, if you will, between heathendom and Christianity". It is, Professor Keet considers, a duty to preserve the spiritual values of our civilization. In order to do this safety measures such as partial segregation may be necessary, but these must be recognized as being purely temporary.

It is unthinkable, he says, that the only solution of South Africa's difficulties lies in ever greater separation. No thought is given to the deep wounds and bitterness thus caused to people who, whether they are civilized or not, are treated as outcasts. The proper course is, rather, a relaxation of the strict apartheid attitude, more elastic lines of demarcation, in order that Non-Whites who fulfil certain requirements may take their place fully beside the Whites, accepting co-responsibility for the preservation

On the whole, there was little public protest by the Coloured people against this measure. The S.A. Coloured People's Organization (Transvaal) did issue a press statement<sup>(14)</sup> to the effect that it rejected the Bill "in its entirety". After making mention of the "crude move to set up a stooge council with the aim of making the Coloured people a party to their own oppression", and of the "dummy representation" offered in Parliament and the Cape Provincial Council, the statement continued, "Coming as it does, on top of the blatant removal of the Coloured voters from the common roll, we can only regard this measly attempt at compensation as an insult to the dignity and intelligence of the Coloured people".

Various prominent members of the Coloured community have on more than one occasion in recent years pointed out that because of previous assaults on their rights, with continuous humiliations, there is a feeling of despair and hopelessness in the Coloured community which may be wrongly interpreted as a lack of interest. It is certain that in many areas Coloured membership of the more extreme organizations is increasing, while the more moderate bodies are losing ground.

#### COURT CASE ON THE VALIDITY OF THE SENATE ACT AND SOUTH AFRICA ACT AMENDMENT ACT

In the names of two Coloured voters, the United Party applied for orders declaring the Senate Act of 1955 and the South Africa Act Amendment Act of 1956 to be invalid, and restraining the Minister of the Interior from removing the names of these men from the common voters' roll. The application was dismissed with costs by unanimous judgement of a full bench of the Supreme Court, Cape Town, in May 1956; and an appeal against this judgement was dismissed with costs by a majority of ten to one of the judges of the Appeal Court during November.

Both courts rejected an argument that some limitation on Parliament's power to re-constitute the Senate must be implied if the guarantee or protection given to the Cape Coloured voters in the entrenched clauses of the South Africa Act was to be an effective legal guarantee.

The Chief Justice said that the legislative scheme could not be attacked in law. The effect of the Senate Act was, no doubt, to supply the Government with the two-thirds majority required by the proviso to Section 152 of the South Africa Act; but it did not in any way purport to affect the appellants' voting rights, and so it could not be said to have rendered his rights nugatory. A further legislative step had to be taken in order to destroy the appellants' rights, and that step was in conformity with the proviso to Section 152. Neither legislative step taken by itself was *ultra vires*.

(14) *Star*, 26 March 1956.

In his dissenting judgment, Mr. Justice Schreiner said it was not seriously disputed that the Senate Act was part of a legislative plan to provide the two-thirds majority required to remove the appellants' names from the common voters' roll and that it was enacted solely for that purpose. On the proper construction of the South Africa Act, he said, a Senate constituted *ad hoc* for the purpose of securing, by nomination or its equivalent, a two-thirds majority in a contemplated joint sitting was not a House of Parliament within the meaning of the proviso to Section 152.

#### REGISTRATION AND CONTROL OF THE POPULATION

##### Progress of Population Registration

A new six-storey building, to cost some £261,000, is being erected in Pretoria to house the population register, necessary machinery, and staff to handle the issue of identity cards, registration of births, deaths and voters, and so on, for the White, Coloured and Asiatic groups. Registration of Africans is dealt with by the Native Affairs Department, and is described in the next chapter of this *Survey*.

The population register will contain particulars about every man, woman and child of the racial groups concerned. The Minister of the Interior said in January 1956<sup>(1)</sup> that cards had already been prepared for over four million people (according to estimates by the Bureau of Census and Statistics there are some 4,609,000 to do). Everyone already has an identity number given at the time of the last census or subsequently in the case of immigrants and children born since the census.

Identity cards will be issued to those over the age of sixteen only—approximately 2,821,722 individuals according to the Minister.<sup>(2)</sup> Photographs had been taken of 2,292,933 persons by March 1956. Some identity cards have already been issued, to Cabinet Ministers, Senators and Members of Parliament, citizens of Pretoria, and certain other people who have applied for them.

The Minister pointed out that additions to and deletions from the register were constantly necessary. Every year there are about 144,600 births (72,000 White, 14,600 Asiatics, 58,000 Coloured), some 50,000 deaths, between 16,000 and 17,000 immigrants, between 11,000 and 12,000 emigrants, and some 36,700 marriages, he said.

A question was put in the Senate during May as to whether identity cards would have to be produced at the next general election. The Minister replied,<sup>(3)</sup> "I investigated the question of whether by 1958 such progress would have been made that more

(1) Assembly 18 January 1956, Hansard 1, col. 78.

(2) This and further information quoted was given by the Minister in the Senate: 26 January, Hansard 2, col. 278; and 16 March, Hansard 8, cols. 2010/1.

(3) Senate 4 May 1956, Hansard 12, col. 3140.

use could be made of the population register than at present, but it did not appear to be possible."

### Identity Numbers

It was officially announced during November 1955 that as from 1 January 1956:

- (i) on birth certificates the identity numbers of both parents, and the child's race, must be stated;
- (ii) identity numbers must be supplied for the issue of death certificates;
- (iii) couples wishing to marry must inform marriage officers of their identity numbers and the identity numbers of their parents, and must produce their birth certificates. If their racial groups as stated on the birth certificates were not the same, the classification of the individuals in terms of the Population Registration Act would have to be awaited.

A very great deal of confusion resulted, especially in regard to marriages. Couples all over the country found themselves in difficulties. The Minister of the Interior and Departmental officials issued a series of press statements, the final outcome of which was:

- (i) the new requirements in regard to birth and death certificates would be suspended until 1 April 1956;
- (ii) all new requirements in regard to marriages would be suspended until 1 April. After that, couples would have to give their own identity numbers, but if a marriage officer was satisfied that for some reason these numbers could not be produced immediately, the wedding need not be held up—the numbers could be supplied later for purposes of registration. After 1 April couples should, normally, also produce their their birth certificates; but marriage officers could dispense with this requirement if there was good reason.<sup>(4)</sup> The further stipulation made in November, that the identity numbers of the couple's parents must be furnished, was suspended indefinitely.

### Population Registration Amendment Act, No. 71 of 1956

Four provisions are contained in the Population Registration Amendment Act, two of them being comparatively non-contentious. Firstly, it is in future to be left to the discretion of the Director of Census and Statistics whether or not the signature of an alien should appear on an identity card issued to him. Should it be decided to enclose these cards in transparent plastic covers prior to their issue, as is done in the case of South African citizens, it would not be practicable for the recipient to sign the card inside. Secondly, should anyone destroy, mutilate, alter or forge an identity

<sup>(4)</sup> Marriage Officers are still bound by the Prohibition of Mixed Marriages Act of 1949, in terms of which they may not marry couples unless, on the basis of appearance and general acceptance, their racial groups are the same.

card, it will in future be presumed that this was done with intent to deceive unless the contrary is proved.

The remaining two provisions were strenuously opposed. It will be remembered<sup>(5)</sup> that during 1955 officials of the Bureau of Census and Statistics visited certain Transvaal towns to classify the Coloured people. Numbers of individuals who claimed to be Coloured but had physical characteristics of Africans were subjected to mortifying tests—it was alleged for example, that in some cases hands or pencils were passed through their hair. Those accepted as Coloured were given certificates to this effect, and the rest were sent to Native Affairs Department officials to be fingerprinted, issued with reference books and required to pay poll tax. Much suffering resulted, for people who had previously been accepted as Coloured but were now classified as African stood to lose their jobs, to have to move from their homes to African townships, to send their children to less well-equipped schools, to become subject to the pass laws and influx control. In numbers of cases members of the same family were differently classified.

In terms of the Population Registration Act of 1950 aggrieved persons have the right of appeal: first to the Director of Census, secondly to a special Appeal Board, and then to the courts of law. But many were being penalized in the meanwhile, by being required to carry passes. After considerable public agitation the Minister of the Interior announced on 4 September 1955<sup>(6)</sup> that although he was satisfied that the method of classification had been fair, he was willing to make a concession. When an appeal was made, he would suspend the ruling as to a person's racial group until a decision was reached. Appeals should be lodged within 30 days of the Director's ruling. This "concession" caused some bewilderment. It was pointed out, firstly, that it was an ordinary principle of law that a person who lodged an appeal should not be prejudiced until the appeal had run its course, and secondly, that the Act placed no time limit on the noting of objections to classifications made by the Director: what it did stipulate was that appeals from the special Board to the Supreme Court must be lodged within 30 days.

The Population Registration Amendment Act of 1956 regularizes the Minister's position by providing that appeals to the special Board must be made within 30 days after the Director's classification has become known to the individual concerned. Members of the Parliamentary Opposition objected strenuously to this provision, pointing out<sup>(7)</sup> that the very slight inconvenience which officials might experience if appeals were delayed could not be compared with the human suffering and misery that could result from a wrong classification. While it was true that once a person had noted an appeal he was given the opportunity of col-

<sup>(5)</sup> See *Survey of Race Relations 1954/55*, pages 35-38.

<sup>(6)</sup> Press statement, e.g. *Rand Daily Mail* of 5 September 1955.

<sup>(7)</sup> Assembly 13 June 1956, Hansard 20, cols. 7770, 7801.

lecting what evidence was necessary to substantiate his case, the whole procedure of appeal was completely foreign to the type of person likely to be affected, and should a time limit be insisted upon, it should be a much longer one. Individuals who felt that they had been wrongly classified might need considerable time to ascertain the procedure necessary, to save up the money needed for a possible subsequent appeal to the courts, to trace relatives and to communicate with them.

The second controversial provision of the Amendment Act dealt with the definition of Africans. The principal Act provides that:

- (a) A 'White person' is a person who in appearance obviously is, or who is generally accepted as, a White person, but does not include a person who, although in appearance obviously a White person, is generally accepted as a Coloured person;
- (b) A 'Native' means a person who in fact is, or who is generally accepted as, a member of any aboriginal race or tribe of Africa;
- (c) A 'Coloured person' means a person who is not a White person or a Native.

The Amendment Act adds the following provision:

"A person who obviously is a member of an aboriginal race or tribe of Africa shall for the purposes of this Act be presumed to be a Native unless it is proved that he is not in fact and is not generally accepted as such a member."

The Minister of the Interior said<sup>(8)</sup> that this provision was aimed chiefly at persons who actually were Africans but who wished to pretend that they were Coloured in order to acquire privileges and amenities to which they were not entitled. The courts had stressed the value of appearance in the determination of race; but the presumption to be made on the basis of appearance was rebuttable.

Members of the Opposition<sup>(9)</sup> referred to remarks by the Judge on 1 May 1956 in the Supreme Court case *Goliath vs. Director of Census and Another*. He had said, "Appearance in itself can . . . be deceptive. It is well known in the science of genetics that some offspring of the same person can show markedly more or less of the characteristics of the common ancestor than others." The Judge had considered that the main factor to be taken into consideration was preponderance of blood. A man who appeared to be an African might quite clearly not be African by descent. A presumption made on the basis of appearance was rebuttable, Opposition members said, but the scales were weighed against the ignorant and uneducated. It was necessary for a man

<sup>(8)</sup> Assembly 13 June 1956, Hansard 20, cols. 7768, 7834, 7837.  
<sup>(9)</sup> Hansard 20, cols. 7771/7, 7789, 7809, 7812.

who had been wrongly classified as African to prove both descent and general acceptance, and these were difficult matters to prove. He might be illegitimate by birth and unable to trace his father. He might be illiterate, away from his place of birth, and completely out of touch with his relatives. What did general acceptance, in fact, mean? Coloured association could take a man out of the White group, but could not, by itself, take a man out of the African group.

There was considerable discussion of the onus of proof of descent and association. It was pointed out that throughout our whole system of law ran the principle that when a man was to be punished, the onus of proving his guilt beyond all reasonable doubt was on the Crown. In the *Goliath* case the Judge had ruled that the onus of justifying a classification lay on the Director of Census; but a similar case had been referred to a full Bench and judgment was pending. The Minister said:<sup>(10)</sup> "It may be that actually it is not a question of onus at all but . . . that the case must be decided on the basis of the evidence. The party concerned may lead evidence and the Director may also lead evidence and then the Judge comes to a decision as to whether the classification was right or wrong without necessarily placing the onus on a particular party. I am more inclined to agree with that". He agreed with the Judge in the *Goliath* case, he said, that it was not essential for a man to prove his race beyond all reasonable doubt, and that it was sufficient if the justification were on the preponderance of possibilities.

Attention was drawn to the differing definitions of a "Native" in various Statutes.<sup>(11)</sup> A man might be an African in terms of the Population Registration Act, but a Coloured person for the purposes of the Natives (Urban Areas) Act or the Representation of Natives Act, for example. The Minister replied:<sup>(12)</sup> "I appointed an Inter-Departmental Committee with representatives of the various departments concerned with this matter and asked them whether it was not possible to arrive at a common definition. . . . The basic definition as laid down in the Population Registration Act must eventually be the definition which will be valid for all the Acts".

Opposition members recalled that the Minister had said earlier in the Session<sup>(13)</sup> that there were already 90,000 border-line cases. There might be many more in the long run; but even if all these people were classified in the upper of two possible groups, the security of the White privileged society, which the Government was pledged to defend, could not possibly be affected. The benefit of the doubt should in all cases be given to the person concerned, for his happiness and future were at stake.

<sup>(10)</sup> Col. 7835, 7832, 7838.

<sup>(11)</sup> See *Survey of Race Relations 1954/5*, pages 33/34.

<sup>(12)</sup> Col. 7836.

<sup>(13)</sup> 9 May 1956.



The Institute of Race Relations sent a memorandum<sup>(14)</sup> to Members of Parliament and to the Press, urging that if a statutory time limit for appeals to the special Board was to be fixed, a period of 60 days would be more reasonable than 30 days; and submitting that the widening of the definition of a "Native" was unnecessary and unjust.

### Classification of Coloured People

There has been considerable pressure on Coloured people in the Transvaal and elsewhere to present themselves to census officials for race classification. According to evidence given before the special Appeal Board on 7 and 29 May 1956, the police are still rounding up dark-skinned people who claim to be Coloured but have the appearance of Africans, and are ordering them to report for official classification. Towards the end of 1955 the Transvaal Provincial Administration ruled that in 1956 all those wishing to enter institutions for the training of Coloured teachers would have to produce population registration certificates showing that they were Coloured.

The Minister of the Interior said during May<sup>(15)</sup> that officials had already dealt with 18,469 cases in which objection had been raised to the classification claimed by the person concerned. Of these, 1,182 had been classified as White, 9,642 as Coloured, and 7,645 as African. (No information was given as to the racial groups claimed by these individuals.)

Persons dissatisfied with rulings by officials of the Bureau of Census and Statistics may appeal, in the first place, to the special Board and thereafter to the courts of law. The Board sat in Pretoria in December 1955 and early in 1956, moved to Johannesburg in April, where some 200 appeals were heard, and then went on to other major centres. Some appeals were allowed and others dismissed; it was difficult to gain any idea of the proportions in either case as a majority of the appellants elected to be heard behind closed doors. At its Executive Committee meeting in January, the Institute of Race Relations noted with appreciation the assistance that Legal Aid Bureaux were giving to persons experiencing difficulty in presenting their cases.

Coloured people have maintained that race classification was introduced 300 years too late. The Minister of the Interior said in the speech quoted above that 90,000 border-line cases had already been encountered: each of these involves individual suffering, and there is often much doubt as to the correct classification. As was mentioned in our last *Survey*, the S.A. National Council for Child Welfare was informed by the Director of Census during 1955 that children born from parents one of whom is an African were to be classified as Africans; but in May 1955 the Appeal Board ruled that a man whose father is a European and

<sup>(14)</sup> RR.76/56.

<sup>(15)</sup> Assembly 9 May 1956, Hansard 15, cols. 5259/60.

whose mother an African, is officially Coloured. A full bench of the Supreme Court, Pretoria, held during June 1956 that a woman with an Asiatic father and Malay mother could not be classified as Asiatic, as the Department of the Interior had maintained in a prosecution brought in terms of the Group Areas Act.

In its original statement on the Population Registration Act<sup>(16)</sup> the Institute of Race Relations pointed out that the system was open to abuse, and that encouragement would be given to "informers". The truth of this was borne out in a prosecution under the Group Areas Act, heard in the Johannesburg Magistrates' Courts in March 1956. During 1951 a family moved into a house previously occupied by Whites. As some doubt was subsequently raised as to whether the family was White, an inspector of the Group Areas Board visited them. A letter dated 18 January 1954 was then sent by the chief inspector to the householder's attorney, reading:<sup>(17)</sup> "Your client would appear to be a member of the White group. Under the circumstances, your client's occupation is lawful. . . . This opinion is given without prejudice to any action I may deem necessary in future." A Coloured school principal admitted in evidence, later, that he informed the Board that the family was not White, but Coloured; and the householder was then charged with unlawful occupation of the property. It transpired that he had lived all his life as a European, as had two of his brothers, one of whom was serving in the Royal Navy. A sister of his was, however, living as a Coloured person. His wife's employer accepted her as White, one of his children attended a prominent high school for White children; but two others, being darker-skinned, had been sent to a Coloured school to save them from embarrassment. Although names were suppressed in press reports the family's associates must obviously have known of the case—the stigma that resulted needs no underlining.

Some cases of great hardship have been remedied by the Appeal Board. There was the case, for example, of an old man aged 81 who had been married for 25 years. When census officials classified him as African and his wife as Coloured, they contemplated divorce proceedings, for she could not face having to live in an African location. His appeal was allowed. An 18-year-old lad, too, won his appeal and was reclassified as Coloured. He had passed his Junior Certificate in a Coloured school and wished to become a teacher after completing his general education. At this stage census officials declared that he was an African; but his brother was classified as Coloured. Not only was a family split threatened, but the lad concerned found it impossible to continue with his education since, knowing no African languages, he could not gain admission to any school for Africans.

<sup>(16)</sup> RR.45/1950.

<sup>(17)</sup> *Rand Daily Mail* report, 21 March 1956.

But as members of the Opposition pointed out in the debate on the Population Registration Amendment Act, there are thousands of cases in which permanent hardship and heartbreak have been caused.

#### Passports and Visas

The Minister of the Interior said in May<sup>(18)</sup> that of some 2,200 applications during 1955 for passports and other travelling documents, 48 had been refused.

There have been some contradictory decisions during the year. Mr. Sidney Katz, for example, was elected by the National Union of S.A. Students to represent this body at an International Student Conference overseas, but was refused a passport. He immediately re-applied; and after further questioning by the police and considerable delay, was issued with a passport for Britain and Western Europe. When asked in the House why the passport had been refused in the first instance, the Minister of the Interior replied<sup>(19)</sup> he could only say that he had acted according to the information at his disposal.

Numbers of Non-White citizens have been allowed to go overseas during the past year—Moral Re-armament members have been to Caux; an African research scholar of Natal University left for Boston University to work for a doctorate; ten Ministers of the African Methodist Episcopal Church attended a conference in the United States; and an African soccer player of Pretoria joined a professional team in Britain. Details of passport applications that were refused have not been made public.

The press has published reports, however, of some refusals of visas. The Rhodesian authoress Mrs. Doris Lessing was forced to turn back when she arrived by air in the Union during April. A Coloured American newspaper reporter was refused a visa to travel through South Africa to Bechuanaland. Three Africans from Southern Rhodesia were prevented from attending the general assembly of the Presbyterian Church of South Africa and Rhodesia, which was held in Vereeniging during September.

#### General Law Amendment Act, No. 50 of 1956

The General Law Amendment Act of 1956 effects amendments to numbers of laws which have no direct bearing on race relations—for example it brings into line the procedure in different provinces for contracts for lease of ground, mineral rights, donations, ante-nuptial contracts and so on, clarifies procedure for appointment of acting judges, and renders it an offence to use an article belonging to someone else without his consent but with the intention of returning it.

Sections 26 and 27 deal with the trial of persons prosecuted in terms of the Suppression of Communism Act. Previously, all

<sup>(18)</sup> Assembly 9 May 1956, Hansard 15, col. 5257.  
<sup>(19)</sup> Senate 4 May 1956, Hansard 12, cols. 3144/5.

such persons could elect to be tried by a judge and jury. The position remains unchanged in cases where the decision to be made is objective. But sometimes it is subjective—for example where the defendant is charged with performing “any act which is calculated to further the achievement of any of the objects of communism,” or with advocating, advising, defending or encouraging “the achievement of any such object or any act or omission which is calculated to further the achievement of any such object.”

In such cases the Minister of Justice may now order trial without jury, before a judge or a judge and assessors. He is also empowered to appoint a special court for the trial of serious cases, as he may do in cases of high treason, sedition or public violence. Such special courts will consist of three judges who must be unanimous in their decision.

#### Riotous Assemblies Act, No. 17 of 1956

This was merely a consolidating measure. It consolidated “the laws relating to riotous assemblies and the prohibition of the engendering of feelings of hostility between the European and Non-European inhabitants of the Union and matters incidental thereto”.

#### Termination of Soviet Representation in South Africa

In February 1956 the Minister of External Affairs announced<sup>(20)</sup> that a note had been handed to the Soviet Consul-General in Pretoria, stating that the Union Government had come to the conclusion that it was in the interests of South Africa and its people that consular representation of the U.S.S.R. should be discontinued, with effective date from 1 March. This did not involve the discontinuation of diplomatic, trade and other relations, which could in future be conducted by the Soviet Ambassador in London through the medium of the Union's High Commission there.

Among the reasons the Government gave for this decision were, firstly, that the establishment of Soviet representation in the Union had its genesis exclusively in exigencies of the last World War in which the two countries were associated as allies. In the post-war years the situation had changed entirely. Secondly, it was stated that “the Union Government has evidence that the Consulate-General, through members of its staff, has cultivated and maintained contact with subversive elements in the Union, particularly among the Bantu and Indian population, and that it has served as a channel of communication between such elements and the authorities of Soviet Russia. Furthermore, the same channel has been used for the diffusion of Communistic propaganda directed particularly at the Bantu population, in transgression of the law of the land, which proscribes Communistic propaganda in any form.”

<sup>(20)</sup> Assembly 1 February, Hansard 3, cols. 733/4.

### Action Under the Suppression of Communism and Riotous Assemblies Act

Mention was made in our last *Survey*<sup>(21)</sup> of the widespread raids conducted by the Special (Political) Branch of the Police in many towns during September 1955, when the detectives bore warrants authorizing them to search for evidence "as to the commission of the offence of treason and/or sedition."

The Minister of Justice said subsequently<sup>(22)</sup> that during 1955, 460 residences and offices had been searched by the police in terms of the Suppression of Communism Act, and 456 under warrants alleging sedition and/or treason. Six prosecutions had resulted but there had been no convictions; investigations were still in progress.

He added, later,<sup>(23)</sup> that the Department had information, obtained from Anglican Church clergy who work among Africans, from leaders of the resistance movement who were sentenced in court, and others, that dangerous, subversive things were brewing among members of the African National Congress, the Indian National Congress, and associated organizations such as the Congress of Democrats; and it had been considered necessary to gain evidence. "My information is that it paid us very well . . . and that possibly something very unpleasant was avoided as result. . . . Documents were found and proof was found. I have a report with which we are still busy. . . . It is expected that about 200 people will be charged with breaking laws, with treason and with offences under the Suppression of Communism Act." Up to the time of writing, in November 1956, there had been no prosecutions on charges of sedition or treason. (Some 150 persons were, however, arrested, during December 1956 on such charges.)

In the earlier speech the Minister said<sup>(24)</sup> that since the Suppression of Communism Act had become law, the names of 75 trade union officials and of 529 other persons had been placed on the liquidator's list.<sup>(25)</sup> Of the former, 35 were White, 12 Coloured, 7 Asiatic and 21 African, and 56 of them had been ordered to resign from their unions. Of the latter group, 198 were White, 54 Coloured, 40 Asiatic and 237 African. Those of them who had been banned in terms of Section 9 of the Act (i.e., banned from attending gatherings or from being in specified areas) included 8 Whites, 9 Asiatics and 54 Africans. There had been 54 prosecutions and 51 convictions for offences under Sections 11(a) and (b) of the Act (which deals with furtherance of the objects of communism).

Lists of all books and periodicals which have been banned were published in the *Gazette* during the year. In the main these

(21) Page 44.

(22) Assembly 20 January 1956, Hansard 1, col. 179.

(23) Assembly 30 April 1956, Hansard 14, cols. 4594, 4674.

(24) Hansard 1, col. 182.

(25) See *Survey of Race Relations* 1953/4, page 35, for implications.

are, apparently, indecent or obscene; but some were banned for other reasons—among these is the "African Digest" issued by the Africa Bureau, London. The report of the Commission of Enquiry into Undesirable Literature has not yet been published.

### Alleged Opening of Mail for Political Purposes

The experiment conducted by two members of the Liberal Party, which was alleged to prove that letters passing between them had been opened in transit, was described in our last *Survey*.<sup>(26)</sup> On 22 March 1956 the Minister of Justice announced in the Assembly that a thorough enquiry had been undertaken by the Deputy Commissioner of Police, Transvaal. Two letters had undoubtedly been opened and replaced in the wrong envelopes, and it had to be accepted that this had taken place in the Cape Town post office. It was clearly the work of an amateur since there were two different types of gum on the flap of the envelope examined; but by the time the letters came into the possession of the police they had been handled by so many people that any possible fingerprints had already been destroyed. The Deputy Commissioner had come to the conclusion that this was an isolated incident and that there was no organized interception of letters. So far as the other reported cases were concerned, no proof had been found that the letters had been tampered with.

## MATTERS AFFECTING SPECIFIC GROUPS THE COLOURED PEOPLE

### Numbers

At the time of the last census, in 1951, the Coloured population of the Union totalled 1,103,305. The Bureau of Census and Statistics estimates that by mid-1956 their numbers had grown to 1,281,000. A description of their geographic distribution and patterns of living was given in our last *Survey*.<sup>(1)</sup>

### Coloured Areas and Land Settlement

The Minister of the Interior said during the year<sup>(2)</sup> that so far as the Coloured people were concerned, there was no question of total territorial apartheid, but there was the question of total residential apartheid. There were certain areas called Coloured reserves and mission stations, totalling about 1,800,000 morgen, where no European might purchase land.<sup>(3)</sup> Since the present government had been in power some 200,000 morgen had been added to them. These areas carried a population of 25,000, which might possibly be increased to a maximum of 200,000, and, in a sense, they formed a national home for the Coloured people. The

(26) Pages 44/5.

(1) *Survey of Race Relations* 1954/5, pages 46/7.

(2) Senate 4 May 1956, Hansard 12, col. 3142, Assembly 9 May, Hansard 15, cols. 5263/4, 5268.

(3) These are described on page 48 of the *Survey of Race Relations* for 1954/5.

Griquas, he added, had been requesting a similar symbolic national home.

Apart from these areas, group areas would be set aside for Coloured people in both town and country in which they would be able to own land, to acquire local self-government, and to serve their own people. Preference would be given to them, in such areas, in matters such as the issue of trading licences. There would, however, be nothing to prevent the Coloured man from selling his services in the White areas.

The Minister indicated that the Malay Quarter of Cape Town would be preserved for Malays. A voluntary committee working in collaboration with the Cape Town City Council and assisted by a government housing loan would restore the houses to preserve the original architectural design.

#### **Coloured People in Towns and Villages Amendment Act, No. 6 of 1956.**

The purpose of this Act, the Minister of the Interior said,<sup>(4)</sup> was to remove a discrepancy in the position of Coloured people in the Orange Free State. Under an old Orange Free State Act of 1893 all Coloured people were prohibited from trading in locations or residential areas for Coloured people—the term was defined so as to include Africans. So far as the Africans were concerned this section had been repealed by the Natives (Urban Areas) Act of 1923, but it was still in force in respect of Coloured people.

The Amendment Act provides that "Any town council, municipality or village management board which has under its administration and control any residential area for Coloured people provided for in this law may, with the approval of the Administrator of the province, let or sell to any Coloured person sites within such area for trading or business purposes."

The United Party welcomed the amendment, and asked the Minister to go further and to arrange for an enquiry into other sections of the 1893 Act and into other out-dated laws affecting Coloured people. It was hoped that all local authorities would be empowered also to sell residential sites to Coloured people. The laws relating to the rights of these people in the Orange Free State were confused. The Minister replied that he would certainly make enquiries as to what the position was in matters falling outside the scope of the measure under consideration, in order to ascertain whether there was any need for amendment.

#### **Work of the Division of Coloured Affairs**

At a conference of Coloured people held in October 1955 and described below, the Commissioner for Coloured Affairs spoke of the activities of his Division. It makes representations to other

<sup>(4)</sup> Assembly 8 February 1956, Hansard 4, cols. 1174/5.

Departments of State, he said, in matters concerning the Coloured people, and it endeavours to obtain more employment opportunities for them in the service of their own people, for example in the railway administration, postal services, police, prisons, Labour Department and Provincial Administrations as well as within the Division itself. The Division negotiates with local authorities with a view to improving housing conditions.

It administers a fund made available by the State for the encouragement of cultural and sporting activities among the Coloured people. Financial assistance may be given to voluntary bodies conducting such activities. Between 1953 and 1956 the Division itself ran five courses for Coloured sports leaders, enlisting the services of the best coaches available. An organization called the National Association for Vacation Courses for Coloureds (NAVAC) has been set up.

A pilot course for Coloured boys between the ages of 16 and 20 years has been established at Klaasjagersberg, about eleven miles from Simonstown. About forty boys at a time are given a six-months' training in physical education, discipline, hygiene and so on, and are later assisted, wherever possible, to secure suitable employment. During the course they receive free issues of camp clothes, shoes and bedding, also an allowance of 1/- per day for purchase of personal items; medical attention is available; and special care is taken to provide a balanced diet.

The Division has assumed control of Coloured reserves and mission stations. Between 1952 and October 1955 it spent £76,250 on fencing, soil conservation, capital works and loans to boards of management.

#### **Political Rights and Attitudes**

The Separate Representation of Voters Act and Amendment Act, dealt with in an earlier chapter, removed Coloured people of the Cape from the common roll for Parliamentary and Cape Provincial Council elections.

A draft ordinance which sought, *inter alia*, to make registration as a parliamentary voter the qualification for the exercise of the municipal franchise in the Cape was published in the Provincial Gazette of 27 April 1956, and was introduced at the second session of the Provincial Council. The effect would have been to disenfranchise Coloured women and to reduce the number of Coloured male voters. The Cape Western Regional Committee of the Institute of Race Relations and many others protested strongly against such a further diminution of the rights of Coloured people. Later, at the committee stage, the Administrator withdrew this provision of the ordinance.

Attitudes of Coloured people to the Separate Representation of Voters Act were mentioned in the earlier chapter, where it was pointed out that, although they made little public protest

against this legislation, one result appears to have been that in many areas Coloured membership of the more extreme organizations is increasing, while the more moderate bodies are losing ground. The Coloured People's National Union has lost much support since its President wrote to Dr. Malan suggesting the possibility of a compromise on the Coloured vote issue.<sup>(5)</sup> Membership of the Coloured People's Organization (part of the "Congress" group) and of the more extreme Unity Movement and Anti-C.A.D. (Anti-Coloured Affairs Department) is said to have increased. This last group made no protest against the Separate Representation of Voters Act because, it stated, it had always maintained that the Coloured vote, even on the common roll, was specious because it was qualified, and it was thus not worth preserving. The views of the "Congress" group were outlined in our last *Survey*.<sup>(6)</sup> Very large numbers of the Coloured people, probably the majority, are unorganized, belonging to none of these groups: some of these—the proportion is not known—are supporters of the Government's policy.

A significant meeting of the Federal Council of Coloured Churches was held at Elsies River, near Cape Town, during March 1956. It was attended by delegates representing 30 congregations of 17 established churches having a total membership of more than 20,000 people all over the Western Province and as far afield as Namaqualand. In a statement issued by the Council it was maintained that the manner in which apartheid was being applied to the Coloured people was unfair and unchristian. The policy had been introduced 300 years too late, when thousands of Coloured people, the products of mixed marriages, had already come into being. They had the same religions and standards of civilization as the White people, had stood by them and had been loyal in peace and war, and had contributed much to the development of the country. They were now being forced into the Non-White racial camp where they, as a group, could not hope to survive. They felt that they could no longer trust and believe the White people. They did not want or accept apartheid; but if it was to be applied they had every reason to ask that it should be absolute and that the Coloured people should be rigidly separated from the rest of the population.

#### Conference called by the Division of Coloured Affairs

About 85 expressly invited Coloured and Malay delegates attended a conference called by the Division of Coloured Affairs from 4-7 October 1955. A few White, Coloured and Malay observers were present. The delegates, who included teachers, businessmen, clergy and others, came from all four provinces of the Union and from South-West Africa; but attended in their personal capacities and did not represent specific organizations

<sup>(5)</sup> See *Survey of Race Relations 1953/4*, page 49.  
<sup>(6)</sup> *Survey of Race Relations 1954/5*, page 5.

or groups. Only Mr. George Golding (President of the Coloured People's National Union) could be regarded as the leader of a significant organization. It was difficult to judge to what extent the delegates were representative of the Coloured community or of particular sections of it. Several Coloured bodies, notably the S.A. Coloured People's Organization and the Teachers' League of S.A., boycotted the conference and publicly dissociated themselves from the resolutions which were adopted.

Comment on Government policy was neither invited nor permitted: discussion was confined to its implementation. Yet even these especially invited delegates, permitted such a restricted field of comment and criticism, expressed resentment at the way in which apartheid was being applied in practice. Their bitter opposition to plans suggested under the Group Areas Act was clearly evident.

The resolutions passed dealt with the need for employment opportunities for Coloured clerks, minimum wages for farm labourers, better pay and conditions for mine workers, and opportunities of employment for Coloured men in transport services catering for their people. Detailed recommendations were made for the improvement of educational facilities, and delegates urged the provision of higher old age pensions, separate wards in hospitals, more community centres, and more housing schemes, especially on the Witwatersrand and in Pretoria, these schemes not to be situated in the vicinity of African locations. They made an earnest plea to the Division to ensure that Coloured people should not be removed from towns to undeveloped areas outside. The revision of the liquor laws was requested, also better police protection and control of the *skollie* element. Delegates urged that when legislation affecting the Coloured people is contemplated, it should be discussed at a conference with Coloured leaders.

## ASIATICS

### Numbers

There were 366,664 Asiatics in the Union in 1951. The Bureau of Census and Statistics estimates that by mid-1956 their numbers had grown to 421,000, of whom 205,700 were in Durban.

At the Council meeting of the Institute of Race Relations in January 1956, Miss Hansi Pollak said that net reproduction rates as calculated by Professor J. L. Sadie for the 17-year period 1936-52 were 1.54 for Whites, 2.12 for Asiatics and 2.03 for Coloured people in South Africa. This meant that within one generation the White population would increase by 54 per cent, while the Asiatic and Coloured populations would be a little more than doubled. Since Union there had been a steady decline in the White and Asiatic net reproduction rates, largely due to a decrease in birth rates. The Asiatic net reproduction rate (averaged

over the 17-year period) was similar to that of the White rural population of the Union in 1911, and practically identical to that of the Transvaal White rural population in 1921.

### The Council Meeting of the Institute of Race Relations

The Institute's Council meeting in January 1956, held in Durban, was largely devoted to the consideration of the Indian as a South African. The papers read have since been published by the Institute in booklet form. They included: *The History of Indians in Natal*, by Dr. Mabel Palmer, *The South African Indian Family*, by Dr. Hilda Kuper, *Economic Opportunities and Mode of Living of the Indian Community*, by Messrs. B. A. Naidoo and Jack Naidoo, and *The Indian as an Integral Part of South African Society*, by Dr. S. Cooppan and Mr. A. D. Lazarus.

The findings of Council were as follows:

- "1. The multi-racial structure of South Africa is no obstacle to its unity. By pursuing appropriate policies, the various racial groups may be made to enrich South African culture by their very differences. A broad South Africanism does not imply the obliteration of all particular cultural characteristics; in fact, the goal for the nation as a whole should be unity in and through differences.
- "2. There is no foundation for the common opinion that the Indian was or is an intruder in this country. Indian labour was introduced at the urgent insistence of the colonists of Natal. The beginnings of European settlement in Natal predate Indian settlement (immigration) by 30 years only. Indians have been in South Africa for 95 years, over 90 per cent of them are South African born, and large numbers have South African roots extending back four or five generations. It was the inevitable consequence of the conditions under which indentured Indian labour was introduced into Natal, that a permanent Indian community became settled in the country. This fact was recognized explicitly in the Cape Town Agreement of 1927.
- "3. Indians have since been essential to the development of Natal's economy. It must be remembered that it was Indians who planted sugar, mined coal, laid the railways, grew the fruit and vegetables and in many ways helped to build the country's industry. Later, the Indian merchant took goods to remote places, thus meeting the needs of the rural people.
- "4. The Indians form an integral part of the population of South Africa. They are no temporary and transient group on the pattern of migrant African labour. It is therefore unjust and unreasonable to try to force or induce them to return to India. 'Repatriation' efforts of the past met with failure and in the present it would amount to expatriation, which could not succeed and would not be in the economic interests of

South Africa if it could. The economic interdependence of the other racial groups with the Indians is such that their expatriation would in fact be a disaster to the country which is at present suffering an acute shortage of labour in many fields (e.g., post office, public and municipal services, industry and mining). The home of these people is now South Africa. Their stake in the country consists, like that of European immigrants, in their vocations and in such land as they have come to acquire by their own earnings, and they must be regarded and treated as members of the multi-racial community of South Africans.

- "5. Contrary to the belief that the Indians are unassimilable, they have selectively adopted many customs and values of the West. The traditional caste structure has virtually disappeared and for it has been substituted class distinctions determined by wealth, education and occupation. Monogamy is the rule and child marriages are rare. Western education is desired and the number of girls attending schools and qualifying for employment, professional and other, is steadily increasing. Contact with Western culture has made the Indian more individualistic but certain features of Indian kinship and religion persist, having proved socially valuable and personally satisfying. Consequently, the divorce rate is low and illegitimacy rare. None of these features of Indian life is incompatible with Indian participation in the life of the country as South Africans, but they will, on the contrary, contribute to the richness of South African culture.
- "6. It follows naturally that the Indians have certain rights which ought to be officially recognized in South Africa:
  - (a) Political rights and representation in the central, provincial and local governments;
  - (b) free and compulsory education;
  - (c) provision of adequate State social services providing for health, welfare and housing;
  - (d) an equitable share in the production and consumption of wealth and the ownership of property.
- "7. If these rights are to be exercised much of the present law affecting Indians will have to be changed and the prevalent discrimination on racial grounds will have to be abandoned.
- "8. In order to give Indians fuller economic opportunities, not only is the adequate provision of primary and secondary, technical and university education necessary, but also adequate opportunity for apprenticeship, as well as employment in public and municipal services.
- "9. It is to be noted with gratification that the Government has made greater provision in recent years for technical training

for Indians in Natal, and the provision of additional facilities for medical training at Durban is to be welcomed.

- "10. The 'civilized labour policy', whether official or not, further tends to limit Indian employment, and this will have to be abandoned if Indians are to enjoy the rights to which they, along with other sections of the population, are entitled.
- "11. Restrictions on the movement of Indians between the four Provinces place further special limitations on the economic opportunities of this section of the population, especially in recent industrial developments in other parts of the country than Natal. These restrictions have the secondary effect of concentrating an overwhelming proportion of the Indian population in Natal, contributing to Indian unemployment there, and incidentally, increasing the fears and racial prejudices and consequent discrimination against them of the white group. Such restrictions deny to the country the benefit of Indian labour and services to a degree that it can ill afford.
- "12. Most serious of all, however, are the effects of the Group Areas Act of 1950. Under this, Indians are threatened with removal from areas in which they have resided for decades, and will be prevented from owning property in areas allocated to other groups. Indians are likely to suffer more severely under these provisions than any other racial group. In a large part, their livelihood depends on the services they provide, in labour and trade, for other sections of the population, and the segregation of these into separate areas will present numerous Indians with the prospect of economic ruin. Moreover, the whole tendency enforced by this legislation will be to the serious economic detriment of the country for reasons already given. The Council, however, considers that it is inequitable to prohibit members of any racial group from carrying on their economic activities in what are the general commercial and industrial areas of cities.

"13. CONCLUSION

The Institute holds that in the interests of justice, of the prosperity of the country and of the European section itself, the redress of these disabilities is urgent. Disregard of Indian rights and welfare is creating grievance and an understandable resentment against 'White South Africans'. Further, Indians and other Non-European groups may be driven to make common cause against the dominant white group, deepening the cleavage in South African society along the line of colour which threatens disaster for all concerned. The only ultimate remedy for this dangerous situation is the general acceptance of the idea of a common multi-racial society (which does in fact already exist), the acceptance of the implications of such a society in the granting of common rights, and the building up of inter-racial solidarity."

**S.A.B.R.A. Conference on Indians**

Also during January of 1956 the S.A. Bureau of Racial Affairs discussed what it termed the Indian problem in South Africa. This conference was held in Port Elizabeth. No Indians were invited to participate in the discussions.

Papers were read by Drs. A. L. Geyer, J. H. O. du Plessis, M.P., and P. J. Meyer, Professors G. B. A. Gerdener and J. P. Bruwer and Mr. W. van Heerden. Summarized very briefly, their theme was as follows:

The impact of the new, resurgent Asia would be felt in increasing measure in Africa, which lies between East and West. Little was heard today of the immense amount of good done by the colonizing powers. Asian nationalism was coloured by fierce antipathy to what was described as Western imperialism. It should be remembered that nationalism and communism have in more than one case become closely interwoven. Because of the abject poverty and economic backwardness of the people, the dice in India were heavily loaded against democracy, and although Mr. Nehru was attempting to keep one foot in each camp, communism was making alarming progress.

While sympathy must be felt for the peoples of India in their endeavours to attain a proper standard of living, the root of India's difficulties was over-population, and the African continent offered a tempting prize. India already had a foothold along practically the whole east coast of Africa, and a steady infiltration was taking place. The Eastern peoples were likely to demand world supremacy for the Non-White races on the strength of their numerical superiority. In the light of Indian imperialistic tendencies, the Indians within the Union's borders constituted a formidable Trojan horse within the walls.

The Indians in South Africa must realize that the Union could not tolerate interference by foreign states. They wanted to be accepted as an inherent part of the established community of the Union, yet on the other hand they continued to look to India and Pakistan for protection. Both the Transvaal and Natal Indian Congresses were subject to communist influences.

It should be accepted, one speaker said, that the Indians could enjoy only "guest rights" and never the other rights of established communities; that they should return to India or Pakistan as soon as possible; and that the Europeans would have to help pay for this. They should be required to sell properties owned by them in European areas, and, with the help of the Group Areas Board, should try to establish their own residential areas. They should make a definite start at reducing their commercial activities.

Another speaker said that while the contribution made by Indian labour to the development of Natal could not be denied,

far too large a proportion of their activities was directed to trading among the non-Indian groups, and, economically speaking, the traders could only be regarded as a non-productive and thus parasitical element. They must, instead, become a productive element in their own group areas.

The conference decided not to take any resolutions concerning the solution of the Indian problem at that stage, but to appoint a research committee to consider the problem in all its aspects in the various provinces with a view to framing an acceptable policy. It asked the Government to consider appointing a commission of enquiry to determine to what extent the existing apartheid legislation would contribute toward the solution of the Indian problem, and what other steps could be taken; whether the policy of repatriation had failed up to the present, and whether it could be applied in a revised form.

#### Attitude of the Government to Indians

In long speeches made in Parliament this year.<sup>(7)</sup> the Minister of the Interior has clarified the Government's attitude to Indians. The Indian in South Africa, he said, had shown that he remained a foreigner, that he did not assimilate. Economic competition had worsened the problem, and India's application of one-sided economic sanctions against South Africa had not made matters easier. Amongst the Indians in South Africa were many communists and people with like opinions, who had incited Africans to civil disobedience. Indians had appealed to the United Nations on matters within South Africa's domestic jurisdiction; and those in the Transvaal had opposed population registration.

The Government's long-term policy remained one of repatriation as far as was possible, which meant the decreasing of the Indian population of South Africa to its irreducible minimum. The Government had repealed the franchise legislation<sup>(8)</sup> because if Indians were granted the franchise they would consider themselves as a permanent part of the population. It had placed a ban on the further immigration of Indian women and children.

Yet "in spite of all the enticing provisions which had been held out to Indians", including the doubling of the bonus paid to those accepting repatriation, they did not want to leave the country of their so-called oppression. Only 48 had left South Africa during 1954, and 36 from January to November in 1955. The so-called Cape Town Agreement of 1927—which was not an agreement in the technical sense of the word—had contained an "uplift" clause, and, as a counterpart to this, a stipulation that there should be repatriation of Indians. But in 1932 when the second conference took place in South Africa, the Indian Government had admitted that this part of the agreement could not be

(7) Senate 31 January 1956, Hansard 3, cols. 495/514; Assembly 9 May 1956, Hansard 15, cols. 5260/8.

(8) Chapter II of the Asiatic Land Tenure and Indian Representation Act of 1946.

carried out. A colonization scheme was then discussed (in terms of which the South African Indians would move to some other part of the world), but this never came to anything. For these reasons, the Union Government did not consider itself bound by the "uplift" clause; but none the less both the percentage of children attending school and the expectation of life were now almost twice as high among Indians in South Africa as they were in India. The success of any repatriation scheme would depend on the co-operation of India, and at the moment the climate was unfavourable for reaching agreement on the subject.

When asked by a Member whether the Government would consider proposing a conference with representatives of the Government of India and Pakistan with the object of establishing a permanent basis for friendly co-operation and goodwill, the Minister of External Affairs replied "No".<sup>(9)</sup>

The Minister of the Interior continued to say that the Government's short-term policy was the prevention of further penetration by Indians into European areas, and the removal so far as possible of points of contact which caused friction between the Indians and other groups in South Africa—in other words, area separation. The Group Areas Act, he maintained, was not directed against any specific community.

#### Indian Immigration

Further information on Indian immigration has been given by the Minister of the Interior and, on his behalf, by the Minister of Native Affairs during the year.<sup>(10)</sup> During the period 1948 to 1955 inclusive, 765 Indians left the Union. No Indian men entered for permanent residence; but some priests and teachers were allowed in on six-year temporary permits. Should these priests and teachers make application at the end of the six years, they might be allowed to remain for a further three years, and thereafter could apply for permanent domicile.

During the same period, 2,865 Indian wives and 3,264 children arrived. The Immigration Regulation Amendment Act of 1953 provided that no Asiatic women born outside the Union who contracted marriages overseas to South African Asiatics after 10 February 1953, nor their minor children, would be permitted to enter the Union without special permission. Women who were already married to South African Asiatics at that date, and all minor children born to them before 10 February 1954, would be debarred from entering the Union after 10 February 1956.

Large numbers of Indian women and children entered the Union just before the closing date. The Minister said, for example, that 555 arrived at Durban on 30 January 1956. Of these, 217

(9) Assembly 17 January 1956, Hansard 1, col. 12. See *Survey of Race Relations 1954/5*, page 254, for the history of recent endeavours to arrange a round-table conference.

(10) Senate 31 January 1956, Hansard 3, cols. 509/510, and Senate 5 February 1956, Hansard 4, cols. 861/2.



were Union residents returning. 314 were wives and children (under 16 years) of domiciled Indians, and the remaining 24 had no right of entry and were declared prohibited immigrants. Ships and aircraft arriving early in February brought many more. It was reported in the Press<sup>(1)</sup> that some of them, whose papers were not in order, were detained in custody pending deportation. They had the right of appeal to the Immigrants' Appeal Board in the province to which they wished to proceed. Shipping and airways companies were warned that if passengers proved to be illegal immigrants, it was their responsibility to remove them. The Minister said that he had made certain exceptions in cases where the marriages had taken place before the stipulated date: for example, he had allowed the entry of wives and minor children of Indians who were born in the Union but who had not yet regained their domicilium after an absence of over three years. (Such men must again be resident in the Union for three years before they can regain their right of domicile). Similar exceptions might also be made in the case of Indian priests and teachers now here on temporary permits if they applied after they had obtained domiciliary rights.

#### Attitudes of Indians

The S.A. Indian Congress stands by the principles expressed in the Freedom Charter.<sup>(12)</sup>

On 5 and 6 May 1956 the Natal Indian Congress convened a conference in Durban on the Group Areas Act. Some 300 people attended, representing 62 organizations: about 80 per cent of them were Indians and the rest mainly Africans. Resolutions passed at the end rejected the Group Areas Act and called for the repeal, too, of the Native Land Act, the Trust and Land Act, and the Natives (Urban Areas) Act. The apartheid principle of the Tomlinson Report was rejected, too. Conference was opposed to the submission of any race zoning plans to the Group Areas Board, considering that there is no room whatsoever for compromise and co-operation with the Government in attempts to soften the harshness of the Act. The conference stated that the urgent task of participating organizations was to rally the people of South Africa against the "entire evil policies of apartheid and segregation", and to this end to form a Natal provincial vigilance committee, also local vigilance committees in all towns, villages and locations of the province.

The S.A. Indian Organization states that it believes in peaceful co-existence with all sections of the South African population. Its policy in regard to the Group Areas Act differs from that of Congress: while pledged to use every constitutional means in its power to bring about the repeal of the Act, it considers that,

(1) e.g. *Star*, 8 and 9 February 1956.

(12) See *Survey of Race Relations 1954/5*, page 5.

under duress, it should make all representations necessary so that the interests of Indians "and the meagre rights held by them" shall be safeguarded and protected.

A deputation from the S.A. Indian Organization met the Prime Minister and Minister of the Interior in May 1956. According to a Press statement<sup>(13)</sup> by the President of the Transvaal Indian Organization, they put forward the following points:

- (a) that the Government should give a directive to ease the pressure on Indians resulting from the operation of the Group Areas Act, and should ensure the continuance of freedom of contact in trade and industry with other racial groups;
- (b) that Cabinet Ministers should, in public statements, give unqualified recognition to the fact that Indians are an integral part of the permanent South African population;
- (c) that provision should be made for suitable and adequate farm land for Indians and for the extension to them of Land Bank facilities;
- (d) that the answer to the country's manpower problems should be sought within the country, and not without, and that to this end the Government should provide for greater employment of Indians in the public service;
- (e) that closer interest should be taken by the State to ensure that in the provision of housing, civic amenities and the like by local authorities, the Indian people should receive a reasonable share;
- (f) that at the forthcoming Commonwealth Prime Ministers' Conference, the Prime Minister should take the initiative in opening discussions with the Prime Ministers of India and Pakistan for the restoration of friendly relationships.

On hearing that these discussions had taken place, the acting president of the S.A. Indian Congress issued a statement<sup>(14)</sup> to the effect that the S.A. Indian Organization did not have the mandate of the Indian people to hold any talks with the Prime Minister.

## AFRICANS

### Numbers and Distribution

There was a total of 8,537,375 Africans in the Union in 1951, when they formed 67.5 per cent of the total population. It is estimated by the Bureau of Census and Statistics that by mid-1956 their numbers had grown to 9,306,000.

Their *de facto* distribution at the time of the 1951 census was 27.1 per cent in urban areas, 42.6 per cent in African areas, 24.3 per cent on farms of Whites and 6 per cent in other rural areas.

(13) *Rand Daily Mail* 29 May 1956.

(14) e.g. *Rand Daily Mail* 25 May 1956.

In the Official Summary of the Tomlinson Report it is stated<sup>(15)</sup> that if those of foreign birth are excluded, a little under a quarter of the African population was in urban areas in 1951, and 46.3 per cent in Bantu areas. But many of those of foreign birth are likely to remain permanently. The Tomlinson Commission estimated that about 21,000 have in recent years been entering the Union annually. There were probably nearly 650,000 extra-Union Africans in South Africa in 1951, some 222,000 of them from Basutoland. About 65 per cent of these were migratory workers, but approximately 250,000 had already made their homes here.

Each year, the Commission stated, an additional 85,000 Africans have been migrating to the towns. Just on 2,300,000 were in urban areas at the time of the 1951 census, in the region of 1,500,000 of them (or some 314,000 families) probably being permanently urbanized. The *de jure* position was, then, that over half of the Union's African population (or 49 per cent if migratory workers from the High Commission Territories are included) had their homes in African areas.

Apart from the large urban centres, the African areas were the most densely populated parts of the Union. The Transkei, Ciskei and Natal had reached saturation point at their existing level of development.

#### Population Forecasts by the Tomlinson Commission

The total population of the Union in 1951 was 2,642,713 Whites, 1,103,305 Coloured persons, 366,664 Asiatics and 8,537,375 Africans.

The Tomlinson Commission estimates that by the year 2000 the White population will have reached 4,588,000 without allowing for immigration, or 6,150,000 if supplemented by 5,000 immigrants per year. There will then be 3,917,000 Coloured people, 1,382,000 Asiatics, and 21,361,000 Africans.

Unless the carrying capacity of the Reserves is increased, the Commission stated, 17 million of the Africans will then be in so-called White areas, between 10½ and 15 million of these in the towns.

#### Future Distribution of the African Population according to the Commission's Plan

The Commission put forward a plan (which is described more fully in a later section of this *Survey* for improving land-usage in the Reserves and for creating 20,000 employment opportunities there annually in secondary industry and 30,000 in tertiary activities, over a 25 to 30-year period. It calculated that if this plan were fully implemented the carrying capacity of the Reserves

<sup>(15)</sup> Summary of Report of Commission on the Socio-Economic Development of Native Areas within the Union of S.A., U.G. 61/1955, pages 28/9, 40, 47, 49/53, 183.

could be increased from 3.6 million to 10 million people, the latter figure including 1.5 million retired persons and dependants of Africans working elsewhere in the Union, and 0.5 million migratory labourers. The proportion of the African population accommodated in the Reserves could be increased from 42.6 per cent in 1951 to 70 per cent by the close of the century. This would still leave about 6½ million in the so-called White areas.

However, as will be explained later, it is highly unlikely that this plan will be fully implemented.

#### Attitudes of Africans

During the past year representatives of the Government have continued their intense campaign to persuade Africans that their salvation lies in the preservation of their heritage by separate development along the roads opened by the Bantu Authorities and Bantu Education Acts. Increased authority is offered to African local government bodies that are willing to work in accordance with the principles of these Acts, and posts carrying prestige and good pay are available to Africans on the staff of organizations set up in terms of these measures.

As is to be expected, thousands of Africans have accepted the Government's policy. A Bantu Nationalist Party was formed at Pietersburg in the Transvaal towards the end of 1956; but was disowned by the Government. On the other hand, particularly among many of the younger men in the towns, there is a growth of extreme nationalism, often anti-White and anti-Indian, as opposed to the tribal solidarity, allegiance to chiefs and maintenance of past traditions encouraged by the Government. During the debate on the Natives (Urban Areas) Amendment Bill of 1956 the Minister of Native Affairs painted an alarming picture<sup>(16)</sup> of the wave of defiance, arrogance and contempt for law that had set in in many municipal areas. There is much division and confusion among the African people.

It is certain that very large numbers are opposed to the apartheid policy, although many of them dare not say so for fear of banishment from the towns, prohibition on attendance of meetings, or loss of employment as teachers, on school boards or Bantu authorities, or in other State-controlled organizations.

A significant "All-in" African conference was convened early in October 1956 by the Interdenominational African Ministers' Federation, to consider the Tomlinson Report. More than 394 delegates drawn from all parts of the country, both rural and urban, and representing many facets of African political and other opinion, were in attendance. Their views on the Tomlinson Report as such are given later. Dealing with more general matters, the conference found that "the policy and practice of apartheid denies the African inalienable and basic human rights on the pretext

<sup>(16)</sup> Assembly 8 June 1956, Hansard 19, cols. 7350/7.

that he is a threat to White survival, and denies him a share in the government of the country, the inviolability of the home, economic rights, the rights to collective bargaining and to sell labour on the best market, the right to free assembly and freedom of travel, movement and association, inviolability of person, and civil rights. . . .

"The continuation of this policy has already created a grave situation in which orderly government and the foundations of South Africa as a viable state are seriously threatened. Police raids, banishment orders, dismissals for political non-conformity, extension of the pass system to women, detention camps, farm prisons, convict labour, the slave markets euphemistically called the labour bureaux, and all the other trappings of a police state constitute an insufferable burden to the African people. . . . Conference condemns the mass removals of Non-Europeans and their dispossession of freehold rights. . . .

"This conference is convinced that the present policy of apartheid constitutes a serious threat to race relations in the country."

#### African Representation on Central Governing Bodies

Possibilities of increased representation for Africans on central governing bodies appear, at present, to be more remote than ever; and, in fact, the future of their present extremely limited representation by Whites in the Senate and House of Assembly seems highly uncertain.

The Minister of Native Affairs said during June:<sup>(17)</sup> "An answer must be found to the question in what way the interests of the Native can best be represented in the Government. My view is that the best method is not by means of representation in Parliament. . . . My idea is that when the Bantu Authorities system has developed to the level of Territorial Bantu Authorities then the opportunity for the Territorial Authority to represent the interests of their own people directly to the Government will be a far better, far more important and far more clear-sighted form of representation than anything we have experienced thus far." (The composition of these authorities is described later.)

It has frequently been pointed out during the year under review that even at the Tomlinson Commission's most optimistic calculations (and its plan is unlikely to be fully implemented), more than six million Africans will remain in the so-called White areas by the end of the century. Dealing with the political future of these people, the Minister said<sup>(18)</sup> he foresees that those who obtain knowledge and skill by experience and training within the White area will use it in their homeland, where their anchor will be. Those in the White area are there of their own choice, because it pays them to be there. They must seek political rights in their own area.

(17) Assembly 1 June 1956, Hansard 18, cols. 6632/3.  
(18) Assembly 14 May 1956, Hansard 16, cols. 5311/2.

#### Local Government in Urban Areas

No further progress was made with the Urban Bantu Authorities Bill of 1952 during the last session of Parliament, but it appears that the Minister of Native Affairs has been giving thought to the matter. In recent speeches<sup>(19)</sup> he said that the system of Advisory Boards had proved to be a hopeless failure. Any advisory bodies which carried no responsibilities were doomed to failure, for they served only as a platform for agitators whose popularity depended on the number of demands and requests they could make.

The future method would most certainly not be one of separate municipalities in the African townships, nor would any African ever be allowed to serve on a European town council. He was in favour of the establishment of Bantu urban authorities; but these bodies would have limited authority. The State was the only source of Native policy: the local authorities' function was to carry out that policy. African urban locations were White territory, and the Whites must retain the control of them. Moreover the interests of Europeans would have priority over those of Non-Europeans in the White areas: that was not unfair since in Non-European areas the interests of Non-Europeans would always come first. Bantu urban authorities would, therefore, be granted only such powers and responsibilities as might, within the limits of their area and under the trusteeship of the neighbouring city council, be entrusted to them by the latter.

At its meeting in January 1956, the Council of the Institute of Race Relations discussed local government in urban African areas. Its findings were as follows:

"Council is aware that the African people are in a period of transition and that to some extent tribal affiliations persist in the urban areas where they meet the impact of Western forms of social behaviour. These conditions give rise to a certain duality of which urban Native administration must take cognizance. Council, however, regrets the tendency of the Government to extend the functions of the Union Native Affairs Department over local urban administration departments. It considers that such control leads to an inflexibility which takes no cognizance of local conditions and gives little local discretion which is essential for successful administration. The Council deprecates the expansion of the Union Native Affairs Department into an *imperium in imperio*, controlling all aspects of African life. . . .

"The Council has noted that the Government proposes to substitute Bantu Authorities for the present Location Advisory Board system, and while it welcomes anything which may give

(19) Opening address at conference of the Institute of Administrators of Non-European Affairs as reported in the *Rand Daily Mail* of 18 September 1956, also Assembly 1 June 1956, Hansard 18, col. 6641.

increased responsibility to Africans for the conduct of their own affairs, it is emphatic that this can be no substitute for direct representation on municipal councils."

#### Location Advisory Boards

Since the abolition of the Natives' Representative Council the Location Advisory Boards Congress has been under increasing pressure from urban Africans to consider questions of national import instead of confining its attention to urban African administration. At the 1955 session, for example, a resolution was passed urging the repeal of the Bantu Education Act. Members have found it to be extraordinarily difficult to halt discussion at the point where matters affecting the welfare of urban Africans merge into national policies.

In 1956, as in 1955, the Department of Native Affairs refused to send officials to address the annual meeting of Congress or to explain departmental procedure. The secretary had written requesting that speakers on the Bantu Education Act and on housing, and a senior commissioner to give general information, should be provided. The Secretary for Native Affairs wrote:<sup>(20)</sup> "You will recollect that the Department has repeatedly advised you, through its senior officers, that the function of the Congress is to deal with matters of urban Native administration and that discussions of national policy do not fall within its scope of activities. It follows that the Department cannot allow its officials to be present and drawn into such political discussions if this advice is not followed. . . ."

At the 1956 annual meeting, held in Pietermaritzburg, the Executive was taken to task for failing to meet during the year and for failing to give a lead in matters raised at the previous conference. It also appeared that on the whole members lacked factual information. Because of their sense of complete frustration and enforced irresponsibility, they tended to concentrate on grievances resulting from the Government's policies. Resolutions passed, dealing *inter alia* with influx control, registration of youths for purposes of taxation, rentals of municipal houses, and passes for African women, are dealt with in other chapters of this *Survey*.

Later, during October 1956, the Secretary for Native Affairs circularized all local authorities<sup>(21)</sup> stating that it would in no way exert pressure on them to send delegates, whether African or European, to future meetings of the Congress, and would no longer sanction expenditure of moneys from municipal Native revenue accounts for the purpose.

In May 1956 the Johannesburg Joint Advisory Boards (claiming to speak for half a million people) sent a deputation

<sup>(20)</sup> As reported in *Natal Daily News*, 11 January 1956.

<sup>(21)</sup> *Star* report, 17 October 1956.

of five members to Cape Town to ask the Minister of Native Affairs to drop the Natives (Urban Areas) Amendment Bill, the Natives (Prohibition of Interdicts) Bill and the Native Administration Amendment Bill (which are described later in this *Survey*). The Minister refused to meet them, stating that any matters that Africans wished to raise should be discussed in the first place with their Native Commissioners. But, as the delegates made clear to the Press,<sup>(22)</sup> officials always refuse to discuss pending legislation as it would be improper for them to do so. The Advisory Boards had made application for the interview through the Native Commissioner in Johannesburg. After arrival the Africans asked, through their representative in the Senate, for interviews with the Government-appointed Senators who had been selected on the ground mainly of their thorough acquaintance with the reasonable wants and wishes of the Coloured races. There was no response. The delegates did, however, meet all the Natives' Representatives in Parliament, the Labour Party members and representatives of the United Party, all of whom agreed to fight the Bills concerned.

#### Disestablishment of Ciskeian General Council

At its session in October 1955, the Ciskeian General Council called upon the Government to apply the Bantu Authorities Act to the Ciskei, and, accordingly, the General Council was disestablished as from 1 January 1956 in terms of Proclamation 279 of 1955. The Under-Secretary for Native Areas said during the proceedings of the 1955 session that three types of Bantu authorities were envisaged for the Ciskei, operating on a tribal, regional and territorial level. Local Councils and the District Council of Glen Grey would be abolished when regional authorities had been set up.

#### Establishment of Bantu Authorities in the Transkeian Territories

The decision of the United Transkeian Territories General Council (the "Bunga") to accept the principle of the Bantu Authorities Act was recorded in our last *Survey*,<sup>(23)</sup> and a description was given of the constitution of the Bunga and of its 26 district councils. All these councils were disestablished as from 1 September 1956, in terms of Proclamation 180 of 1956, a Transkeian Territorial Authority and a district authority for each of the 26 districts being established as from the same date. It will take some time to effect a complete change-over to the new system: interim arrangements are explained below.

#### (a) Tribal or Community Authorities

District councils were formerly the lowest units of local government in the Transkei. These are to be replaced by district

<sup>(22)</sup> *Star*, 4 May 1956.

<sup>(23)</sup> *Survey of Race Relations* 1954/5, pages 58-61.

authorities, but below these are to be a network of 917 tribal or community authorities.<sup>(24)</sup> The districts will be divided into a number of smaller areas, in each of which the local chiefs and headmen will be instructed by Native Commissioners to hold meetings of their people and to report their views on the formation of these bodies. In any area where a sufficient number are in favour, the Governor-General (in practice the Native Affairs Department) will proceed to set up a tribal or community authority. If there is only one local chief or headman he will be head of the authority—otherwise the Governor-General, in consultation with any chiefs or the paramount chief with jurisdiction in the area, will appoint the head. Such appointment may at any time be cancelled.

The Governor-General will decide on the number of councillors to be appointed to each authority. In every case at least half of these will be appointed by the head of the authority in accordance with the laws and customs of the tribe concerned. Of the remainder, whose numbers must be a multiple of three, one-third are to be appointed by the Native Commissioner subject to the Minister's approval, and two-thirds by African general taxpayers in the area acting in consultation with the head. These last appointments will be made in such a way as the head, with the approval of the Native Commissioner, may decide. The Native Commissioner has the right of veto in all cases: the head of the authority may appeal to the Minister if he is aggrieved at any decision made. Appointments are for periods of five years. They may be cancelled if, *inter alia*, the Minister so decides, if the head of the authority with the Native Commissioner's approval so recommends, or if a councillor fails without the permission of the authority to attend three consecutive meetings.

It is apparent that these tribal or community authorities, which form the foundation of the whole system, are certainly not to be democratic bodies. The true elective principle is excluded, the chief's nominees will be in the majority, and the Minister of Native Affairs has power to veto and to cancel all appointments.

Numbers of detailed provisions are made for filling vacancies, appointment of regents, procedure for appeals, and so on.

These tribal or community authorities will assist with the general administration of the people in their areas, and will assist and advise the head, and also more senior authorities, in regard to matters affecting these people. They will carry out such duties as may be assigned to them by the Minister, which may include civil and criminal jurisdiction, land allocation and administration, organization of shows, farmers' associations and crop-growing competitions, control of grass burning, combating soil erosion, improvement of water supplies, sanitation, education, registration of births

<sup>(24)</sup> The number of authorities to be set up were given by the Minister of Native Affairs, Senate 23 April 1956, Hansard 11, cols. 2459/60.

and deaths and of work-seekers, control of social benefits, and the making of rules and regulations, with criminal sanctions, in connection with these matters.

With the approval of the Governor-General a tribal or community authority may levy rates not exceeding one pound a year on African taxpayers. Money so raised will be paid into tribal treasuries which are to be established under the control of the Minister, who may later decide to vest partial or complete control in the authority concerned. All fees payable for services provided, legal fees and fines, and any money assigned by Parliament, the Minister or a senior authority, will also be paid into these treasuries.

#### (b) District Authorities

All district councils have now been transformed into district authorities. For the present they will continue to function as before, except that, in cases where a council is still presided over by a Native Commissioner, members may elect one of their number to the chair. Only four of the 26 councils had elected African chairmen at the time that reorganization was decided upon. These councils previously formed the executive organs of the General Council in local administration, carrying out such duties as were assigned to them by this body—road maintenance, dipping operations and so on. The central body remained financially responsible for their actions. Except in the districts of Pondoland two-thirds of the members were elected (the proportion in Pondoland was one-third) by electoral colleges composed of persons elected, in turn, by African taxpayers. In practice, a minority of the electorate exercised its voting rights.

After a tribal or community authority has been established in each sub-area of a district, the Minister will by notice in the *Gazette* bring the interim period to an end, and the district authority proper will then be constituted. If there is only one chief or headman in the district he will be the head of the authority; otherwise the head will be selected by the district authority itself subject to the Governor-General's approval. If, however, a paramount chief has jurisdiction in the district, the Governor-General may direct that he shall determine the method of appointment.

Each district authority will have eight or more members, depending on the number of chiefs in the area, all of whom will be *ex officio* members. The heads of the tribal or community authorities in the district will appoint four members from amongst their numbers, general taxpayers' representatives on these bodies will appoint two from amongst their ranks, and the Native Commissioner will appoint two persons from amongst the members of the tribal and community authorities. Again, members will hold office for five years.

District authorities will assist in the general administration of the affairs of tribal and community authorities in their areas

and exercise general oversight over their activities; and will assist and advise the Government and senior bodies in the pyramid of Bantu authorities in connection with the affairs of Africans in the districts concerned. Other powers and duties may be assigned to them by the Minister, which may include those mentioned in the case of tribal and community authorities, and also provision of clinics and secondary school scholarships, improvement of agricultural methods, encouragement of co-operative trading societies, and organization of stock sales, markets and community centres.

With the approval of the Governor-General, district authorities may levy stock rates per head of cattle owned, and/or levies of up to one pound per annum on taxpayers. Treasuries similar to those of the lower bodies will be established. The authorities must meet at least six times a year. Copies of minutes of meetings, in one of the official languages, are to be sent to the Auditor-General, the Chief Native Commissioner, the Native Commissioner, the regional authority, and, if they deal with educational matters, to the Inspector of Bantu Education.

#### (c) Regional Authorities

Bodies of intermediary status between the old district councils and, the general council, to be called regional authorities, may also be set up in respect of two or more districts in which district authorities operate. Alternatively, a district authority may be permitted to function as a regional authority. A total of seven regional authorities is envisaged. If a paramount chief has jurisdiction in this larger area, he or his deputy will be the head. The Governor-General is empowered for the purposes of the proclamation to authorize any chief to assume the title of paramount chief by reason of the size of the population in his area of jurisdiction and the responsibilities attached to his office: such authority may at any time be cancelled.

If there is no paramount chief in the area and there is more than one chief, the head of the regional authority will be appointed by the members of this body subject to the Governor-General's approval. Members will include all chiefs in the area *ex officio*, any heads of district authorities who are not chiefs, one member of each district authority appointed by the Native Commissioner, and one member of each appointed by these authorities themselves, and one additional member appointed by the head of the regional authority. Again, members will hold office for five years.

The powers and duties of these bodies are a broader extension of those of district authorities. In addition, they may be made responsible for major scholarships, dams, roads, hospitalization and general health services, and afforestation. They may be vested with judicial, including appellate, powers. They will be required to make by-laws in respect of matters under their

jurisdiction (including fees payable for services rendered) which are subject to the Governor-General's approval. Should they fail to make such by-laws as the Minister considers to be necessary he may, after holding a local enquiry, issue by-laws which will be deemed to be those of the regional authority concerned.

Regional authorities, in turn, may levy rates on taxpayers of up to £1 per year. They, too, will establish treasuries. Meetings must be held at least quarterly; and minutes circulated to the officials mentioned in the case of district authorities. Regional executive committees, consisting of the head and four members, are to be set up to carry on business between meetings.

#### (d) The Territorial Authority

The head of the pyramid will be the territorial authority. The United Transkeian Territories General Council has now been transformed into this territorial authority, and will during a transition period function as before, except that when all district authorities have African chairmen, and when an African secretary and treasurer have been appointed to the territorial authority, its members may then elect one of their members as chairman. Later, when all the regional authorities have been established, the central body will commence to function according to the new system.

Although in the past a high proportion of the members of the General Council were chiefs or headmen, there was in theory nothing to prevent the emergence of even a majority of commoners. Except in Pondoland, African taxpayers elected electoral colleges, these elected two-thirds of the members of district councils, and district councils in turn elected two-thirds of the representatives from their areas to the general council. The proportion in Pondoland, in each case, was one-third.

Under the new system it will be far more difficult for commoners to gain representation.

The head of the territorial authority will be styled the presiding territorial chief. At each ordinary annual meeting of this body one of its members will be nominated by paramount chiefs, other heads of regional authorities, or the deputies of these persons, to be presiding territorial chief for the ensuing year. In the case of a deadlock the Chief Native Commissioner will make the appointment, subject, as before, to the Governor-General's approval. Members will be all the members of each regional authority.

It is interesting to trace back the voice that commoners will have in the election of members of the territorial authority. African general taxpayers will appoint a maximum of just below one-third of the members of tribal or community authorities; but these appointments must be made in consultation with the local chief, and are subject to the Native Commissioner's veto. Persons so appointed, in turn, elect a maximum of just under one-quarter of the members of district authorities. The district authorities

acting as corporate bodies (and not the taxpayers' representatives on them acting separately, as before) appoint approximately one-third of the members of regional authorities, who will be members of the territorial authority also—the exact proportion will vary in different districts, depending on the number of recognized chiefs there, all of whom are *ex officio* members of regional authorities.

It is clear that commoners will have no hope whatsoever of electing representatives of their own to the territorial authority. Individual commoners who are acceptable to the chiefs or to the Native Affairs Department may, however, be appointed by the chiefs or by Native Commissioners.

The powers and duties of the territorial authority are, again, a broader extension of those of regional authorities. As before, the Minister may vest this body with additional responsibilities, which may include the establishment and maintenance of agricultural schools and provision of agricultural bursaries, publication of an agricultural journal, training of deaf-mute and blind children, provision of assistance to health, welfare and sporting bodies, treatment of tuberculosis, and responsibility for major roads, bridges and water works. The territorial authority may make regulations, which will be published in the *Gazette* and require the Minister's approval, in respect of matters under its jurisdiction. As in the case of regional authorities, should it fail to make such regulations as the Minister considers to be necessary he may, after holding an enquiry, issue regulations which will be deemed to be those of the territorial authority.

One ordinary meeting will be held a year; but the presiding territorial chief or the Chief Native Commissioner, acting through him, may call special meetings. Verbatim reports of proceedings in one of the official languages must be sent to all those who receive copies of minutes of district authorities' meetings, and also to all Native Commissioners in the Transkei.

Between meetings, the business of the territorial authority (including appointment and control of staff) will be carried out by an executive committee, to be styled the presiding territorial chief-in-council, consisting of the presiding territorial chief, the paramount chiefs, and other heads of regional authorities. Members will receive such remuneration as the Minister, after consultation with the territorial authority, may prescribe. This executive must meet at least every two months, minutes of its meetings being sent to the officials mentioned earlier. Between meetings of this executive, in turn, business will be carried out by the presiding territorial chief after consultation with the Supervisory Officer (see next paragraph); the Chief Native Commissioner being empowered to suspend any action contemplated. All decisions in this regard by the presiding territorial chief or the Chief Native Commissioner must be reported at the next meeting of the executive.

### (e) Advisory and Supervisory Powers of White Officials

As has been explained earlier, the Minister has power to veto or cancel appointments to any of the Bantu Authorities, and to make any regulations he deems to be necessary if regional authorities or the territorial authority fail to make them. All expenditure from the treasuries will be controlled. The Chief Native Commissioner may suspend any action contemplated by the presiding territorial chief between meetings of the central chief-in-council. In addition, the Minister may appoint an officer in the Public Service to act in an advisory and supervisory capacity in relation to the work of all the authorities, and each Native Commissioner will act in this capacity in relation to the work of all authorities in his district.

The Minister, any member of the Native Affairs Commission, the Secretary for Native Affairs, the Chief Native Commissioner, the Supervisory Officer and any other officer deputed by the Department may attend any meeting of any Bantu Authority, may take part in deliberations, but will have no vote. So may Native Commissioners in the case of meetings of regional, district, tribal or community authorities, and the Regional Director and Inspectors of Bantu Education if educational matters are to be discussed.

Detailed provisions are made in the proclamation for control of treasuries, approval necessary for expenditure, audits, and so on; and offences and penalties therefore are specified.

### Regional and Tribal Authorities so far Established

The Minister of Native Affairs said in the Senate on 23 April 1956<sup>(2)</sup> that three regional Bantu authorities and 32 tribal authorities had so far been established, 20 of the latter being in the Northern Areas and 12 in the Western Areas. Twelve would be established in the near future in Natal. Another 75 tribal authorities had been established but not yet proclaimed, 31 of them in Natal, 11 in the Western Areas, 31 in the Northern Areas and two in the Ciskei. A further 131 tribes had agreed to the establishment of these bodies, but further planning and administrative work was required before this could be done.

Upon the request of these bodies submitted in the form of estimates of revenue and expenditure, he said, moneys for services previously undertaken by the Native Trust in the areas concerned are made available to the Bantu authorities for the execution of properly planned and approved projects, provided that these bodies agree themselves to bear a reasonable share of the expenditure.

### Voluntary Levies

Numbers of further tribes, for example five in the Northern Transvaal, one in the Western Areas, five in the Transkei and

<sup>(2)</sup> Hansard 11, cols. 2459/60.

five in the Ciskei, have during the year under review agreed to the imposition of a levy on African taxpayers to raise money needed for tribal purposes. Amounts vary from two shillings to £3 per head per annum, the average being £1. Purposes for which the money is required include the erection and equipping of school buildings, construction of dams and bridges, improvement of water supplies, provision of clinics, and, in one case, payment of a monthly allowance to the chief.

There was a court case of some interest during August 1956. Three years previously, the chief of the Bakgatla Bakgafela tribe in the Pilanesburg District of the Transvaal had imposed a levy of one ox or £15 in cash on every adult male member of the tribe to raise funds for the purchase of two farms. A member of the tribe applied to the Supreme Court, Pretoria, for an order directing the chief to make available to his (the applicant's) attorneys or accountants the record of moneys collected. The chief had stated on several occasions that some £15,700 had been raised, he said; but only £14,000 had been spent on buying the farms.

The chief maintained that he owed no account of the expenditure of tribal funds to an individual member of the tribe any more than did the Minister of Finance owe any individual South African citizen any explanation of the expenditure of the Treasury. As an individual the applicant did not have any interest or concern in the tribal funds save in so far as that interest was expressed through the tribal organizations and tribal channels. The judge dismissed the application. He could not accept, he said, whether at common law or in Native law and custom, that a chief was obliged to account to any individual member of his tribe for the expenditure of tribal moneys.

As was mentioned earlier, provision is being made in the Transkei for the control and the audit of tribal treasuries.

#### Meetings of the Minister of Native Affairs with Tribal Leaders

It was mentioned in our last *Survey*<sup>(26)</sup> that during 1955 the Minister of Native Affairs, accompanied by a number of senior officials, had held discussion with leading representatives of the Sotho, Venda, Tsonga and Zulu tribes. Further meetings have since been held with Xhosa chiefs, and with Sotho and Setswana-speaking people from the Orange Free State, Western Transvaal and Northern Cape.

This last *pitso*, held at Rustenburg in November 1955, was attended by some 300 chiefs, headmen and councillors representing about two million people. As at previous gatherings, the official speeches dealt mainly with the implementation of the Bantu Authorities and Bantu Education Acts.

The Under-Secretary for Native Areas talked of the increased status to be afforded to councillors. Some of these councillors

<sup>(26)</sup> Pages 61/2.

are hereditary, he said, but in addition the chiefs could appoint educated commoners provided that they were acceptable to the Department. Chiefs would, in future, have to consult councillors in regard to such matters as use of tribal funds; but they would not need to consult their people, and could no longer be opposed by individual commoners. The Government desired the Africans to grow in knowledge and industry, he added, and to improve conditions in their areas. It was always willing to place the services of its officials at the disposal of the chiefs. But the people must be prepared to give free labour in order to effect these improvements. The chiefs were asked, on returning to their homes, to consider whether the Bantu Authorities Act should be applied in their areas.

#### Accommodation in Urban Areas for Visiting Chiefs

A Departmental Committee has investigated the provision of accommodation in urban areas for visiting chiefs. The first of these guest-houses was opened in Vereeniging during August 1956. There is a bedroom and bathroom for the chief of each main ethnic group represented in the location there, further bedrooms for councillors, a conference room and a dining room.

#### Banishment of Africans from their Homes

Since Union the Governor-General has had powers to order the arbitrary removal of an African whose presence in any particular area is considered to be detrimental to public order and good relations: this power was embodied in a consolidating measure, the Native Administration Act, passed in 1927. Extended powers of summary banishment were later granted to executive authorities in terms of the Natives (Urban Areas) Act, the Riotous Assemblies Act and the Suppression of Communism Act. Further details of these powers are given below. As will be explained later, during the 1956 Session of Parliament the Government added considerably to official powers in this regard.

Banning powers have been exercised from time to time by various governments; but in recent years the number of banishment orders served has increased considerably. During July 1956 there was an allegation in a London newspaper, based on a report from South Africa, that concentration camps existed in the Union to which African agitators were banished; and the *Drum*, a periodical for Africans, published an account of conditions at



one of these so-called concentration camps — Frenchdale, near Mafeking in the Northern Cape.

The existence of concentration camps was firmly denied by the Minister of Native Affairs and by State officials.<sup>(27)</sup> It was said that when an African is found to be responsible for disturbing order, he is sent to some other Bantu area where the people have different tribal affiliations and where he is consequently likely to have little influence. So far as is possible these trouble-makers are sent to widely dispersed places, but as numbers increased to some 98<sup>(28)</sup> it became difficult to avoid sending more than one exile to the same area, and there are six deportees at Frenchdale. Accommodation is provided for these people on Native Trust farms, and they are offered work on the Trust farms or elsewhere in the magisterial district to which they are committed. Should the deportees be unable to work for any reason, or be unwilling to do so, they receive allowances of £2 a month, it was stated.

In a few cases they are restricted to living on a particular farm and require permission to visit villages or towns in the magisterial district to which they are committed; but normally they have freedom of movement within this district. Their mail is uncensored. Should a man so desire, his wife and family and also any cattle he possesses are sent to him at State expense. A deportee has the right of appeal against his banishment once he is in the area to which he has been ordered, and also the right of appeal at any time thereafter for review of his case. All cases of banishment are laid on the Table of both Houses annually, and each year they are reviewed by the Native Affairs Department on the basis of reports received from Native Commissioners.

Mr. John Cope, M.P., visited Frenchdale to investigate for himself the allegations made by *Drum*.<sup>(29)</sup> It is a farm of 2,585 morgen, he reported, situated on Native Trust land west of Mafeking. When a deportee arrives there he is allocated two adjoining rondavels, built by the Trust, and is offered work on the farm—repairing roads and fences, clearing bush, ranging, and so on—at rates of pay from £5 to £6 10s. a month. Should he refuse to work he is not compelled to do so. At first men who were unwilling to work received no allowances, but the Department recently decided to pay them £2 a month. Four of the six deportees then at Frenchdale had been joined by their wives. Each man is allowed to run up to 20 head of cattle, but ploughing is forbidden for reasons of soil conservation. With one exception (made at the request of a local headman) deportees were free to visit Pitsani, a village twelve miles away where there is a store; but they had to notify the police at Pitsani before visiting Mafeking.

<sup>(27)</sup> Press statements by Minister of Native Affairs, *Star* 23 July, and by Native Affairs Department officials, *Star* 24 July and *Rand Daily Mail* 27 July. Also State Information Office Fortnightly Digest of South African Affairs, 17 August 1956.

<sup>(28)</sup> Number quoted by Mr. A. Hepple, M.P. in *The Forum*, October 1956.

<sup>(29)</sup> His report was published in the *Rand Daily Mail*, 27 July 1956.

Banishment orders issued by the Government have given rise to several court cases. Chief Jeremiah Mabe of the Bathlako tribe and five members of his tribe were removed under escort from Mabieskraal in the Rustenburg district of the Transvaal to a Trust farm in the Vryburg district of the Cape, on the strength of a Governor-General's order in which it was alleged that their presence at Mabieskraal was inimical to the peace, order and good government of the Africans living there. During July 1956 this order was set aside with costs by the Supreme Court, Pretoria, on the ground that the Africans had not been given the opportunity of being heard. There were other similar cases, however, in which Supreme Court judges ruled that the State was not obliged to give notice of a removal order before requiring it to be obeyed.

In one of these cases a further appeal was lodged by Mr. J. H. Saliwa, who had been ordered by the Governor-General to leave the Glen Grey district and to live in the Pietersburg district, because, it was alleged, he had been actively conducting or assisting a campaign of antagonism and defiance towards administrative measures in Glen Grey. This order was set aside with costs by the Appellate Division in March 1956, on the ground that previous notice should have been given, on the principle *audi alteram partem*, before Mr. Saliwa was required to move.

This ruling led the Government to seek increased powers.

#### Native Administration Amendment Act, No. 42 of 1956

The Native Administration Amendment Act contained five main provisions. Three were less contentious than the others. Penalties of up to two years' imprisonment or a fine of £20 had been laid down in 1896, in the Natal Tribal Fights Act, for serious contraventions of the Act accompanied, for example, by bloodshed or arson. At the time, a fine of £20 was considered to be a very large one. When introducing the Amendment Act, the Minister of Native Affairs said<sup>(30)</sup> that at present, magistrates wishing to impose a severe penalty were driven to the alternative of imposing a sentence of imprisonment. He thus proposed that the maximum fine should be increased to £200.

Secondly, the definitions in the Native Administration Act of 1927 were extended to include "paramount chief" and "sub-chief" as well as "chief", for the Government felt it was necessary to take into account that there are chiefs of varying status. Thirdly, orders issued under the Act will in future be effective if a copy is left at the last known place of residence of the individual concerned. It will be unnecessary for them to be served personally.

The next provision was introduced as a result of the Siliwa case and similar court rulings. The Amendment Act provides that banishment orders shall be served without prior notice to the person concerned. If an African, after obeying such an order,

<sup>(30)</sup> Assembly 26 April, Hansard 13, cols. 4458/63.

so requests, the Minister shall furnish him with the reasons for its issue and with so much of the information on which the Governor-General's decision was based as can, in the Minister's opinion, be disclosed without detriment to public interest.

The Minister said he was anxious that the African concerned and his tribe should know why he was being removed; but difficulties would arise if this information was included in the removal notice and if the African was then permitted to make representations. If he received previous notice of banishment, he might disappear, or else might accentuate trouble already brewing. After he had proceeded to the district to which he was ordered, however, he could request the reasons for the order, and could then make representations which might, if cogent, lead to further consideration of his case.

A fifth provision of the Amendment Act was the most controversial of all. The Governor-General had previously been *ex officio* Supreme Chief of all Africans in the Transvaal, Orange Free State and Natal. He is in future to be Supreme Chief in the Cape, too, and in that province as well as in the rest of the Union he will exercise the powers vested in him by the Natal Code of Native Law. The Minister said it was advisable to have uniformity throughout the country, and to stress the basic principles of Native Law in view of the fact that the system of Bantu authorities had been accepted by the Africans in all provinces.

Maintaining that the Bill was part of a systematic campaign to place the Minister of Native Affairs above the law, the United Party moved that it be read that day six months.

Opposition members said<sup>(31)</sup> that if uniformity was desired it would be far better to abolish the Natal Code of Native Law in the other three provinces. Many of its provisions were completely outmoded. It had been conceived at a time when Zululand had just passed through one of its worst periods, under Chaka, and was published in consolidated form in 1932. Since then, conditions in South Africa had changed very considerably. The Cape Province was excluded from its application when the Native Administration Act was passed in 1927 because the Africans there were more advanced than in other parts of the country (although some powers similar to those in the Code were possessed by the Governor-General in the Reserves of the Cape). If it was considered in 1927 that the Code was unnecessary in the Cape, this was far more the case at the present time, it was argued, in view of the rapid advancement many Africans had made in education and employment. The measure was part of a campaign to reimpose the tribal system on people who had developed past this stage.

Examples were given of autocratic powers conferred on the Governor-General—in effect the Minister of Native Affairs—in terms of the Natal Code of Native Law. He may order the arrest

<sup>(31)</sup> 26 April and 3 May, Hansards 13 and 14, cols. 4463/9, 4854, 4880.

of any African whom he considers is endangering the public peace, and his detention for up to three months without any recourse to the courts. He may impose a communal fine of £20 upon each or any adult male members of a tribe or community in cases where there is reason to believe that they are suppressing evidence as to the perpetrators of certain offences.

The Governor-General, Minister, Secretary for Native Affairs, a Chief Native Commissioner or a Native Commissioner may command the attendance of Africans for any purpose of public interest or utility or for carrying out the administration of any law, and may require their active co-operation in the execution of any reasonable order.

If a man disregards or disobeys such an order, the official concerned may order his immediate arrest, and, should he fail to furnish a satisfactory explanation, may summarily punish him by a fine not exceeding £10 or a term of up to two months' imprisonment. The African concerned has no legal redress of any kind. So far as he was aware, the speaker said, this power had never been used; but it was surely not right to vest such wide powers over the liberty of the subject in any official.

Another section of the Natal Code excludes the jurisdiction of the courts from pronouncing on the validity of any action by the Supreme Chief in the exercise of his power, and further, from granting any interdict against the actions of any officer acting lawfully as the representative of the Supreme Chief (who is, in effect, the Minister of Native Affairs). Furthermore, Section 24 of the Native Administration Act states that the Governor-General may by proclamation in the *Gazette* amend the provisions of the Natal Code. The Minister was, in fact, being empowered to do anything whatsoever, the Opposition contended. He was assuming the rôle of an absolute despot over more than three-quarters of the population.

In a statement issued to Members of Parliament and to the Press,<sup>(32)</sup> the Institute of Race Relations drew attention to some of the implications of the measure. It maintained that the proposed extension of the Governor-General's power as Supreme Chief to the Cape was contrary to the original intention of the principal Act, which had been to allow the Cape Province to break down rather than to perpetuate the tribal system.

Some ill-feeling was created during September 1956 when the Governor-General paid his first official visit to the Transkeian territories since he became Supreme Chief of the Africans there, in that no function was arranged to enable Africans to greet him.<sup>(33)</sup>

#### Natives (Prohibition of Interdicts) Act, No. 64 of 1956

There are numbers of laws in terms of which Africans may be ordered to leave, or not to enter, specified areas. Location Super-

<sup>(32)</sup> RR, 49/56.

<sup>(33)</sup> *Sunday Times* report, 30 September, 1956.

intendents or registering officers in charge of influx control may order Africans to leave if they are residing unlawfully in a location, or are illegally in an urban area. Should these instructions be disobeyed, a removal order of court, or of a magistrate or Native Commissioner, may be sought. Similar removal orders may be served, after the Africans concerned have been brought before a judicial official, if they are deemed to be "idle or undesirable". Private owners of land may apply to court for ejection orders against Africans squatting on their property, and local authorities may apply for such orders against Africans who refuse to move from a location which is to be deproclaimed. The Minister of Native Affairs may cause banishment orders to be served on Africans deemed to be agitators. Native Affairs Department officials, or African chiefs, may order Africans to remove their kraals from one place to another in rural areas.

In the past, an African has always been able to apply to the Supreme Court for an interim interdict restraining the authority concerned from proceeding with his removal, ejection or arrest, pending an action to set aside the order. An African convicted of disobeying a removal order could appeal to the Supreme Court, and the operation of the order was then suspended pending the outcome of the appeal. But the Natives (Prohibition of Interdicts) Act of 1956 empowers the Minister of Native Affairs to alter this position when he deems such action to be necessary.

Members of the Labour Party and the Natives' Representatives opposed the Minister's motion for leave to introduce the Bill in the first place; and, at its second reading, the United Party moved that it be read that day six months. They were, however, outvoted.

The Act will apply only in respect of such orders or classes of orders, and with effect from such date, as may from time to time be specified by the Governor-General by proclamation. The Minister of Native Affairs said<sup>(34)</sup> it was being placed on the Statute Book as a preventive measure, to be used only when urgently needed, after proof had already been given of resistance in an unreasonable manner.

"Orders", in terms of the Act, include orders of court, and orders, warrants, notices or warrants issued, or purporting to have been issued, under any law, directing that an African shall leave or be removed from any place or area, or shall not enter any place or area, or shall be arrested or detained for the purpose of his removal. In cases where the Act is applied, when an African receives such an order no court may issue an interdict which will have the effect of suspending its execution, nor may the order be suspended pending the outcome of review proceedings or of an appeal.

<sup>(34)</sup> Assembly 7 June 1956, Hansard 19, col. 7138.

Should the Act be applied in respect of a certain order or class of orders after an interdict has already been granted, this interdict will lapse.

If an African, after obeying a removal order, should then appeal against it successfully, the court may order that he be compensated for his actual losses suffered in complying with the order.

During the second reading debate the Minister of Native Affairs gave examples of cases which had caused the Government to consider that the Act should be introduced.<sup>(35)</sup> He said, for example, that when an African is ordered by the Governor-General to move from an area where he is acting to the detriment of his tribe, and when all attempts to keep order have been unsuccessful, he should not be able to remain in the area and to continue agitation which may lead to disorder whilst an appeal is pending. Such a position had arisen in Witzieshoek and in Thaba N'chu, and the authorities had deemed it necessary to detain the persons concerned in gaol for three months, which was undesirable and could be avoided in terms of this new measure.

Klerksdorp Town Council, he continued, obtained approval in 1949 for the abolition of an unsatisfactory old location, and commenced building houses in a new, properly-planned area. Valuers were appointed and compensation paid to Africans who had to be removed. Valuations were, in fact, made three times, on the last occasion by a committee of three arbitrators, of whom one was appointed by the Africans concerned, one by the local authority and one by the Native Affairs Department. Several Africans instituted litigation, which in the end proved unsuccessful, but which delayed the move until 1955, the local authority meanwhile incurring a loss of £60,000.

As a third example, he said that Krugersdorp Town Council purchased a farm on which it intended to establish a new location. There were a number of Africans squatting there illegally. They paid no rent. They refused to obey a removal order and were prosecuted in May 1950, but litigation continued until November 1954 when their appeals were dismissed.

Opposition speakers pointed out<sup>(36)</sup> that the courts do not grant an interdict or a suspension of sentence pending an appeal unless they are satisfied that the accused has a *prima facie* case. An interdict is not granted<sup>(37)</sup> if adequate compensation is possible for damages sustained, but only if irreparable injury is likely to result from the action threatened. The court grants both sides the opportunity of putting their case; whereas an African required to leave an area is not always afforded this opportunity before the order is served.<sup>(38)</sup>

<sup>(35)</sup> Assembly 23 May, Hansard 17, cols. 5945/46.

<sup>(36)</sup> Hansard 19, col. 7053.

<sup>(37)</sup> Hansard 17, col. 5982.

<sup>(38)</sup> Hansard 19, col. 7219.

Examples were given of a number of cases in which the Supreme Court set aside removal orders.<sup>(39)</sup> Should an order prove to be invalid, it may be quite impossible to reinstate or compensate the African.<sup>(40)</sup> He may have been removed from a house which has since been demolished or allocated to someone else, or may have lost his job. He may find it difficult, in the area to which he is removed, to institute legal proceedings, for example, if from there he cannot collect evidence, if there is no attorney near at hand, or if he has been deported as a "foreign" African. Mistakes have occurred in determining the nationality of Africans.

There may be cases in which legal proceedings instituted by Africans prove vexatious to local authorities or the government, it was said,<sup>(41)</sup> but this is no reason for summarily discarding processes which have existed for hundreds of years and have been proved by the trial and error of time to be the right and the safest processes. Because of the multiplicity of onerous and restrictive laws governing the lives of Africans, it is of the utmost importance that effective access to the Supreme Court should be readily available to them, in order that acts of bureaucratic tyranny may be checked. The very pith of natural justice is that there should be equality for all races before the courts of law. This Act discriminates most unfairly against Africans: justice, so far as they are concerned, is becoming a legal fiction.

The Institute of Race Relations circulated to all Members of Parliament a statement<sup>(42)</sup> which was widely used during the debate. A number of its submissions are included in the remarks quoted above. The Institute described the Act as a "charter of official violence and illegality".

The General Council of the Bar discussed the Act at its general meeting in Durban during July 1956. A statement issued at the end read: "The General Council unanimously approved the action of its Executive in having protested against the Natives (Prohibition of Interdicts) Act, at the time the Bill was before Parliament, on the ground that it invades the ordinary legal rights of individuals and that it interferes with the exercise by the courts of their ordinary and proper functions.

#### **Natives (Urban Areas) Amendment Act, No. 69 of 1956**

When introducing the Natives (Urban Areas) Amendment Bill at its second reading, the Minister of Native Affairs said<sup>(43)</sup> that urban local authorities had no power themselves to deal with Africans whose presence in their areas was deemed to be prejudicial to the maintenance of peace and order provided they were legally in the area concerned and were in employment. Under

<sup>(39)</sup> Cols. 5954/57.

<sup>(40)</sup> Col. 5952.

<sup>(41)</sup> Remaining comments from cols. 7055, 5984/5, 5953, 5951, 5957.

<sup>(42)</sup> RR. 28/56.

<sup>(43)</sup> Assembly 8 June 1956, Hansard 19, cols. 7350/7, and 11 June, Hansard 20, cols. 7392/6.

Section 5 of the Native Administration Act, however, the local authority could recommend to the Minister that the Governor-General should issue removal orders.

In recent years several municipalities—Port Elizabeth, East London, Germiston, Pretoria and Brakpan, for example—had recommended that such removal orders be served on certain Africans. The Minister described the circumstances. Germiston City Council, for instance, had requested the removal of four Africans who had organized agitation against all law and order, instituted assaults on individuals who refused to support them, and enforced levies to finance any court cases that resulted. Because of their fear of reprisals, law-abiding residents were not prepared to lay criminal charges nor to give evidence.

Except in the case of East London, where removal orders were served in two cases, he had refused to take action, the Minister said. There was little difficulty in the Reserves. The activities of an African who was creating trouble in one area there could effectively be curbed by sending him to another tribal area where he had no influence or standing. But it was less easy to deal with agitators from urban areas. In the first place, they were unaccustomed to rural conditions. Secondly, the Minister had to decide between spreading them over a whole series of Native areas, to become potential sources of trouble there, or removing them all to one farm, which would then necessarily assume the character of a concentration camp. He was not prepared to adopt the latter method, the Minister said.

He proposed that local authorities should deal with their own difficulties rather than transfer the onus to the State. They were the bodies which gave permission for the entry of Africans to their areas, and should be empowered to order the removal of persons who had abused the privilege of entry. In the exercise of this power, they would have to take public opinion into account.

The Act provides that if in the opinion of an urban local authority the presence of any African within its area of jurisdiction is detrimental to the maintenance of peace and order, it may serve an order on such African instructing him to leave the area within a specified period, and thereafter not to return unless with the local authority's permission. An African who fails to comply with such an order shall be guilty of an offence, and the court convicting him shall order that after he has paid any fine or served any term of imprisonment imposed, he shall be removed from the area by a police officer, and be detained in custody pending his removal.

In amplification, the Minister said<sup>(44)</sup> that an African may appeal against the verdict before the removal order can be carried out, as this is subsequent to the payment of any fine or serving of any sentence imposed. Should he appeal, the merits of his case and of the issuing of the removal order will be investigated.

<sup>(44)</sup> 11 June, Hansard 20, cols. 7394/6.

Such cases will, therefore, not be subject to the Natives (Prohibition of Interdicts) Act. Africans ordered out of an urban area will be able to apply to other local authorities for entry to their areas, or to proceed to any non-proclaimed or reserved area.

The Act provides, further, that at the request of an African who has been ordered out of a town or of a dependant of his, the local authority concerned may remove his dependants and personal effects to his new place of residence, charging any expenses incurred to its Native Revenue Account.

The Minister accepted in modified form an Amendment moved by a member of the Labour Party, in terms of which any local authority which serves a removal order must report forthwith to the Minister, who will lay a copy of this report on the Tables of both Houses of Parliament within fourteen days of its receipt if Parliament is in session, or otherwise within fourteen days of the commencement of the next session.

Should more than one such removal order be served on any African within a period of five years, the Minister may direct a Chief Native Commissioner to hold an enquiry into the reasons why these orders were made. The African concerned shall be present at the enquiry. If he fails to attend he may be arrested and brought there. Should the Chief Native Commissioner so decide, he may order the African not to be in or not to enter any area specified, for such period as it stated, without the permission of the Secretary for Native Affairs. Such an order must be confirmed by the Governor-General; and pending the latter's decision the African may be detained in custody, or else may be released on bail. Should he later fail to comply with the order, he will be guilty of an offence, and the court convicting him shall order that after he has paid any fine or served any prison sentence imposed, he may either be removed by a police officer to any place indicated by the court and be detained in custody pending his removal, or else may be sent to a work colony.

At the second reading of the Bill the United Party, supported by the Labour Party, moved that it be read that day six months. Opposition speakers pointed out<sup>(45)</sup> that gangsterdom was one of the greatest social problems in the world at present, and was not confined to any particular race. It was largely due to a breakdown in family life and morals, and must be dealt with from that angle. Matters were made worse in the African townships, it was said, because the Government had failed to gain the co-operation of the stable elements of the African communities.

In his obsession with the tribal system, the Minister was losing touch with educated Africans who were or would become the leaders. The problem was not one of agitation, but of frustration: the legislation of recent years had struck a very serious blow at the human dignity of these people. It was the duty of the

<sup>(45)</sup> Hansard 20, cols. 7397/8, 7405/6.

Minister and his Department to meet them and to guide them and to hear their views, rather than to suppress them because they said unpalatable things, thus making agitators of them. Unless intelligent steps were taken to remedy the present situation, these so-called agitators were likely to increase rapidly in numbers. Banishment orders were not the answer.

Dealing with the terms of the Bill, Opposition speakers said<sup>(46)</sup> that the whole administration of justice was being brought into disrepute. An African might be ordered to move from his home for some offence unknown to the law without any trial by a tribunal independent of the local authority, which would sit as judge in its own cause. No reason need be advanced for its decision. There was no indication of the steps that were to be taken by a local authority in forming its opinion; no definition of the conduct that might be regarded as detrimental to the maintenance of peace and order; no provision for an inquiry at which the African concerned would be given a hearing.

If an African disobeyed a removal order and was brought before the court, or if he subsequently appealed, it would be most difficult for the court to go into the merits of the local authority's opinion provided this was reached, on the face of it, in good faith.

Speakers pointed out that no provision was to be made for alternative accommodation for Africans who might be ejected in terms of the Act, nor for subsistence until they could find new employment. They might become wanderers on the face of the earth. Other local authorities, and even chiefs in the Reserves, might well be unwilling to admit them to their areas. No exemption was provided for Africans who had been born in the town from which they were to be ejected, or who had worked there for many years. Where were such people to go? Those deemed "agitators" were usually highly intelligent people, often professional men. How could they make a living in rural areas? What would happen in the case of a man who had commenced paying for his house on a leasehold plot? The penalty of banishment, which might be imposed without trial, was far more severe than even a few months' imprisonment for a crime like assault or robbery.

The Minister already had overwhelming powers to deal with Africans who were guilty of subversive conduct, it was said. Very drastic laws had been passed in recent years for this purpose. He was endeavouring to shift his responsibilities on to the shoulders of local authorities; yet he had not even consulted the United Municipal Executive in regard to the Bill.

The Institute of Race Relations, in a statement<sup>(47)</sup> sent to Members of Parliament and to the Press, made a number of points which are covered in the remarks quoted above. It said that a

<sup>(46)</sup> Cols. 7399/7402, 7404, 7422, 7476, 7478.

<sup>(47)</sup> RR. 62/56.

process of elimination of cases that could be dealt with under other laws made it evident that the Bill was aimed at the urban African who dared to exercise the elementary human right of free speech and criticism. Such a person, driven from his permanent home without being granted domiciliary rights elsewhere, would inevitably be forced into conditions of destitution and vagrancy.

Towards the end of the period under review the Mayor of Port Elizabeth was petitioned by 44 municipal voters to call a public meeting and to explain there his request to the Minister of Native Affairs to ban certain Africans from the municipal area, including his reasons for not affording the New Brighton Advisory Board, the Native Affairs Committee of the City Council, and the Council itself the opportunity of discussing the alleged situation before the report had been sent to the Minister. During the same week the Mayor of East London agreed to call a public meeting requested by 50 ratepayers, who asked that at this meeting the City Council should undertake not to invoke its power to banish Africans.

During September 1956 Roodepoort-Maraisburg municipality ordered an African woman, Mrs. V. Hashe, to leave her home by the end of the week following the notice. She has a child aged five, has lived in the location of that town for thirteen years, and her husband was born there. She is secretary of the African Textile Workers' Industrial Union, chairman of the women residents' committee of the location, has led protests against conditions there, and took part in a demonstration at the Union Buildings against the extension of the pass system to women. Her Union appealed to the Mayor to withdraw the order; and after she and her legal representative had met the Town Council, at its request, the order was rescinded.

In the same month Germiston City Council warned four African residents of Natalspruit Township that unless within the next few days they submitted proof that their presence was not detrimental to peace and good order, they would be required to leave the municipal area. It stated that this action was being taken because they had participated in various boycott movements, which were specified, and also in the illegal so-called civic guard, had advocated violence and had sowed discord. The Africans asked for an extension of time, and said it was impossible to answer these broad allegations: unless full details were supplied they would seek a ruling from the Supreme Court. The Council ascertained that it was not legally necessary for them to supply full details, but granted the extension of time. The Africans were, finally, ordered to leave the Germiston proclaimed area.

### Influx Control and Reference Books: African Men

According to figures given by the Minister of Native Affairs during January<sup>(4)</sup> it would appear that in two municipal areas at least—Port Elizabeth and Pretoria—the African population in employment was reduced in numbers between the end of 1954 and the end of 1955 as a result of influx control measures. But this is not borne out by figures given by the Bureau of Census and Statistics. In all cases, however, the figures are but estimates. Recent surveys—for example in Port Elizabeth—have indicated that even the 1951 census figures were most unreliable; and administrators in some of the larger towns admit frankly that they do not know how many Africans are in their areas.

The figures that are given by the Bureau of Census and Statistics, which include African men, women and children, are as follows:

Metropolitan Area	1951 Census	Estimates for 1956
Johannesburg ... ..	465,266	546,000
Durban ... ..	150,732	189,100
Pretoria ... ..	122,407	140,900
Vereeniging/Vanderbijl Park	83,799	130,000
Germiston ... ..	92,224	109,100
Springs ... ..	85,849	87,300
Benoni ... ..	67,147	84,000
Port Elizabeth ... ..	65,110	83,400
Bloemfontein ... ..	56,574	70,800
Cape Town ... ..	49,793	64,900
East London ... ..	39,850	47,300
Kimberley ... ..	26,704	28,400
Pietermaritzburg ... ..	22,892	25,200

It would certainly appear that the African population of the towns is not being reduced. However, influx control and labour bureau measures have probably prevented it from expanding as it would otherwise have done. The Minister of Native Affairs said during May<sup>(5)</sup> that considerable numbers of African work-seekers were being channelled into non-prescribed areas, mainly into agricultural employment. During 1955, 25,331 Africans, or some 2,000 a month, had been turned away from the Witwatersrand and Vereeniging and placed on farms. The monthly figure for Pretoria was about 600, for Port Elizabeth 270, and for Cape Town 100.

As was described in some detail in our last *Survey*<sup>(6)</sup> the Minister and the Secretary for Native Affairs said in January 1955 that in the course of time the Coloured population would be able to fulfil all labour requirements in the Western Province of the Cape. The influx of Africans was merely part of a curve which was still

(4) Assembly 31 January 1956, Hansard 3, col. 671.

(5) Senate 24 May 1956, Hansard 15, col. 3874.

(6) Pages 90/92.

rising but which would have to fall in due course until eventually none remained. Judging from investigations made by the Institute of Race Relations in October 1955, this curve has continued to rise. Rapid industrial, commercial and farming development is taking place in and around the rural towns of the Western Province, and it seems inconceivable that the high demand for African labour will decrease, particularly on the farms and for heavy manual work in the towns.

The question was discussed with large numbers of employers of all types in these areas. Practically all of them emphasized the need for African labour, indicated their preference for a stabilized labour force, and said that for this reason they were in favour of family housing schemes.

By the end of February 1956, 2,231,600 reference books had been issued to African men<sup>(51)</sup> about 766,000 of them in the preceding ten-month period.

There has been some confusion about the extent to which Africans previously exempted from the pass laws retain their privileges under the new system. For some time, officials were themselves unsure of the position, and many Africans have been mistakenly called upon to surrender their exemption documents. There are two types of these. Letters of exemption (the issue of which ceased in 1934) granted exemption from registration of service contracts, Native law and custom, influx control, and curfew regulations. Exemption certificates were similar except that the holder remained subject to influx control regulations. Since the introduction of the new system no further such certificates have been issued.

It has now been decided<sup>(52)</sup> that holders of these documents may retain them and are issued with reference books with green covers instead of the normal brown. They remain exempt from Native law and custom and from registration of service contracts; but all of them will now be subject to influx control, and, unless a Native Commissioner makes a suitable endorsement in the book, also to curfew regulations. Ministers of the Church who are marriage officers, chiefs and headmen, teachers in state, community or state-aided schools, professional men, court-interpreters and registered voters in the Cape, may also apply for these green-covered reference books.

A second type of green-covered reference book is being issued, to persons who do not qualify for the first type but are specially recommended as having given long and faithful service to their employers. These confer no special privileges, except that holders are not required to record their fingerprints as must be done by persons receiving brown-covered books.

The administration of influx control and labour bureaux regulations is a most complicated matter. Officials in the larger centres

(51) Minister of Native Affairs, Senate 24 May 1956, Hansard 15, col. 3877.

(52) Minister of Native Affairs, Assembly 1 June 1956, Hansard 18, col. 6627.

become bogged down with paper work, thus have little time to give proper attention to the needs of employers and of Africans entitled to be in the areas concerned. Long queues form outside their offices, and there is much delay and frustration. This question was discussed by the Johannesburg Non-European Affairs Committee during February 1956. It was maintained that there were ways in which the municipality could simplify its procedure while still complying with requirements; but many people have pointed out that the only satisfactory solution in terms of existing laws would be to treat the Witwatersrand as a single area, Africans being free to find employment in any one of the adjacent municipalities. Alexandra Township, which is just outside the Johannesburg municipal boundary, should certainly be included in such a unit.<sup>(53)</sup>

#### Control of So-called Pass Consultants

It was mentioned in our last *Survey* (page 68) that pass consultants had been conducting flourishing businesses in the larger towns. Many gave genuine help and advice to Africans who were bewildered by the complexities of urban legislation and unsure of how to present their cases to overworked officials at registration offices. There were some, however, who charged exorbitant fees.

Government Notice No. 1080 of 27 May 1955 prohibited anyone (other than an attorney or advocate in cases of appeal) from taking money from an African for giving advice about matters relating to influx control, service contracts or reference books. It was applicable on the Rand and in Pretoria and Verceinging.

This Notice was declared to be *ultra vires* by the Supreme Court, Pretoria, during July 1956, the court thus upholding an appeal by a Johannesburg attorney and his clerk who had been convicted of a contravention by accepting fees for assisting various Africans to register for work. The evidence showed that municipal officials had to handle so many cases that they could not give detailed consideration to any one of them, and that mistakes were in consequence sometimes made. The appellants said that through their help some Africans who at first had been refused registration were later registered, and that they had secured the cancellation of a deportation order served on a man alleged to be a prohibited immigrant but who in fact was a South African. The judge said: <sup>(54)</sup> "I can well believe that it may be necessary to prevent exploitation, but that can be done by compulsory taxing of costs, or laying down a scale of maximum fees, or perhaps by the limitation that paid advice may only be given by qualified persons. . . . It is a fundamental right of the individual to obtain the paid advice of those who have qualified themselves to give it. In my opinion it is unthinkable that the State should deprive the individual of this right."

(53) The difficulties being experienced by African residents of Alexandra Township were described in the *Survey of Race Relations for 1954/55*, page 64.

(54) As reported in *Rand Daily Mail* 17 July 1956.

**Arrests Under the Pass Laws, and Penalties Imposed**

Particularly in the larger centres police raids are held at intervals in both European suburbs and African townships, and thousands of Africans are arrested (it was estimated<sup>(55)</sup> that 4,000 were arrested in a two-weeks' drive in Johannesburg during August 1956). The main purpose is to trap wanted criminals, and the police maintain that an appreciable drop in crime results.

In the process, however, very large numbers of Africans are apprehended for being in the towns illegally, or for not being in possession of the documents they require. It should, incidentally, be borne in mind that the pass laws are so involved that even the police and officials are sometimes confused about the exact documents a particular African does require. Those arrested are taken to various police stations and sorted out. Suspected criminals are detained to await trial. Pass offenders are taken before a labour bureau official and are given the choice of leaving the urban area forthwith and returning to their homes at their own expense, or of facing prosecution, or of accepting such work outside the urban area as the labour bureau can offer. This is generally work on a European farm.

The very large numbers dealt with in this way can be imagined from the statistics given by the Minister of Native Affairs and quoted in the section of this *Survey* dealing with influx control. In theory these Africans are permitted to get into touch with their relatives or employers before leaving; but because of the large numbers involved even this is frequently denied them in practice.

Horrifying evidence has been given of the treatment that some of these men receive. The *Star* on 27 July 1956 told of an African employed as a gardener in Johannesburg who lives at Alexandra Township. When returning home one evening he was picked up by the police. He was able to show that his reference book was in order and his poll-tax paid; but he had no permit to live in Alexandra Township. He was unaware that such a permit is required; but ignorance is no excuse.

After being detained in the cells overnight, he was next morning sentenced to a fine of £3 or one month's imprisonment. Although he could have paid the fine from his savings, he did not carry that amount with him for fear of pickpockets, and he was not permitted to telephone his employer. He was, thus, sent to gaol.

There is a scheme whereby short-term African prisoners, if they volunteer to do so, are sent to serve their sentences on farms, the farmers paying ninepence a day for their services. This man alleged that he did not volunteer. Nevertheless, after two days in gaol during which, he said, he was heavily beaten by an African warder, he was sent to a farm near Heidelberg. As is the usual practice his clothes were removed on arrival, and he was given a sack to wear with holes cut for his head and arms. Somehow or

<sup>(55)</sup> *Sunday Times* 26 August 1956.

other his uncle managed to trace him and paid his fine. He returned to Johannesburg an embittered man.

Then there was the case of Mr. Simon Selane (eventually published in the *Star* 30 July 1956) who was born in Pretoria and lived there all his life. He was thus fully entitled to remain. Through some Departmental error, however, his birthplace was stated in his reference book to be Duivelskloof. When he went, one day in February 1956 to register for a new job, his right to be in Pretoria was questioned and he was sent, on his bicycle, to the Native Commissioner's office. He chose work on a farm as an alternative to prosecution. His bicycle was taken away and he was not permitted to get into touch with his relatives nor to fetch his clothes and blankets. That same day he was sent, with others, to a farm at Bethal to work for the stipulated wage of £3 per month plus food and accommodation. For months, despite repeated enquiries, his relatives heard nothing of him.

When he eventually returned he said that he had been repeatedly thrashed on the farm, so much so that he had spent a month in hospital, and that at the end of his contract he was driven to Bethal station and was paid only 3s. 6d. He walked to Witbank, many miles away, and there sold his jacket to raise money for the train-fare to Pretoria.

The Institute of Race Relations took up this case with the Department of Native Affairs, but received no explanation. Later, however, the Department issued a Press statement (e.g. *Star* 31 July). An official of the labour bureau had visited the farm concerned and the hospital, it was said. It was untrue that Selane had been thrashed: he had been detained in hospital because of a knee condition caused by disease. Conditions on the farm were satisfactory and other workers had no complaints. The reason why Selane received only 3s. 6d. was that he had bought tobacco, matches, an overall, a pair of shoes and an overcoat from the farmer. Selane's bicycle was returned to him.

This statement did not explain why Mr. Selane, a bewildered, illiterate man, had not in the first place been permitted to prove his place of birth, nor to fetch his clothes, nor to communicate with his relatives.

Yet another case was reported in the *Rand Daily Mail* on 14 August 1956. An African, arrested for a minor trespassing offence when he took a short cut, was brought before a court and sentenced to £4 or 40 days' imprisonment. He could not pay the fine. After a few days in prison he was sent to a farm 50 miles from Johannesburg. There, he alleged, he was forced to pick mealies from sunrise to sunset, with not even water to drink all day and only a 10-minute break at 3 p.m. to eat what he could carry in his hands of a dish of mealie porridge and potatoes. He was beaten daily by African foremen, and returned (this was testified to by the District Surgeon) with septic cuts on his arms, hip and back, a head injury



and festering ankles, caused, he said, by blows and by chafing from the rough sack he was compelled to wear and by the heavy 200lb. size sack that was strapped to him in order that the mealies he picked might be put into it.

At night he was locked in a concrete room with between fifty and sixty others, with but one bucket for sanitation, no washing facilities, and one tin of water each for drinking. No time was allowed in the mornings for cleansing these quarters. The men slept on dirty sacks, and three shared one blanket—this in the middle of winter. On return home this man was immediately admitted to hospital. The *Rand Daily Mail* traced another man who had been sent to the same farm and who gave much the same story. The Native Affairs Department issued a Press statement on 15 August to the effect that thorough investigations would be made. The European farmer was subsequently exonerated, but eight African "boss-boys" were charged with assault.

There was the case, too (*Rand Daily Mail* 18 August), of a certified African mental patient awaiting admission to a mental hospital. Because of his condition he was unable to supply the information required for the issue of a reference book, but he carried a letter explaining the position. Yet he was arrested and sent to work on a farm near Springs. It took welfare workers three weeks to trace him; and the social worker who went to the farm to fetch him said that the labourers' compound there was filthy, the sacking used for mattresses was infested with lice and bugs, and the chief diet was potatoes.

It is by no means suggested that all those debarred from the towns are sent to farms where they are ill-treated; but quite obviously under this system of influx control, mainly because of the very large numbers involved, Africans are treated as cyphers rather than as human beings, and increased supervision is required of conditions on the farms.

Considerable ill-feeling was caused when Cyprian Bhekuzulu, the Paramount Chief of the Zulus, and nine other members of the Zulu Royal Family were arrested in Durban, during September 1956 for being out without passes, and were required to pay spot fines as an alternative to detention in gaol. The following month the Paramount Chief's aunt was arrested for a similar reason in Johannesburg when she was returning from a ball and banquet in his honour, and she had to spend the night in the cells. In both cases officials subsequently apologised, and the fines were returned.

During May 1956 two judges of the Supreme Court, Pretoria, concurred in upholding an appeal brought on behalf of Mr. Andries Mahlangu, who had been convicted of entering the Union, or accepting employment, or continuing in employment, without the authority of the Secretary for Native Affairs.

Mr. Mahlangu originally came from Nyasaland, but has lived in Standerton since 1942, and had been in employment there up

to the time that the case was instituted against him. He had paid his taxes regularly, had married a Standerton girl, and had occupied a house hired from the municipality.

The Location Superintendent's evidence was that he had access to documents concerning Africans in the location, and according to these Mahlangu did not possess the necessary exemption or endorsement in his reference book. The judge ruled that the magistrate had erred in finding that there was a case to meet, since the evidence was quite inadequate. The Judge-President commented: "This is so petty—so vindictive—so persecutory. . . . Why not let the man stay? . . . My sympathies are with the accused." He suggested that the Attorney-General should consult with the Native Affairs Department with a view to making exceptions in special cases, in which the interpretation of the law should be benign.

At its meeting in January 1956, the Location Advisory Boards Congress resolved to urge municipalities to administer influx control measures in a more sympathetic way. Members considered that these measures should be abolished. They advocated, too, that when urban youths pay their tax for the first time they should be registered in the town where they live, and not in their father's original district of domicile.

#### Reference Books for African Women

Prior to 1949 the movement of African women was uncontrolled, but then, in terms of a proclamation, local authorities were empowered to impose influx control if they wished. In 1952 Section 10 of the Natives (Urban Areas) Act was amended to include all Africans of working age in the provisions relating to influx to the towns. It was not generally applied to women, mainly because of administrative difficulties; but some local authorities, Bloemfontein for example, did require African women to obtain permits entitling them to remain in the urban area. Those not in possession of these documents are liable to prosecution, and so are persons who employ them.

After the decision that all Africans would eventually be required to leave the Western Province of the Cape and that, meanwhile, influx would be very strictly controlled there, the Government directed local authorities in this area to apply Section 10 of the Act to African women. Cape Town, adjoining municipalities such as Goodwood, Pinelands and Fishhoek, and the Divisional Council of the Cape then commenced issuing permits to women indicating the purpose for which and period during which they might remain in the urban area. The maximum period of validity of these documents is twelve months; but permits for lesser periods, in some cases as short as one month, are issued to women who do not fall into one of the "exempted" classes.<sup>(39)</sup>

<sup>(39)</sup> See *Survey of Race Relations 1954/55*, page 67, for an explanation of these "exempted" classes of women.

Pietermaritzburg, and (early in 1956) Durban, decided to introduce control on a voluntary basis. In Durban the permits are to be called "letters of privilege". The Pietermaritzburg system will be utilized—that is, women applying for municipal housing or wanting help in finding employment must produce the document proving their right to be in the urban area.

At the commencement of the period under review the Government introduced reference books for African women. These have blue covers and are contained in blue wallets. A woman pays 3s. 6d. for the necessary photographs and the wallet. The book is in five sections. The first includes the woman's photograph, identity number, name, racial group, tribe and citizenship. The next has spaces for influx permits, the woman's address, and the parent or guardian's consent to her departure from his control. The third section, completion of which is voluntary, gives particulars of her employment. Next is a section for additional information such as concessions in respect of curfew regulations and Native law and custom. Finally there is a page for particulars of the woman's marital status and the name, identity number and address of her husband, parent or guardian. All African women who have attained the age of 16 will eventually be required to possess these reference books.

They were first issued in Winburg, in the central Orange Free State, in March 1956. Two African women were later convicted of collecting and burning 142 of the books. Since then, officials have visited 36 further small towns to issue reference books—two towns in the south-western corner of the Transvaal, eight in the Orange Free State (mainly in the south-east of this province), and the remainder in the Cape, mainly in the Midlands and south. According to an official Native Affairs Department statement published in the *Star* on 15 August 1956, 23,000 reference books had by then been issued to women.

Demonstrations against "passes for women" have been staged by African women in a number of towns, for example Bethlehem during May, Newclare, Johannesburg in June, Ermelo and Evaton in July and East London in August. The culminating point was a mass demonstration organized by the Federation of S.A. Women at the Union Buildings, Pretoria, on 9 August. The Federation had previously requested an interview with the Minister of Native Affairs, which was refused, and then with the Prime Minister. Members wished, they said, to protest against the extension of the pass system to women. The Prime Minister's private secretary replied that it was impossible to grant an interview, and pointed out that it was not passes, but reference books, that were being issued. The Federation replied that it was only the name that had been changed: Africans were still obliged to carry the document on them, and under the new system their menfolk were still arrested in

thousands. They asked the Prime Minister to reconsider his decision and to grant them an interview.

Some 10,000 African women, bearing 7,000 individually-signed protest forms, gathered in an orderly way at the Union Buildings. Only five of their leaders were allowed inside. They left the forms in the deserted office of the Prime Minister. The forms expressed the fear that women and girls would be exposed to humiliation and degradation at the hands of the police; that they would be arrested if their reference books were not in order, leaving their children uncared for.

The Minister of Labour is reported<sup>(57)</sup> to have said publicly, a few days later, that the Government would take action to prevent further such demonstrations at the Union Buildings.

A resolution strongly opposing the introduction of reference books for African women was passed by the Location Advisory Boards Congress at its meeting in January 1956.

### "Foreign" Africans

No provision exists for the naturalization of "foreign" Africans; but in exceptional cases, where they have obtained exemption under the immigration laws and the Natives (Urban Areas) Act, they are treated on the same basis as Africans from the Union, and are issued with reference books. In general, Africans from other territories who are allowed into the country on immigration permits are not permitted to seek work in urban areas. Those from the High Commission Territories who were already lawfully employed in towns in 1955, when influx-control measures were tightened,<sup>(58)</sup> may stay so long as they remain there uninterruptedly (except for holidays); but Africans from Portuguese East Africa, Rhodesia and territories to the north must depart from the town when they leave their present employment or if their temporary immigration permits are not renewed.

The Government is particularly anxious that all "foreign" Africans should leave the rural as well as the urban areas of the Cape south of the Orange River. The Minister of Native Affairs said during June<sup>(59)</sup> that they could remain in their present employment in order to earn their railfare home; but must go as soon as that employment came to an end. If they then had insufficient money for the railfare, they were placed in temporary employment with the Department of Irrigation in the case of single men, otherwise with other approved persons, and the employers kept back a portion of their wages each month until a sufficiently large sum had been accumulated. The Minister said, too<sup>(60)</sup> that employers in the Western Cape had been asked gradually to substitute Coloured or Union African labour for that of "foreign" Africans.

<sup>(57)</sup> *Star* 13 August 1956.

<sup>(58)</sup> See *Survey of Race Relations 1954/55*, page 69.

<sup>(59)</sup> Assembly 1 June 1956, Hansard 18, col. 6628.

<sup>(60)</sup> Senate 24 May 1956, Hansard 15, col. 3876.

Numbers of fish-canning factories and the O'okiep copper mines were doing so.

About nine years ago a number of members of a sect formerly called the Apostolic Church of God, and now known as the Africa Church, emigrated from Southern Rhodesia via Bechuanaland to Port Elizabeth. Some of them subsequently married Union Africans, and by 1956 there were about 1,357 of them, living a communal life and running a large cabinet, furniture and basket manufacturing business. They are a law-abiding community—among the rules of their life are commandments forbidding smoking, drinking alcohol, swearing and violence. In the nine years of their stay, none of the members had ever been convicted of any crime.

After influx-control measures relating to "foreign" Africans were tightened in 1955, these people were told that they would have to return to Bechuanaland at their own expense. They applied for permission to move to Bethelsdorp, outside the city area, but this was refused. The Cape Eastern Regional Committee of the Institute of Race Relations made strenuous but unavailing efforts to persuade the authorities to alter the decision. An extension of time was, however, granted, until 12 October 1956. Some 170 individuals did leave, but the rest pleaded that they could not possibly raise the large amount—at least £6,500—that would be required for train-fares. The Native Affairs Department replied that if they sold their assets they could raise an adequate sum. A further extension of time was eventually granted: it was agreed during October that they should leave in batches of 25 every fortnight.

#### Control of Meetings or Gatherings of Africans

Government Notice No. 2017 of 1953, as amended, has now been brought into operation, also, in the districts of Port Elizabeth and Humansdorp.<sup>(61)</sup> This Notice provides that, with certain exceptions, no meeting, gathering or assembly at which more than ten Africans are to be present may be held unless the permission of the Secretary for Native Affairs or a native commissioner or magistrate has been obtained.

In terms of the Natives (Urban Areas) Act, Africans are free to hold meetings in locations or townships other than those in which Government Notice No. 2017 of 1953 is in operation unless such meetings have been prohibited by a magistrate after consultation with the police and municipal officials.

In Johannesburg there are traffic by-laws which provide that the Town Clerk's permission must be obtained before gatherings or processions are held in public places. This by-law applies to all parts of the city, and its purpose is to prevent the obstruction of traffic or interference with the convenience of the public generally. During 1955 a magistrate held that it could not be deemed to apply

<sup>(61)</sup> Government Notice No. 354 of 2 March 1956. See *Survey of Race Relations 1954/55*, page 70, for the terms of the earlier Government Notice and districts in which it is in operation.

to African locations in view of the provision of the Natives (Urban Areas) Act mentioned above. But this ruling was upset by the Supreme Court, Pretoria, the court considering that the relevant section of the Act and the by-law were not in conflict, but were complementary.

In June 1956, Johannesburg City Council decided to impose still further control. It adopted a new regulation forbidding the meeting or assembly of more than ten Africans in any part of Johannesburg (presumably including private houses) unless the Town Clerk's permission was forthcoming. Funerals, weddings, religious services, business meetings, sports gatherings and entertainments were excluded from the definition of meeting or assembly. The Town Clerk was empowered to refuse permission if in his view there were reasonable grounds for believing that the holding of the meeting might provoke or tend to a breach of the peace. The whole nature and purpose of control was thus completely altered.

Certain City Councillors contended that the new regulation was an unnecessary, heavily restrictive and unjustifiable invasion of civil liberties. The Institute of Race Relations, the Black Sash Movement and others urged that the Council's decision should be rescinded, and there was a considerable public outcry. In July the Council withdrew the regulation for further consideration.

Regulations were published on 26 October 1956<sup>(62)</sup> for the control of public meetings and assemblies of Africans in locations under the control of the Natives Resettlement Board, Johannesburg. Again weddings, religious services, business meetings, sports gatherings and so on are excluded. In all other cases, those wishing to conduct a meeting within the location must lodge an application in advance with the location superintendent and the district commandant of the Police, stating the nature and purpose of the meeting and the subjects to be discussed. The superintendent, after discussion with the district commandant, may approve, or else may recommend to the Board that the meeting should be prohibited on the ground that it may provoke or tend to a breach of the peace. Before such a prohibition is imposed, the concurrence of the magistrate must be forthcoming. If during the course of a meeting that has been approved any subject other than those mentioned in advance is discussed, or if the meeting becomes unruly, the member of the police or officer of the Board under whose supervision it is held may order its adjournment.

#### Savings of Africans

Although the vast majority of African individuals have very low incomes (this subject is dealt with in the chapter entitled "Employment"), their combined savings in deferred pay and otherwise amount to considerable sums. The Tomlinson Commission

<sup>(62)</sup> Government Notice 1924.

estimated<sup>(63)</sup> that in 1952 nearly £16-million was credited to Africans in the books of principal financial institutions (excluding insurance companies), of the Native Affairs Department and of the Public Debt Commissioners. In addition, burial societies held £1,901,000, and other insurance companies £6,632,000, in policies registered in the names of Africans. The Post Office Savings Bank was the institution most widely used for saving and investment purposes.

The Commission suggested that savings of Africans should preferably be mobilized for the development of the Bantu Areas.

In December 1955 the Native Affairs Department announced that it had been concerned over the fact that some employers were using the interest on savings made in the form of deferred pay for improving African recreational and other facilities on their properties. The value of these properties was thereby increased; but the Africans themselves received none of the interest their savings had earned. The Department thus proposed the general introduction of the system used by the mines, whereby money deferred at their own request from the pay of Africans is deposited with the Public Debt Commissioners. Interest accruing is paid into a special fund dispersed for the benefit of Africans by a special board of control approved by the Minister. Draft regulations providing for such a scheme were circulated to senior officials and major employers for comment.

They were strenuously opposed by many employers — for example, the Natal Chamber of Industries. It was pointed out that the situation on the mines was different from that in industry and commerce, since in the former case deposits were in the main short-term, the interest earned by each individual was small, and the purpose was not saving in the ordinary sense of the word, but to assist African mine-workers in ensuring that part of the money they earned should be of benefit to their families when they returned home. Some of those who commented considered that the savings might be harnessed by private enterprise to help in overcoming the African housing shortage; but it was stated emphatically that Africans should not be deprived of the interest their money earned. The incentive to save would thus be destroyed.

No further public statement in regard to the draft regulations has been made. As is explained later, a Bantu Investment Organization is to be created to mobilize capital for the development of the Reserves.

#### Insurance Study

The Natal Regional Committee of the Institute of Race Relations has been carrying out a study of the operation of insurance companies among Africans. The study included samples from a shack area, a better-class housing scheme and a representative group

<sup>(63)</sup> U.G. 61/1955, page 193.

of African traders, and was designed to ascertain the extent and types of insurance policies held, reasons for holding or not holding insurance, frequency of lapses in payment of premiums, results of claims made, conditions upon which insurance was granted and extent to which these conditions were understood by the Africans, method of operation of agents and malpractices (if any) on the part of the companies. It is hoped that this study will be completed in the near future.

Cases of fraud do occur. In the Johannesburg Regional Court during February 1956, a European pleaded guilty to the charge of conducting an insurance company that was not registered. It was said in evidence that Africans were told by his agent that if they contributed ten shilling a week, after three years they would receive £500—a rate of about 180 per cent. at simple interest.

#### The African Market

Manufacturers of a large variety of goods are realizing that the White market for their products is approaching saturation point, and that future expansion will depend to a large extent on the growing Non-White demand. This is the case, for example, in the Union's footwear industry.<sup>(64)</sup> During the thirteen-year period from 1939 to 1952, footwear consumption by the Non-White groups of South Africa increased by no less than 104 per cent., compared with a rise of only 31 per cent. in consumption by Whites. At present, nearly one-half of all purchases of leather boots and shoes are made by Non-Whites; and it appears that they are increasingly prepared to buy the better grades.

A great deal of attention is being given by industrialists to market research among Africans, and considerable sums are spent on advertising in African periodicals.

#### Expenditure on Africans

The State Information Office has for long maintained, especially in brochures distributed overseas, that White South Africa spends far more on services for Africans than it obtains from them in taxation and in other ways. Using information provided by the State Information Office, for example, the then High Commissioner for the Union said in Edinburgh in February 1956 that education, health and a variety of other services for the Bantu cost the South African taxpayer £30-million a year, a significant figure when it was realized that the total contribution of the Bantu population to the national budget was less than £2-million a year. It is interesting to examine these figures more closely.

<sup>(64)</sup> Information from State Information Office Fortnightly Digest of S.A. Affairs, 25 May 1956.

**(a) Expenditure by the Central Government and Provincial Administrations**

The Tomlinson Commission calculated<sup>(65)</sup> that in 1951/2, central and provincial administrations spent £24,817,500 on services for Africans. In addition, it said, a portion of non-assignable expenditure, for example on justice, the police, transport and communications, could be allotted to Africans—perhaps an amount that could be balanced against their contribution to the income of Union and Provincial authorities, estimated by the Commission at £9,677,000. (N.B. Africans do, of course, contribute to the State's non-assignable *income*, e.g. revenue from transport and communications services. This is not included in estimates of their direct contributions that are given below).

The Controller and Auditor-General, in his report for 1954/5, <sup>(66)</sup> calculates that £23,933,754 was spent by the State on Africans during that year (just under 8 per cent. of the total State expenditure). Provincial expenditure is excluded. What is of interest is that nearly £3½-million of the total was spent on administration and contributions under the Native Services Levy, and nearly £4-million was capital expenditure, well over two-thirds of this on loan account and to a large extent recoverable from the Africans themselves over a period of years.

The Native Affairs Department recently issued a Press statement<sup>(67)</sup> in which it was said that during the current financial year the State and Provincial administrations would spend some £31½-million on services for Africans, plus another £3½-million specially voted for the development of the Reserves. Included in the former figure is £8½-million for Bantu education, a little over £14-million for health services, £3,300,000 for pensions and grants, £180,000 for subsidizing social centres and salaries of social workers, clubs, etc., and £2,480,000 for reclamation and general works in the Reserves and for land purchase.

**(b) Expenditure by Local Authorities**

The Tomlinson Commission estimated that in 1951/2 local authorities spent a net amount of £350,000 on services for Africans—that is, after deduction of income contributed by the Africans.

The Native Affairs Department, in the recent statement, said that 283 municipal authorities would during the current financial year spend some £5,250,000 on services such as housing, health and recreation. The Department did not deduct the income derived from Africans by local authorities, nor did it allow for the fact that some of the expenditure will in the course of time be recovered from the Africans.

<sup>(65)</sup> U.G. 61/1955, para 38.

<sup>(66)</sup> U.G. 46/1955, para 370.

<sup>(67)</sup> *Daily Dispatch* 8 August 1956, and other papers.

**(c) Expenditure by Private Organizations**

The Tomlinson Commission states that in 1951/2 private organizations such as the gold mining industry, churches, welfare organizations and individual industrial undertakings spent £3,456,500 on services for Africans.

**Contributions by Africans****(a) Direct Taxation**

According to the Minister of Native Affairs<sup>(68)</sup> the general tax paid by Africans in 1955 amounted to £2,426,129.

Africans also pay local tax and quitrent, which according to the Controller and Auditor-General<sup>(69)</sup> amounted to about £619,000 in 1954/5. They contributed, too, to general and tribal levies to the extent of some £87,456.<sup>(70)</sup>

Those Africans whose incomes are taxable on the basis applicable to Whites pay income tax instead of the general Native tax. No information relating to amounts paid by them in this way is available.

**(b) Fees Paid**

The Controller and Auditor-General reports that in 1954/5 Africans paid £383,036 in ploughing, dipping, grazing and other fees, squatters' and other rents, and dog tax in African areas.

Further information is given by the Tomlinson Commission, which says that in 1951/2 Africans contributed £280,000 in pass and compound fees, £1,042,000 in licence fees, fines and use of prison labour, and paid £560,000 to provincial authorities.

No reliable figure is available of their contributions to municipal revenue. If the Tomlinson Commission's net figure is deducted from the Native Affairs Department's gross figure, the contribution by Africans would work out at £4,900,000; but the two sets of figures relate to different years and may not have been assessed on the same basis.

In many urban areas Africans pay an educational tax of two shillings a month.

**(c) Indirect Taxation**

Customs and excise duty is collected by the State on tobacco and cigarettes, imported blankets, textiles, earthenware, boots and shoes, bicycles and motor vehicles, petrol and oil, books and papers and very many other articles purchased by Africans. Africans contribute very considerably, too, to revenue from posts and telegraphs, stamp duties and fees, railways and road motor services, and so on.

<sup>(68)</sup> Senate 24 May 1956, Hansard 15, col. 3877.

<sup>(69)</sup> U.G. 47/1955.

<sup>(70)</sup> Full details of the allocations of various amounts are not given in all cases, thus for present purposes these have been somewhat arbitrarily determined by the writer.

The Tomlinson Commission calculated that £5½-million was contributed by Africans in indirect taxation in 1951/2. In recent months there have been complaints at National Party Congresses that too much is being spent on Africans. The Minister of Native Affairs countered this by saying, at the Orange Free State Nationalist Congress in September 1956,<sup>(71)</sup> that Africans contributed £30 to £40-million in indirect taxation annually. (N.B. From this figure should, presumably, be deducted about £3-million accounted for in fees, etc., above).

A further point that should be borne in mind is that the use of African labour makes it possible for the mines, industries and other public companies to show the profits on which very high taxes are paid by them.

#### (d) Conclusion

No clear picture emerges, as the different sets of figures quoted above relate to different years, and the methods of calculation vary. The Institute of Race Relations is attempting to examine the position more fully.

It is, however, clearly evident that it is most misleading to say that the South African taxpayer spends £30-million a year on services for Africans, whereas the latter contribute less than £2-million annually to the national budget.

According to the Native Affairs Department's statement, £35-million will be spent in the current year by the State and Provincial authorities on services for Africans (including the £3½-million especially voted for the development of the Reserves). At an extremely rough estimate based on the figures quoted above, Africans contribute some £5½-million in direct taxation, fees, etc. (excluding income tax), plus at least another £5½-million (but probably nearer £35-million) in indirect taxation, plus further indirect contributions through taxes paid by the mines and industries.

#### Future Policy for African Taxation

The present basis for direct taxation is as follows:

- (a) Every male African between the ages of 18 and 65 pays a general (or poll) tax of £1 a year, unless his income is taxable on the basis applicable to Whites, in which case he pays income tax instead. Provision is made for the exemption of indigents unable to work and of young men attending approved educational institutions.
- (b) Occupiers of land in a rural location pay local tax of ten shillings per hut *per annum*, up to a maximum of £2. Holders of land under quitrent are exempt.
- (c) Quitrents or squatting fees are payable by holders of plots in surveyed or proclaimed rural locations in the Transkei

(71) As reported in the *Star* 15 September 1956.

and Ciskei, and on Crown land in the Transvaal and Natal (other than Zululand). Africans settled on Trust land pay rental to the Trust. Amounts vary from about £1 10s. to £2 a year.

- (d) A general levy of 10s. a year per taxpayer has been in force in the Transkei, and many Africans contribute to tribal levies. Amounts vary, but probably average £1 a year.
- (e) A small educational tax of up to 2s. a year is imposed in many urban areas.

The Minister of Native Affairs has said on several occasions<sup>(72)</sup> that as and when sums accruing to the Bantu Education Account prove inadequate to finance expanding educational services, the balance will have to be found by the Bantu themselves through increased taxation. He did not, however, foresee that increases would be necessary in 1956 or in 1957. Mr. W. A. Maree, M.P., a member of the Native Affairs Commission, is reported<sup>(73)</sup> to have said at a meeting of the Nationalist Jeugbond that considerable larger sums would have to be contributed by the Bantu.

It is, so far, uncertain whether this will be in the form of an increase in the general tax, possibly on a sliding scale instead of at a flat rate, or whether the additional sums deemed to be necessary will be raised by levies, or both. Certainly increasing numbers of tribes are being persuaded to raise money through levies for educational and other services; and the tribal, district and regional Bantu authorities to be established in the Transkei will all, in turn, be empowered to impose levies. Africans in the Transkei may be called upon to pay up to £4 a year to these various authorities.

#### Riots and Disturbances

There has, most regrettably, been a number of riots and disturbances during the year under review. It is clear that tensions are high, and that passions are easily aroused.

#### (a) Clashes with the Police and Officials

One of the most tragic occurred in the Bergville area of Natal during February 1956, when parties of policemen were carrying out a search in African farming areas for illegal crops of dagga. Very heavy penalties are imposed on those convicted of growing or possessing this weed; but the profits are so large that the traffic continues. The reported current price of the drug is ten shillings an ounce. One small police party engaged in this search was attacked by Africans, and five policemen were murdered.

After it had established two beer-gardens for Africans, the Welkom Village Management Board, during March, withdrew permission for home brewing. Shortly thereafter, municipal

(72) e.g. Assembly 4 June 1956, Hansard 19, col. 6769.

(73) *Rand Daily Mail* 16 August 1956.

officials raided the location and found numbers of Africans in possession of home-brewed beer. As they commenced arresting these people, the Africans turned on the officials, who took shelter in the beer-garden buildings. They were besieged there, stones were flung through the windows, and the officials fired back with revolvers. They were saved through the fortuitous arrival of another party of officials, whom the Africans mistook for the police.

In the same month there was trouble at New Brighton, Port Elizabeth, when the police attempted to disperse a procession of some 200 Africans who were armed with sticks. The Africans began to stone the police vehicles, injuring three men; and the sergeant in charge then opened fire with a sten gun. The Africans dispersed, but one of them was killed and at least two others wounded.

The following month, a party of policemen surrounded the beerhall at Western Native Township, Johannesburg, demanding passes and tax receipts from Africans as they left. Large numbers were arrested and were driven off in lorries. When those inside the beerhall heard what was occurring they lost their tempers and pelted the police with beermugs and stones. The trouble then spread—a mob gathered in the main road and stoned passing vehicles. After some time matters quietened down and the police withdrew; but 14 White persons and 29 Africans had by then been injured.

Also during April, African residents of a hostel in Germiston became angry, it was said, over the quality of their food, commenced wrecking the building, and set it on fire. A fire-brigade arrived, but the firemen were warned by an African constable that it would be dangerous to enter the premises. When the police arrived on the scene iron bars, stones and bricks were flung at them, and they opened fire. Four Africans were killed and fourteen people, including six policemen, injured.

Further trouble occurred near the Western Native Township beerhall in August, when a European police constable went there, it was said, to try to sell some clothes to the Africans. Apparently some Africans tried to rob him of the clothes, a fight started, stones were flung at him and at a Coloured policeman who came to his assistance, and he fired back, wounding several Africans. He and the Coloured man were rescued by a passing motorist. Later a party of policemen arrived to take in charge the Africans who had been wounded. The rest then rioted, stoned the police and a passing motorist, and set fire to a car. The police opened fire. One African was shot dead, another fatally stabbed, and five policemen and 23 of the Africans were injured. The Western Native Township Advisory Board urged the appointment of a judicial commission of enquiry into the conduct of the police and the causes of the deterioration of relations between the police and the African people.

### (b) Clashes between Groups of Africans

Not all the clashes have been between the police and Africans, however. There have been riots, too, between different groups of Africans. In Randfontein, for example, residents of the location resented the use of their beerhall by labourers from the mines. An argument between two men led to a general fight. By the time that the police had restored order four Africans had been killed and fifteen injured.

Following a fatal stabbing affray in the centre of Johannesburg during July, an angry mob gathered and moved to a beerhall nearby. They were denied entry as it was closing time, and began an argument with Africans still inside. A fight started, with two mobs throwing beermugs, stones and bricks. After the police arrived they scattered to opposite sides of various streets, continuing to stone one another. Six European pedestrians were injured in the cross-fire, four motor cars and two buses damaged, and four shop windows smashed. Numbers of the Africans were injured.

There has been further trouble between the so-called Russians and other groups of Africans. The "Russians" are of Sotho origin, and as is customary amongst their people, many wear gay blankets over their ordinary clothes. It will be remembered that in 1952 a gang of "Russians" terrorized the people of Newclare in Johannesburg, offering "protection" for a fee, and attacking those who would not agree to be "protected". As no police action was taken, the people formed a civic guard for self-protection. Every week-end clashes between the guards and the "Russians" took place, and finally there was a pitched battle. After that, the civic guard was declared illegal.

In desperation, some 200 families left their homes in Newclare South, where the "Russians" lived, and squatted on a vacant plot across the railway bridge in Newclare North. They remained there for seven months, living in shockingly overcrowded, primitive and unhygienic conditions. It was said that the Native Affairs Department asked the Basutoland Administration to repatriate the leaders of the "Russians", but that the latter insisted it was the Union's responsibility to deal with criminals within its own borders. No action was taken, clashes continued, and conditions deteriorated at the squatters' camp. Finally the municipality moved the squatters to the controlled squatters' camp at Moroka, leaving the "Russians" in possession.

There was, naturally, much resentment, which flares up from time to time. Maintaining that "Russians" were terrorizing their people, the residents of Germiston location formed an illegal civic guard towards the end of 1955. Over the New Year period a series of clashes occurred, during which two Africans were killed and seven injured. Eighteen members of the civic guard were later arrested and convicted of public violence after they had

led a wild mob brandishing axes, sjamboks, sticks and knives towards the municipal offices near where, they said, a lorry-load of "Russians" had been seen.

Fierce fighting, in which 36 Africans were injured, took place in Alexandra Township, near Johannesburg, in July, when a clash occurred between Xhosa and Sotho groups. There was a riot at Newclare in September, resulting from the theft of a blanket from a Mosotho. Members of his tribe poured into the township next weekend, and a fight commenced in which some 800 people were ultimately involved. Police vehicles and passing motorists were stoned, two Africans were killed and about forty injured.

### (c) Rioting at Evaton

Evaton, about 30 miles from Johannesburg and 12 from Vereeniging, has a population of over 50,000 Africans. Some live in a township in which most of the plots are African-owned, some on a number of small farms, which also are mainly owned by Africans, and others in a released area, part of which is owned by the Native Trust. Overcrowding and slum conditions have developed in parts of the area. There is no responsible local authority.

About 2,500 of the Africans are employed in Johannesburg and travel there daily, at one time making use mainly of a private bus service. In July 1955 the bus company decided to increase daily fares from 2s. to 2s. 6d., weekly rates from 15s. to 18s., and monthly rates from £2 5s. to £2 15s. Many of the former patrons then decided to boycott the buses and to use the train service instead. This meant that they had to get up an hour earlier in the mornings and to pay £2 19s. a month; but they argued that through the boycott they could force the bus company to reduce the fares. For a time, it was said, the number of passengers carried was reduced by some two-thirds; but the proportion stabilized at about one-half. Efforts were made to compel people to join the boycott: the buses were picketed, and it was said that passengers were waylaid after alighting, that numbers of persons were opposed to the boycott were assaulted, and that "protection money" was demanded.

Although only a small minority of the people of Evaton ever used the buses, a large part of the population eventually became involved in the issue. The pro-boycotters, led by the People's Transport Council, were mainly of Nguni or Tswana origin, but included some Sotho. It was said that the local leader of the Sotho was not consulted in regard to the boycott, felt slighted, and advised his people not to participate.

The anti-boycotters thus consisted of moderate-minded people with no stake in the issue, together with large numbers of Sotho whose militant wing was the "Russians". Sporadic minor

faction fights took place between the leaders of the boycotters and the "Russians", there were casualties on both sides, a few houses were looted and burned, and relations began to deteriorate seriously, especially during week-ends when, it was said, hired "toughs" swelled the ranks of the participants.

In October 1955 a deputation from Evaton came to seek guidance from the Institute of Race Relations. They were advised to seek an interview with the Native Affairs Department to request that the Department of Transport be approached for a subsidy on either the bus service or the railway fares, in view of the fact that there was no possibility in the near future of those Africans who worked in Johannesburg obtaining housing there. The Institute itself urged the Native Affairs Department to appoint a judicial commission of enquiry to investigate the deteriorating situation at Evaton.

Nothing was done, intermittent disturbances continued, and ill-feeling between the boycotters and the "Russians" became intensified. It was said that at night and during the weekends lorry loads of "Russians" entered Evaton to swell the ranks of the Sotho there. In April 1956 there was a fight in which three people were killed and numbers injured. Then, from June 24-27, there were three nights of complete terror. Pitched battles took place in the streets, one man was burnt to death in his home and six others were fatally stabbed or shot, many were injured, seven houses were burnt down and others looted. Many families left their homes for good. Some two thousand women gathered their children and such belongings as they could carry and sought shelter elsewhere each night: about a thousand huddled in their blankets on the veld outside the police barracks, hundreds took refuge in the homes and shops of Indian traders, others fled to Vereeniging or sought sanctuary in the homes of their White employers.

The police, heavily reinforced, did all they could to keep the peace; but as soon as patrols were out of range groups of men armed with sticks and knobkerries, knives, battle axes, bicycle chains and, in some cases, revolvers, reappeared. The police made numbers of arrests and members of both the "Russian" and the pro-boycott groups were later charged with extortion, robbery, murder, assault, public violence, or being in possession of dangerous weapons.

On June 26, the bus company's legal representative announced that it had reduced the fares to the original tariff because it felt that this would put an end to the rioting and bloodshed. A meeting of some 2,000 Africans decided to continue the boycott. They wanted nothing to do with the company, they said, which had made this offer only after lives had been lost and property destroyed.



Urgent requests for a judicial commission of enquiry were made to the Native Affairs Department by the Institute of Race Relations, the African National Congress, various newspapers, prominent citizens of Johannesburg and others. The Institute drew attention to its previous representations and urged the need for a commission to investigate the cost of transport services in relation to the earnings of the people, the possibility of subsidizing these services, and reasons for the outbreak of violence. No commission was appointed; but a senior police officer was able to persuade the leaders of the two groups to cease fighting. Further violence did occur, however: two Africans, including a church leader, who are said to have possessed vital information in connection with the boycott, were murdered during August and September.

On 7 August the Minister of Native Affairs, in a statement released to the Press, said that a thorough investigation had been made. The restoration of law and order and the handling of offences committed were matters for the police; but the Native Affairs Department was concerned with the proper administration of the area. Its staff at Evaton would be considerably strengthened and augmented, influx control would be instituted, and those not entitled to be in the area would be removed. Two advisory bodies would be appointed, one consisting of representatives of White people and local authorities in the neighbourhood, and the other chosen from the law-abiding section of the African community of Evaton, which included a majority of the people there.

On 19 August the leaders of the People's Transport Council announced that they had decided to call off the boycott because they had "scored a resounding victory". The bus company had restored the original fares and had undertaken to pay a penalty of £500 if it again increased the fares, or if it sold its interests, without prior consultation with the Transport Council. It would adhere to a time-table drawn up by the Council, would build bus shelters, and would employ at least 50 per cent. Non-White inspectors.

Leaders of both sections were brought before the courts. The leader of the Sotho was found guilty of assault with intent to do grievous bodily harm. The chairman and secretary of the People's Transport Council, nine other Africans and three Indians were charged with murder: their trial is proceeding. Three leaders were banished to different parts of the Union.

#### **General Research in Non-European Affairs**

Research projects connected with education, urbanization, employment, nutrition and so on are dealt with in other sections of this *Survey*. Some more general projects are being undertaken, too.

The Executive and Central Committees of the World Council of Churches have authorized their Department on Church and Society to undertake a three-year study of new issues that challenge Christian social thought and action in areas of rapid social change in Asia, Africa and Latin America. It is hoped that the study will enable Christians and churches in the West to understand their responsibilities in the evolution of healthy political institutions, the development of economic welfare, and the building of a new community life. Study will be promoted in specified areas, including South Africa, where it will be undertaken under the auspices of a committee appointed jointly by the Christian Council and the Dutch Reformed Churches. The Assistant Director of the Institute of Race Relations is acting as secretary to this committee.

The Nuffield Foundation has provided fellowships for a study of the Swazi woman; for one, at Natal University, of the functioning of a Zulu tribe under conditions of cultural contact; and for studies, at Rhodes University, of the moral standard and attitudes of Africans, and what Africans expect from education.

Other senior research workers at Rhodes University are studying relationship systems of Africans in a non-industrial city; the Xhosa-speaking population in urban centres of the Border region of the Cape; and aspects of missionary policy as revealed over the years at Healdtown Institution.

The University of Stellenbosch, in collaboration with the Department of Economics and the School of African Studies of Cape Town University, is conducting detailed research into the lives and work of Non-White communities in the Western Cape. A worker at Pretoria University is undertaking a project entitled *Oortredinge Onder Stedelike Jeugdige Naturelle*.

*Indian Life Studies* is being compiled at Natal University as part of the Natal Regional Survey. Two members of the National Union of S.A. Students are conducting a survey of past and present African political movements.

Among many other projects, the National Institute for Personnel Research is constructing interest tests for Non-White nurses, and is studying the relationship between developmental curves and the nutritional status, socio-economic and cultural background of a selected number of African infants.

Amendment Act. These people will still be within reach, if not easy reach, of their employment; but this will not be the case for the Africans of Charlestown, who may be moved there too. These people would then be twenty-five to thirty miles away from Volksrust, near Charlestown, where quite a number of them are at present employed. It is possible that Africans from Dannhauser, Utrecht and Kingsley may also be moved to the Buffalo Flats area—distances ranging between ten and fifteen miles.

The Trust has purchased 2,852 acres adjoining the released area in the Klip River area, north of Ladysmith in Natal, to provide compensatory land for Africans moved from "black spots" in the Ladysmith district. It is negotiating for the purchase of another 7,000 acres there, having met with considerable opposition from White farmers' associations.<sup>(29)</sup>

Efforts have been made to move a tribe of 80 families from a "black spot" near Brits in the Transvaal. A portion of a Trust farm in the same magisterial district was offered in exchange, but the Africans would not accept this. Negotiations with them are continuing.

The Department encountered opposition, too, from the Mamahlola tribe of some 400 families, who have occupied their present land, they say, for 200 years. Some of them grow fruit, vegetables and other crops on this land, which is on a steep gradient near the watershed for the lowveld area. For five years officials have been trying to induce them to move because soil erosion had resulted, threatening the water sponge: finally, in September 1956, they were given a 14-day removal order. A deputation visited the Institute of Race Relations and with its Field Officer's assistance met Departmental officials in Pretoria, pleading for an extension of time and voicing their objections to the farm Fertiles, to which they had been instructed to move. The Minister of Native Affairs then himself visited the tribe, and it was decided that by 30 June 1957 they would move to the planned Trust farm Metz, which is over twice the size of their present area.

#### African National Soil Conservation Association

The Field Officer of the Institute of Race Relations continues to be president of the African National Soil Conservation Association (ANSCA), on the executive committee of which many leading chiefs and other prominent Africans are serving.

The third conference organized by this body, held at Nongoma in Zululand during October 1956, kindled lively interest amongst those who attended it. Officials of the Native Affairs Department gave most valuable practical demonstrations of contouring and the destruction of termites.

ANSCA is planning to establish two regional bodies: in Zululand, where Paramount Chief Cyprian Bhekuzulu and other leaders

<sup>(29)</sup> Minister of Education, Arts and Science (for Native Affairs), Assembly 18 May 1956, Hansard 16, cols. 5695/6.

are giving very warm support, and in the Transkei. An organizer for the latter region has already been appointed, and at present is gaining experience at headquarters. His task will be to organize practical demonstrations with the assistance of Departmental technicians in the endeavour to introduce improved farming methods, and to build up membership of the movement.

As generous grants made by the National Veld Trust have now been spent, the Association embarked on a fund-raising campaign during 1956, succeeding in raising £1,100 in some seven months. It continues to circulate a quarterly newsletter entitled *Green Earth*, also contributes articles on soil conservation to the Press and radio. Attention is being given, too, to the development of land service work in schools.

### EMPLOYMENT

#### The National Income

According to calculations by the Bureau of Census and Statistics<sup>(1)</sup> the net national income of the Union increased from £1,390,600,000 in 1953/4 to £1,456,800,000 in 1954/5, an increase of 4.76 per cent. During the same period the retail price index rose by 2.6 per cent., so that the real national income for 1954/5 increased by 2.1 per cent. However, as the population of the Union increased by 1.83 per cent. during that year, the real net national income per head of the population remained more or less equal to the 1953/4 figure.

The head of the Department of Economic Research and Statistics of the S.A. Reserve Bank reported<sup>(2)</sup> that during 1955 the physical volume of activity in the Union showed only a slight upward tendency, if it did not remain relatively stable.

#### Survey of the Consumer Habits of European Families

It was mentioned in our last *Survey* that Parliament had voted £10,000 for a survey by the Bureau of Census and Statistics of typical budgets of 3,250 White families in the nine main urban areas and in fifteen smaller towns. The object is to construct a new consumer price index which will replace and be more comprehensive than the existing retail price index. It will reflect the overall changes in prices of commodities commonly used by the average family.

Some 10,000 families selected by random sampling technique were actually asked to participate—three times the number needed, to allow for the elimination of families that proved unsuitable because of their composition, their faulty completion of questionnaires, and so on. Electoral officers and magistrates supervised the survey in each area, appointing enumerators to visit the families.

<sup>(1)</sup> Quoted in State Information Office *Fortnightly Digest of S. African Affairs*, 25 May 1956.  
<sup>(2)</sup> Quarterly Bulletin of Statistics, S.A. Reserve Bank, March 1956.

District, run by the Catholic Church, and the other at Klipspruit, Middelburg (Transvaal) District, conducted by the Nederduitse Hervormde of Gereformeerde Kerk.

#### Institute of Road Safety

The Institute of Road Safety has set up a sub-committee on education, which, *inter alia*, is co-operating with the Native Affairs Department in educating Africans in the rules of the road and safety precautions.

### LIQUOR

A fairly full analysis of the liquor laws as applicable to Non-Whites was given in our last *Survey*,<sup>(1)</sup> where it was pointed out that the Commissioner of the S.A. Police had said that the investigation and disposal of hundreds of thousands of cases arising from contravention of liquor laws was costing the country millions of pounds annually. In the experience of the police, there was very little drunkenness among Africans who had been granted permits to buy "European" liquor.

During 1954, 1,854 Whites, 9,358 Coloured people, 678 Asiatics and 211,830 Africans were convicted of offences such as the sale to or possession by Africans of liquor, methylated spirits or yeast, or the holding of unauthorized beer gatherings.<sup>(2)</sup> These figures have probably risen in more recent years: it was reported in the Press<sup>(3)</sup> that during five months of 1956, in the towns of Springs, Benoni, Boksburg and Brakpan alone, there were 1,774 prosecutions for illicit liquor dealing.

Restrictions on sale of liquor to Africans were relaxed in Basutoland some years ago, in the Belgian Congo during 1955, and in Tanganyika, Northern Rhodesia and Swaziland in 1956.

A deputation from the Joint Advisory Boards of Johannesburg met the Chief Magistrate for the area in December 1955<sup>(4)</sup> to plead for a review of the present system in the Union "with the object of discouraging respectable Africans from getting their liquor from shebeens". They suggested that Africans holding responsible positions should receive open permits to buy liquor. The present system of exemption, in terms of which Africans may be granted permits to buy limited quantities, should be extended far more widely, they considered, on the understanding that those who did not abuse the privilege would after a few years be granted open permits.

At its meeting in September 1956 the Institute of Administrators of Non-European Affairs discussed this whole question, deciding to refer it to the Council of this Institute for further investigation.

(1) Pages 227/30.

(2) Report of Commissioner of S.A. Police for 1954, U.G. 54/55.

(3) *Rand Daily Mail*, 24 September 1956.

(4) *Star* report, 2 December 1955.

In the Senate on 30 January 1956<sup>(5)</sup> the Minister of Justice said that the desirability of amending the Liquor Act to entitle Africans to buy light wines and malt liquor had been carefully considered; but for the present it was not proposed to do so.

The Native Affairs Department has announced during the year under review that its policy is to restrict profits on kaffir beer to a minimum, or to ensure that such profits vanish completely. The only reason for allowing local authorities to sell this beverage, it stated, is to combat the evils incidental to uncontrolled brewing.

The Council for Social Research is continuing its research work on the manufacture of kaffir beer.

### RECREATION

#### Community Centres, Clubs and Restaurants

The community centres and clubs described in our last *Survey* have continued their activities during the past year. New developments only will be dealt with in this issue.

During November 1955 the Native Affairs Department informed Johannesburg City Council that it was not prepared to allow the Anglican Mission to develop Church family centres on the six sites it had previously been granted in African townships to use for educational purposes. (It will be remembered that the schools on these sites were closed by the Johannesburg Diocese following the passing of the Bantu Education Act).

An inter-racial social club, on the lines of Durban International Club, has been started in Pietermaritzburg.

The Natal Region of the Institute of Race Relations is pressing for the establishment of a better-class restaurant for Africans in the central area of Durban.

#### Athletics and Swimming

As is mentioned in an earlier chapter, the Division of Coloured Affairs has set up an organization known as the National Association for Vacation-Courses for Coloureds. The fifth course for sports leaders was held at Klaasjagersberg, near Simonstown, in January 1956.

A large sports stadium for Africans is to be built at Orlando, Johannesburg. It will seat some 50,000 people, and amenities for all recognized field and track events, proper fencing, gates and seating, dressing rooms and facilities for refreshment will be provided. Johannesburg City Council donated £15,000 from its Festival budget for this project, while local business men have contributed over £18,000. Another Johannesburg citizen has donated £2,000 for a well-laid-out cycling track at Moroka.

Kimberley Municipality is building two swimming-baths, for Coloured people and Africans respectively.

(5) Hansard 3, col. 376.

Courts and 272 admitted to Work Colonies and Retreats on their recommendation. Their Court interviews frequently led to intensive family social work and to rehabilitative help to discharged prisoners. Prison-visiting provided another means of contact with prisoners, linked prisoners and their families and laid the foundation for constructive after-care. There were 7,772 prison interviews in 1955. Social Services befriended and helped 2,960 families of prisoners of all races during the year and also gave constructive help to 2,450 discharged prisoners.

The formation by the Cape Town branch of the Association of a Panel of Employers willing to co-operate in the placement of selected long-term prisoners on discharge has been an interesting and most successful recent development. Both European and Non-European prisoners have been placed in suitable employment through the Panel and not only have there been no failures over a considerable period but most of the ex-prisoners are now regarded as valuable employees.

Social Services Association, though in receipt of a State grant-in-aid, depends largely on public support.

#### Penal Reform League of S.A.

During the year under review the Penal Reform League has concerned itself with the conditions of release of indeterminate sentence prisoners; the piteous plight of the criminally insane; imposition of sentences of corporal punishment, their execution, and the position regarding appeals; the whole question of legal aid and *pro deo* defences; and the need for the establishment of a proper parole system. Cases of ill-treatment of prisoners working on farms have been discussed with the Director of Prisons. The League is collecting evidence of crime in African townships on the Reef, more particularly of unreported cases. It has urged the Native Affairs Department, so far without success, to give wide publicity to the fact that summary arrests may now be made when unauthorized Africans are found on the premises of Europeans.

Three newsletters and one pamphlet have been issued during the past year.

The Director of the League continues his visits to prisoners condemned to death, whose numbers are still steadily rising. He spent six months overseas attending three conferences and visiting institutions to study questions of penal reform and the right treatment of delinquents. He visited Southern Rhodesia to assist with the formation of a body similar to the South African Penal Reform League, and has addressed large numbers of meetings in various centres of the Union.

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

### The High Commission Territories

At the time of the Commonwealth Prime Ministers' Conference, held in London at the end of June 1956, the following statement was issued by the Commonwealth Relations Office:

"During their visit to London, Mr. J. G. Strijdom, Prime Minister of the Union of South Africa, and Mr. Eric H. Louw, the Minister of Finance and External Affairs, reiterated the Union Government's desire for the transfer of the Protectorates. The United Kingdom Ministers re-stated the position of the United Kingdom Government. Agreement was not reached."

The incorporation of the High Commission Territories would be necessary for the full implementation of the Tomlinson Commission's proposals for the eventual consolidation of the Bantu areas into seven scattered blocks according to the "cultural historical cores" of the people.

When the Tomlinson Report was being debated in the Assembly, after expressing the Government's opposition to the development of industries in the Union's Reserves by White capital and under White control, the Minister of Native Affairs said<sup>(1)</sup>: "That is also the reason why we must be so serious in our efforts to bring the Protectorates in South Africa under the guardianship of the Union, because Natives in the Protectorates are exposed to precisely that same policy. . . . The White man should not penetrate from outside into the economic sphere, and thereafter gradually seek co-domination, to put it at its lowest. If we were to have the Protectorates under our guardianship we would treat them in the same way that we want to treat our own Reserves, viz. by giving the Native the opportunity himself to enjoy the development of those economic resources, as he continues to develop, and to assist them in expanding the markets the Natives will create for one another."

It was shortly afterwards announced<sup>(2)</sup> that a vast development scheme for Swaziland was to be launched with some £75-million of British capital. Among the first schemes to be undertaken would be hydro-electrical power and coal and iron ore mining. A pulp industry would be set up when the 100,000 acres of trees which had been planted in the Usutu forests matured in a few years' time.

### United Nations' Consideration of Racial Policies in the Union

A very brief summary of the third report of the United Nations' three-man *ad hoc* commission on racial policies in the Union was given in our last *Survey*.<sup>(3)</sup>

(1) Assembly 20 January 1956, Hansard 1, col. 192.  
(2) *Rand Daily Mail* 5 July 1956, and *Star* 30 July.  
(3) Page 252.

When the Special Political Committee of the General Assembly of the United Nations decided, in October 1955, again to discuss the Union's racial policies, the South African delegation walked out. Its leader announced that they would refrain from participation in the discussions, but that South Africa reserved its right to vote.

By majority vote the Special Political Committee resolved to recommend to the General Assembly that the *ad hoc* commission be reappointed, and that United Nations should again keep the racial situation in the Union under review for the following twelve months.

The South African delegation, which had returned to vote against this resolution, then announced that it would withdraw completely from the current session of the United Nations, on the ground that the decision constituted a further intervention in the domestic affairs of the Union, in contravention of Section 2(7) of the Charter.

The recommendation by the Special Political Committee was passed to the General Assembly, but there received one less than the necessary two-thirds majority of votes. The Assembly, instead, adopted a resolution commending the commission for its constructive work; noting with regret that South Africa had refused to co-operate with it; asking the Union Government to note the commission's reports; expressing concern that the apartheid policy continued despite United Nations' requests for its reconsideration; and calling on South Africa to observe its obligations under the Charter.

Because of the rejection of the Special Political Committee's draft resolution, the three-man commission on the Union's racial policies was not re-appointed, and the question did not automatically come up for further discussion at the 1956 Session of the United Nations. It was, however, placed on the draft agenda at the request of India supported by other African-Asian nations.

#### **United Nations' Consideration of the Treatment of Persons of Indian Origin in the Union**

The question of the treatment of persons of Indian origin in the Union came up for discussion at the 1955 meeting of the Special Political Committee after South Africa had withdrawn from all proceedings of the United Nations for the year. Discussion of the matter was very brief. The Special Political Committee put forward a draft resolution, later adopted without debate by the General Assembly, urging the Union, India and Pakistan to re-open negotiations for the settlement of this question, and asking them to report back at the 1956 Session.

The Indian delegate announced that his country would take the initiative in asking South Africa to re-open discussions. Later, the Union Minister of External Affairs said: (\*) "There is not the

(\*) Assembly 26 April 1956, Hansard 13, cols. 4435/6.

slightest prospect that South Africa will agree to abandon her attitude in regard to intervention in our domestic affairs. . . . We see no purpose therefore in proceeding with the further discussion of this matter." It was announced in the Indian Parliament during July that the Union had expressed its inability to negotiate further on the question.

At the request of India, the subject was placed on the draft agenda for the 1956 Session of the General Assembly.

#### **United Nations' Consideration of South-West Africa**

Discussions of affairs in South-West Africa by the Trusteeship Committee of the Assembly, which commenced prior to the South African withdrawal, were far more protracted. Five countries submitted a draft resolution, in the preamble to which it was recalled that the Assembly had on several occasions recommended that South-West Africa be placed under the International Trusteeship system; that the International Court of Justice had ruled that while there was no legal obligation on South Africa to do so, the provisions of the Charter provided a means whereby it could be done; and that the Court had also ruled that the United Nations was competent to supervise the administration of the territory, and that competence to modify the territory's international status rested not with the Union alone, but with the Union acting with the consent of United Nations.

The resolution itself requested South Africa to take no action tending to modify the status of South-West Africa without the consent of United Nations. The Union delegate made a solemn protest, maintaining that the draft resolution "impugned the integrity and good faith" of his Government. It was subsequently withdrawn. It was, instead, resolved to recommend that the General Assembly should once more urge South Africa to place the territory under the International Trusteeship system.

The question was then raised of whether it was admissible for the seven-man *ad hoc* United Nations committee on South-West Africa to grant oral hearings to petitioners from the territory. A member of the Herero tribe who had been permitted by the Union Government to study in America had requested such a hearing, as had the Rev. Michael Scott. Against strong opposition from some member-states, who maintained that the oral hearing of petitioners was not in accordance with the procedure of the former mandates system, Mr. Scott, who was present, was invited on to the floor to address the Trusteeship Committee. The South African delegates had by then withdrawn; but, as a further gesture of protest, they announced that their offices in New York would be closed for the remainder of the Session.

Long argument followed as to what should be done with Mr. Scott's statement. One delegate suggested that the *ad hoc* committee should be instructed to act on it; but members of this

committee maintained that it provided no information that was not already embodied in their 1954 and 1955 Reports on South-West Africa. It was finally agreed to recommend that the statement be referred to the committee "for its attention".

At the meeting of the General Assembly, later, a very long resolution was passed, the main points of which were that South Africa should again be urged to place the territory under the International Trusteeship system, and that the question of whether or not it was admissible for the United Nations to grant oral hearings to petitioners should be referred to the International Court of Justice. Further points included were that self-government should be restored to the Rehoboth community; that the views of the *ad hoc* committee regarding discrimination should be transmitted to petitioners in South-West Africa; that this committee be asked to recommend what steps should be taken by the Union Government to fulfil its obligations under the League mandate; and that Mr. Scott's statement be sent to the committee.

The South African Minister of External Affairs said later<sup>(5)</sup> that the Union had refused to submit any statement to The Hague tribunal because it did not agree that the United Nations had any powers of supervision or of jurisdiction in the affairs of South-West Africa. The Prime Minister added<sup>(6)</sup> that South Africa, and South Africa alone, was competent to decide on the administration and future of South-West Africa. It was fully within her power to incorporate the territory as part of the Union: whether or not she would decide to do so depended on how the situation developed. In the meanwhile, although not for one moment recognizing any rights of United Nations in the matter, the Union was prepared to govern the territory in the spirit of the mandate.

At the end of May 1956 the International Court by an eight to five majority, gave its advisory opinion that the United Nations committee should have power to grant oral hearings to petitioners who had first submitted written petitions, provided that the General Assembly was satisfied that such a course was necessary for the maintenance of effective international supervision of the administration of the territory. The dissenting judges pointed out that the Court had previously ruled that in exercising its supervisory powers, United Nations should not exceed the authority of the League of Nations. Since the League's permanent mandates commission had never held oral hearings, such petitions should not be heard by the United Nations committee. The advisory opinion of the majority has still to be considered by the General Assembly.

The seven-man committee met during June and July. It decided once again to inform the Union authorities that it stood ready to negotiate with them. It approved a report in which highly critical remarks were made about the conditions of the Non-White

<sup>(5)</sup> Assembly 26 April 1956, Hansard 13, col. 4437.

<sup>(6)</sup> Senate 21 May 1956, Hansard 15, cols. 3631/2.

inhabitants of South-West Africa and their slow rate of improvement. While the construction of new and improved houses for Non-Whites was noted with satisfaction, the committee deplored restrictions on the movement of Africans and penalties imposed on those entering urban areas without permission. It decided to urge United Nations to re-examine more closely the whole situation in South-West Africa.

The Union's Minister of Native Affairs toured the Reserves of the territory during July, meeting tribal leaders and addressing gatherings of tribal Africans.

#### South Africa's Withdrawal from Active Participation in the United Nations Organisation

The three items mentioned above were again included on the General Assembly's agenda for its 1956 Session.

Speaking in the General Assembly on 27 November 1956, the Union's Minister of External Affairs said that one of the contributory causes of the decline and fall of the League of Nations had been the extent to which each member-state looked to its own national interests. The motive of self-interest existed to a greater degree in the United Nations, where it was aggravated by the fact that delegations generally acted in accordance with the decisions of the group caucus. The United Nations had been powerless to prevent the rape of Hungary, and a tremendous question mark hung over its actions in the Middle East.

At the instigation of the Government of India or for the furtherance of their own policies, a number of member-states had since the first meeting of the Assembly in 1946 acquiesced in interference in South Africa's domestic affairs. There was a strong and growing feeling in the Union that the country should withdraw from the United Nations in consequence. The Government had decided to rely on the hope, however, that the United Nations would return to the ideals and objectives of its founders. Until such time, South Africa's membership would be on a purely nominal basis: it would pay its dues and would continue to follow the proceedings, but would not attend meetings regularly.