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RR. 30/56.  
20.3.1956. ML.

CONFIDENTIAL.

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (INC.)  
SUID-AFRIKAANSE INSTITUUT VIR RASSEVERHOUDINGS (INGELYF)

P.O. BOX 97,

JOHANNESBURG.

POSBUS 97,

20th March, 1956.

AFRICAN TRADE IN URBAN AREAS.

LETTER DATED 16.3.1956 TO THE SECRETARY  
FOR NATIVE AFFAIRS.

"Thank you very sincerely for your letter of 6 January, to the contents of which we have given very careful consideration. The Institute, while it wishes to pursue certain points further, is most appreciative of the full answer you gave to its original letter.

"Your attitude regarding contraventions of section six of the Natives (Urban Areas) Act is, of course, logical and comprehensible. While we follow your argument, we do not share your fears that any leniency would induce the belief that the laws of the land can be disregarded. There is ample evidence in the administration of the law to demonstrate that the law must be obeyed.

"However, we do not consider this the most important aspect of the question of trading rights for Africans in urban areas. The Institute is concerned that it is your Department's policy to restrict all African trading to the Native townships. It considers that your letter does not answer the most important point raised in the Institute's original letter : namely, that if Africans are denied the right to occupy premises in any part of the so-called "white" area, which includes the industrial and commercial sections for the whole town in which the majority of Africans are employed, it will mean that Africans will be denied access to a large, and growing, portion of the African market.

"We note your statement to the effect that henceforth the Bantu will be obtaining an exclusive monopoly to cater for his own people in the separate self-contained areas set aside for them, and that these are areas in which provision is made for practically every possible human activity. You assert that such self-contained areas will differ from normal suburban residential areas, which we regard as analogous to African townships. We would submit to you that unless provision is made for the establishment of industries in African townships, then they are virtually the same as European residential suburbs. We are, of course, making the assumption that it is not the Department's intention to permit industries operated by Europeans to be set up in urban Native townships. If this is indeed so, then these Native townships can by no manner of reasoning be regarded as fully self-contained, for they will lack the very basis of their living : the employment opportunities upon which they depend - and with such employment situated in the "white" area, it is, we submit, logical and just to permit Africans to trade in this area and to grant the exemptions for which the Act makes provision.

"We accept that Africans will find a considerable field for trade in the townships and that they will find it easier to succeed there protected as they are from the competition of European and Indian traders with their greater knowledge and experience and larger capital resources. Nevertheless, a policy of total exclusion of African traders from the areas where all workers spend a substantial part of their earnings will be regarded as unjust, as indeed it is. And even if the number of Africans directly deprived of trading opportunities is small, the very fact of the deprivation will rankle and form the basis for grievance and accusations of discrimination for many more than those directly affected."

Box  
340

C

RR. 57/63.  
B.A. 16/4/63.

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (INC)  
SUID-AFRIKAANSE INSTITUUT VIR RASSEVERHOUDINGS (INGELYS)  
P.O. Box 97 JOHANNESBURG Posbus 97



AFRICAN TRADERS

Copy of a letter dated 11th  
April from the Director  
to the Editor, Cape Times.

11/4/63.

The Editor,  
The Cape Times,  
St. George Street,  
CAPE TOWN.

Sir,

I wish to draw attention to a new policy directive of the Government of which the public seems to be unaware. A circular minute dated, February 14th 1963, has been directed to local authorities. It puts into more concrete and specific terms the policy that the Minister of Bantu Administration and Development enunciated in 1959, namely, that of persuading or forcing traders in urban areas to transfer themselves and their assets to the Reserves. This is part and parcel of the policy given effect to in the draft Bantu Laws Amendment Bill which aims at turning the tide of African migration away from the cities back to the "Bantu homelands".

In 1955, the Institute of Race Relations wrote to the then Secretary of Native Affairs expressing its concern at the announcement that Africans would not be allowed to occupy trading premises in the urban areas except in the Native townships. It was of the opinion that giving Africans the exclusive right to trade in their own urban townships did not compensate for the disadvantages flowing from their total exclusion from all the other sections of the urban area.

In his reply the Secretary of Native Affairs emphasized that "henceforth the Bantu will be obtaining an exclusive monopoly to cater for his own people in the separate self-contained areas set aside for them". He defined these areas to include municipal locations, villages, and hostels, and went on to say "I submit that this has opened up to them a field of unlimited opportunity ..." making possible "practically every form of human activity".

The policy enunciated in the circular involves a complete reversal of this and elaborates the statement made by the Minister to the Afrikaanse Sakekamer in October, 1959. He said he was considering the practical application of a policy to make it clear to African traders in urban areas that their trading facilities were temporary; that they must carry on their businesses in their home areas; that the condition of their staying was that they were there only to build up capital and gain experience for which the opportunities in their home areas were "extremely slight".

Dealing with the threat to White traders of the expansion of the activities of African traders, the Minister was reported to have said that there were two ways of overcoming this threat, namely, restricting Africans to dealing only in goods needed for daily existence and by making the African trader realise that he was in the locations only temporarily.

In terms of the circular, no African traders whatsoever will be permitted in small townships with easy access to "White" towns. In larger townships where access to "White" traders is not so convenient, only African traders supplying daily essential domestic necessities will be permitted.

Existing dry cleaners, garages, petrol filling stations, and other "non-essential" businesses may be allowed to continue until the opportunity arises to close them or persuade the owners to transfer them to the Bantu homelands. The establishment of Bantu controlled financial institutions, industries, and wholesale concerns must not be allowed. "They ought to go to the Bantu homelands". The carrying on of more than one business by any African trader must not be allowed. No one but the local authority will be allowed to provide cinema facilities.

It is the general over-riding policy of the Department, the circular says, not to allow, without good reason, an increase in the number of Bantu residents who are not employees. Where, therefore, it is possible, without due inconvenience, to satisfy the needs of Bantu in towns in White areas from existing businesses in such towns no reason exists for the establishment of trading concerns in the Bantu residential areas, i.e. the urban locations.

The circular concludes by saying that the Department desires that "moneyed Bantu" and "Bantu institutions having the necessary means" should establish themselves in the Bantu homelands to serve their own community, not only in their own interest, but also for the development and upliftment of that community where they, as citizens of such homelands, "will have the fullest right and can aspire to the highest levels in all fields of human endeavour".

I feel that it is unnecessary to comment at length on this directive. The Government has broken promises given in 1955, that Africans could develop fully in urban locations and is now promising Africans the fullest opportunities in the "Bantu homelands". Except for daily necessities, it is ensuring to White traders a monopoly of the big urban African market. South Africa is thus not a "free enterprise economy" for Africans. The Government is denying one of the most able sections of the African people the right to develop capitalist enterprises in the urban areas and offering the limited, "extremely slight" opportunities in the poverty-stricken Reserve areas as compensation. It is again demanding that the cost of "apartheid" will be borne by the Non-White. Where the Government has given White traders in the Transkei an assurance of real compensation for deprivation of trading rights there, it gives none to the urban African trader. In effect, it applies coercion should persuasion fail to move the African trader. The policy directive is designed to protect the strong White trader against the weak African trader. In 1959, there were 1682 African traders in all types of business in all the African areas in Johannesburg which have a population of about half-a-million. These constitute no threat to the White trader nor to Government policy. Even if Government policy is fully implemented in the future, and all Africans in urban areas become temporary sojourners, it is unjust to deny Africans the right to trade with their own people.

I believe that it will create bitter dissatisfaction and disaffection amongst the most enterprising and stable elements amongst the urban African community. It will add to resentment and race relations will further deteriorate.

Quintin Whyte, (Signed)  
DIRECTOR.

RR. 21/64.  
B.G. 28.2.64.

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (INC)  
SUID-AFRIKAANSE INSTITUUT VIR RASSEVERHOUDINGS (INGELYF)  
P.O. Box 97 JOHANNESBURG Posbus 97

COPY OF LETTER SENT 28 FEBRUARY, 1964.

The Hon. the Minister of Bantu  
Administration and Development,  
House of Assembly,  
CAPE TOWN.



Dear Mr. de Wet Nel,

BANTU LAWS AMENDMENT BILL OF 1964.

While the Institute realises that there is a wide divergence in principle between the Government's objectives and those in which the Institute itself believes as being conducive to greater racial harmony and to the peaceful and prosperous development of the country, it nevertheless urges the Government to mitigate hardship and obviate human suffering by amending the Bill in the ways suggested below and reassessing the implications of certain of the proposed changes in the law.

1. Having studied the Bantu Laws Amendment Bill of 1964, the Institute considers that, while there are some welcome omissions of clauses contained in the 1963 Bill, to which the Institute together with many other bodies raised the strongest objections, the motive of the present Bill remains the same as that of 1963. Its general effect will be to increase controls over the presence and employment of Africans throughout all parts of the Republic outside the Reserves, to leave them with no enforceable rights of movement, employment and residence, to direct rather than to guide labour, and gravely to restrict the rights of urban Africans to live under conditions of family life.
2. The Institute expresses its deep regret and concern at this manifestation of Government policy because it is convinced that by its contemplated actions the Government will cause a further deterioration of race relations and by imperilling the security of the majority of Africans imperil the security of all peoples in the Republic.
3. The Institute draws attention in particular to the additional powers with which the Government proposes to assume over Africans who under present legislation (Section 10 (1) (a), (b) and (c) of Act 25 of 1945) have acquired the right to reside in an urban area. The Bill (Clause 8, proposed new Section 21 ter (8) and (9) in Labour Regulation Act, and Clause 48) lays down the new provision that such Africans who have domiciliary rights in a prescribed area will require permission from a labour bureau to enter into or be in employment. Refusal by a labour bureau to register their contract of service or cancellation by a bureau of an existing contract service can, if the order is confirmed by the Chief Bantu Affairs

Commissioner, entail their being ordered to remove from the town. The very introduction of this provision nullifies the value hitherto attributed to acquiring residential qualifications and seriously undermines the security of Africans with these qualifications.

4. The Institute regrets this deeply. It is of opinion that in addition to undermining security, it will heighten instability, discourage Africans from acquiring that sense of belonging to a community which is essential to the development of ordered social life, and inhibit the growth of an African middle class. The Institute is convinced that this middle class, demonstrably desirous of adopting Western standards and values, can play a decisive role in tempering and moderating extremist nationalism. By embittering this middle class, as the proposed legislation will undoubtedly do, the Government will alienate that section of Africans whose sound development and support are essential to the peaceful progress of the Republic.
  
5. The position of the dependants of Africans with urban residential qualifications has become increasingly ambiguous over the years. When the provisions relating to the right to be in an urban area were introduced in 1952, the wife, unmarried daughter, and minor son of a qualified African were entitled to remain in that area. A subsequent amendment provided that this right applies only if such dependant "ordinarily resides with that native". This provision has been differently interpreted by different local authorities and has in certain towns been interpreted to mean that unless a wife was resident with her husband from the time these influx control provisions came into force or qualified in her own right, she could be refused permission to be in the town or to enter the town to join her husband. The proposed amendment in the present Bill (Clause 47) provides that if such dependant "after lawful entry into such prescribed area, ordinarily resides with that Bantu in such area" the dependant will qualify to remain in the town. The White Paper states "that the proposed amendment sets out more clearly that before such qualification is acquired, that wife or child must normally reside with that Bantu in that prescribed area and furthermore that the wife or child must initially have entered that prescribed area lawfully".
  
6. The Institute submits that the proposed amendment does not, as suggested by the White Paper, clarify the position. The White Paper seems to imply that a dependant must reside with a qualified African before becoming qualified to do so. This cannot be intended. The amendment itself does not alter the existing position which, as already stated, is ambiguous, beyond stipulating that entry must be lawful. It does not make it clear, for instance, that an unmarried man qualified to remain in a prescribed area is entitled to marry a woman from outside that prescribed area and thereupon have her reside with him. It does not make it clear that the wife and children of a man who have been living outside the prescribed area are

entitled to join him in that area once he acquires residential qualifications. In view of these difficulties and ambiguities, which allow of differing interpretations and open the way to the exercise of arbitrary discretion by officials, the Institute requests that the words "and after lawful entry into such prescribed area, ordinarily resides with that Bantu in such area" be deleted. Sub-section 10 (1) (a) and (b) of Act 25 of 1945 would then clearly mean that the wife or child of a qualified African has the right to be with him in the prescribed area. The tenuousness of marital bonds and instability of family life are already grave social problems in the creation of which the system of migratory labour has been a major contributory cause. While the amendment now under discussion applies only to one section of the  $3\frac{1}{2}$  million Africans in urban areas, and cannot therefore be regarded as dealing with the major problem of disruption of family life in general, the Institute stresses the necessity for refraining from placing further obstacles in the way of maintaining family life within at least this one group.

7. In terms of Clause 8 (proposed new Section 21 ter (6) (b) (vi) in Labour Regulation Act) a labour officer, with the approval of the Secretary of Bantu Administration and Development, may refuse to sanction the employment of an African or cancel the service contract if he considers that this service contract is not in the public interest. The provision constitutes gross interference with the right of employers and employees to manage their own affairs and enter into contractual relationships. Furthermore, it lends itself to abuse, particularly to the dangers of corruption and victimisation. The Institute urges that this clause be deleted.
8. The Institute notes the new grounds on which Africans may be deemed to be "idle" or "undesirable", and, particularly, the fact that it is proposed that Africans who qualify to remain in a prescribed area may be dealt with under this Section, possibly thus forfeiting their residential rights. It urges that these provisions be deleted. (Clause 61).
9. It is stated in the White Paper that the proposed aid centres "will be no gaols and a Bantu will not be compulsorily detained therein". The accuracy of this statement appears to be doubtful in view of the fact that arrested persons may be taken to such centres and that courts may be held there. (Clause 12, proposed new Section 28 ter in Labour Regulation Act).
10. The Institute reiterates its opposition to the proposed exclusion of all African traders, including hawkers and pedlars, from prescribed areas outside Bantu residential areas. (Clause 31). It submits that exclusive trading rights granted to Africans in Bantu residential areas are not the equivalent of trading rights granted to Whites in White suburbs. It reiterates its opinion that the commercial and industrial sections of the town should be open to all racial groups, for it is in these areas that persons of all racial groups conduct the bulk of their business.

11. The Institute notes that it is proposed to deprive all farm workers, including full-time employees, labour tenants and their dependants, of any security of employment and residence. It views with particular alarm the proposed provision enabling the authorities to issue a second removal order to an African convicted of being in an area unlawfully if, on arrival at the first place to which he has been removed, the Bantu Affairs Commissioner considers that there is no suitable accommodation for him there, or that he has no proper employment within a reasonable distance of the place concerned. (Clause 20, proposed new Section 26 bis (7) in Trust and Land Act. Also Clauses 23 to 35).
12. The Institute welcomes the suggestion that unqualified "pass consultants" should be prevented from practising for reward. It nevertheless trusts that the Minister will make it clear that the presumption contained in Clause 73 (proposed new Section 43 sept in Urban Areas Act) will not have the effect of depriving Africans of the advice and assistance at present given to them free of any charge whatsoever by the Institute or by a non-profit making organisation registered as such under any law for the time being enforced, or by any other recognised voluntary organisation acting solely on compassionate grounds.
13. The Institute is perturbed over the proposal that it should no longer be obligatory for the Government to consult with every tribe or community concerned before establishing a Bantu Authority (Clause 78). This would be a regrettable departure from previous practice.

We shall be very grateful if you will give consideration to these points.

Yours sincerely,

Quintin Whyte  
Director

1 December, 1966.

The Honourable,  
The Minister,  
Department of Bantu Administration and Development,  
P. O. Box 384,  
PRETORIA.

Dear Sir,

The chairman of the Southern Transvaal Regional Committee of the S.A. Institute of Race Relations has brought your letter of 25 October, to my attention.

I wish to acknowledge receipt of this letter, and note that you are not prepared to give further consideration to the representations made by the Southern Transvaal Region in regard to trading rights of Africans in urban townships, which you dealt with in your earlier letter of 24 August.

I wish, however, to express both surprise and consternation at your explicit denial in the last three lines of your letter of the rights of the Institute to make such representations to you. The Institute has not in the past claimed, nor does it now claim, to be entitled to any special privileges. It has merely claimed, as it now does, to exercise the right, inherent in a democratic state, of all organizations, and indeed of all citizens, to make approaches to both public and private authorities.

The Institute has always sought, in making submission to public representatives, central, provincial or local, to deal with matters which fall within its own sphere of activity and interest and upon which it feels itself to be informed. I consider that there was no departure from this practice in the particular instance now under discussion and accordingly feel it is my duty to assert the Institute's right to make these representations to you.

Yours faithfully,

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DIRECTOR.

B.H. Tyle

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The Institute has always sought, in making submissions to public representatives, central, provincial or local, to deal with matters which fall within its own sphere of activity and interest and upon which it feels itself to be informed. ~~(and to know the attitudes and wants of the people concerned)~~ I consider that there was no departure from this practice in the particular instance now under discussion and accordingly feel it is my duty to assert the Institute's right to make these representations to you.

*Yours faithfully*

*[Handwritten signature]*

Interviews: Dr Smith, Dr Spencer, Dr Harcourt

I Letter  
II 400,000 - 500,000 out patients

2000 T.Bs.

16500 births dealt with (only 19000)

✓ Dentist - one - partly C.H.D. - private practice difficult

→ General area = health education

✓ 12-13 African private practitioners

Dent articles C.H.D. will be affected by B.B.A. Act.

✓ 300 nurses on staff

○ 1. Mammal clinic

✓ 6 C.H.D. clinics

✓ C.H.D. function preventive - incl. curative services.

✓ Infants mortality rate now down to the European level

✓ Nothing for handicapped, deaf, dumb etc.

✓ Drs do better in private practice

✓ Not enough Drs turned out.

Lebanese - Indians - etc white can practise

Up to St II - C.C. - levy → R85000 p.a.

R114000 pa is spent

Secondary.

Loans - where from whom get.

Bank of Hong Kong } wh. dept  
Comm Dev. } ..

329 LP } 81st Soviet.  
392 H.P. }  
107 Sec }

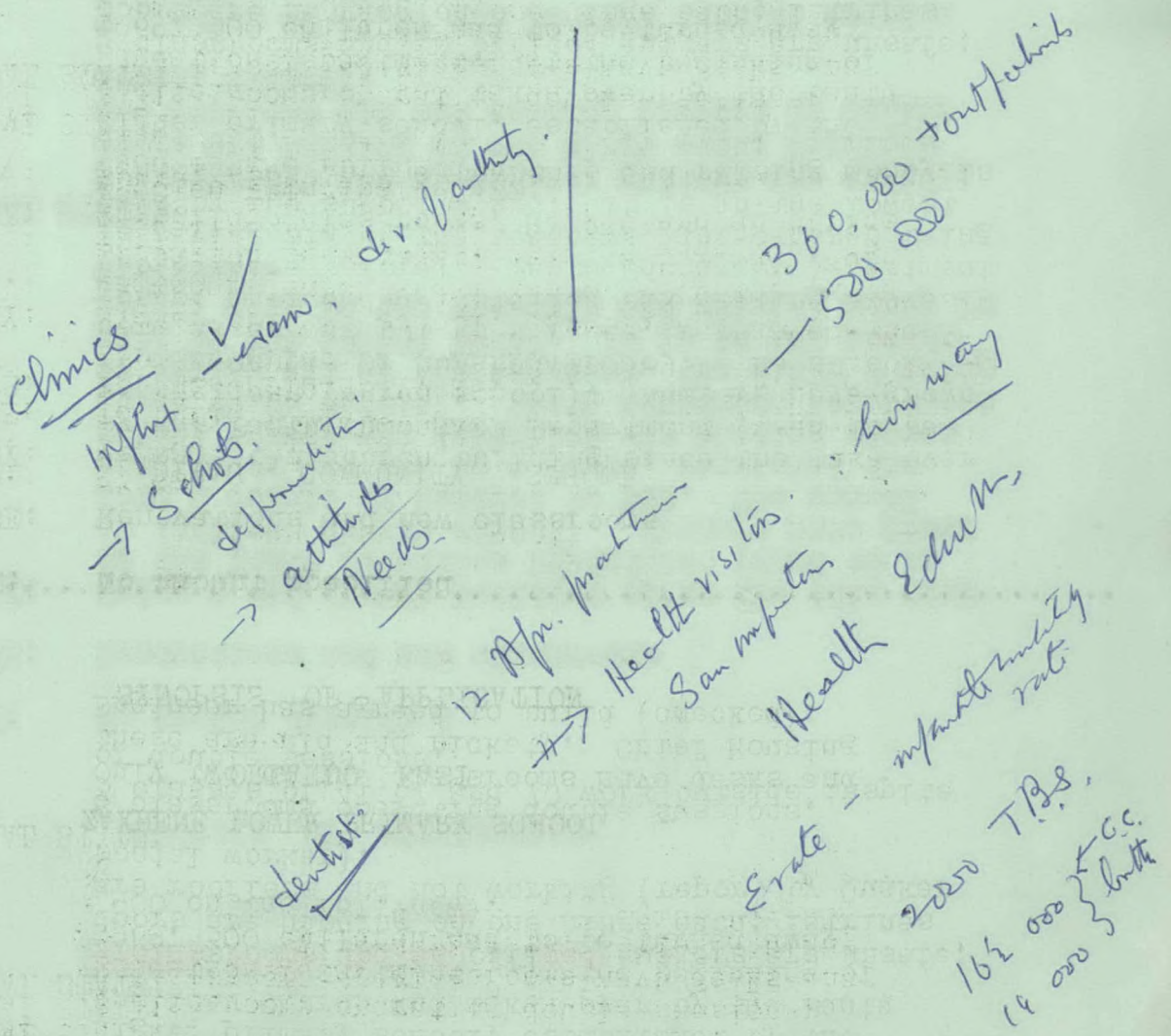
55% under 20 in Soviet

44 many schools

Sat mornings

June 1969  
1036 for notice

1. Consulting rooms: what was practice  
Who got them: Indian, Chinese, Whites, Africans.
2. Present position: official: can D<sup>rs</sup> practice from  
own homes.
3. If take Swete alone how many d<sup>rs</sup> for  
the 500,000
4. → Are the number of clinics enough?
5. ✓ Birth control: post- & ante-natal clinics?
6. ✓ Plans for handicapped children?
7. ✓ care blind, deaf & dumb catered for: Eye hospital: TB  
man road 12
8. + attitude of ~~the~~ African doctors
9. + attitude of patients to African & white D<sup>rs</sup>
10. What number of nurses on staff: statistics of cases.
11. ✓ + if he had the money, how would he visualize using it
12. Training of African D<sup>rs</sup>: what's bottle-neck?
13. Meadowslands
14. ✓ Kenanga
15. Salary scales
16. ✓ Ophthalmics - in control
17. ✓ Bantu Communities Board, Mill & Services
- 18.



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