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EVIDENCE SUBMITTED BY THE  
JOHANNESBURG JOINT COUNCIL OF EUROPEANS AND AFRICANS  
to the  
NATIVE LAWS COMMISSION.

SECTION A.

1. The Johannesburg Joint Council of Europeans and Africans, after careful consideration of the questions framed by the Commission under its three different terms of reference, is of opinion that two methods of submitting evidence present themselves: to answer the Commission's questions in the order in which they appear; or to enunciate, in the first place, the basic principles which determine the overall attitude of the Joint Council and, thereafter, to deal with specific questions. The questions posed by the Commission fall into two categories, namely, those which admit of the introduction of new principles in the administration of urban Natives (e.g. 1 and 8), and those which imply the continuance of the status quo and implicitly ask for suggestions regarding modifications of present administrative measures (e.g. 7, 12). In the opinion of the Joint Council, these two categories of questions cannot be answered without differentiating between them. If policy is to be based on principles other than those accepted as operative to-day, as will be suggested below by the Joint Council, then certain questions become irrelevant and fall away. If this new approach is not adopted in the Commission's findings, then suggestions regarding possible modification of the detail of existing administration are relevant. The Joint Council, in view of these considerations, will, therefore, submit its evidence in line with the second method outlined above.

2. In order to deal with the general principles involved, the Joint Council believes, in accordance with the procedure adopted by Mr. D. Molteno, M.P., in his evidence to the Commission, and for the same reasons, that it can best proceed by reversing the order of the terms of reference of the Commission.

The whole intent of the Natives (Urban Areas) Act, as its history demonstrates, and of a number of the pass laws with which it is inextricably bound up, is to administer a population which is not conceived of as permanent and which is predominantly migratory in character. Legislation and administrative procedure have been so framed as to restrict the Africans' mobility and right to sell their labour freely, and the urban areas have very clearly been regarded as centres in which Africans are admitted on sufferance, as a privilege, and not of right. "The view has come to prevail" states Mr. J. S. Allison, former Under-Secretary for Native Affairs in a review of Urban Native Legislation, "that the urban area is to be regarded as an enclosure where the European interest is paramount and within which the Native may only be permitted more or less on sufferance." (1)

3. It, therefore, seems to this Council the more logical course to consider first what are the economic goals which South Africa must set itself, i.e. a consideration of the question of migratory labour which is firmly entrenched in the Union's economic structure, and thereafter to consider the operation and possible alteration of urban areas legislation. In other words, agreement must first be reached on how the "European interests" - which are assumed to be the interests of the maximum development of the country as a whole - can best be served before the answer to the place of different racial groups in the urban and industrial structure, can be attempted.

4. In view of the comprehensive and well documented analysis of the present economic structure of the Union and of the economic aims to which future policy should be directed, presented by Mr. D. Molteno, M.P., and in order to avoid repetition and taking the Commission over ground which it has already covered, this Council wishes to place on record its endorsement of Mr. Molteno's thesis and to confine its own comments to stressing certain significant aspects.

5. a. The national income of South Africa in relation to its total population places the Union among the poorest countries in the world. According to Colin

(1) Race Relations, Vol. VII, No. 4. p.59.

Clark, the following were the national incomes per head of population for various countries expressed in International Units for the years 1925 to 1934:-

U.S.A.	1381
Canada	1337
New Zealand	1202
Great Britain	1069
Australia	980
Holland	855
Norway	539
Greece	396
Japan	353
U.S.S.R.	320
Egypt	300-350
South Africa	276 (1)

b. The general poverty prevalent in South Africa is one of the central themes of the Report of the Social Security Committee, which stresses that with the present estimated average incomes - £125 for Europeans, £25 for Coloureds and £10 for Natives, i.e. 7/-, 1/4 and 7d. per head per day - "Income redistribution even when pushed to extreme lengths cannot at this stage eliminate poverty in the Union." (ii) Discussing the financing of the Social Security Programme, the Social and Economic Council concludes that "While the social programme outlined constitutes a necessary minimum, its full implementation by 1955 would require that the income level be raised concurrently by probably at least 50% (iii). The Council urges that such an increase be the "nation's resolve".

c. If this "resolve" is to be carried out, then the economic structure of the Union must be greatly modified, as pointed out and fully documented by the Third Interim Report of the Industrial and Agricultural Requirements Commission. This Report stresses that whereas 64% of the total population of South Africa is engaged in Agriculture, only 12% of the national income is contributed by agriculture. In New Zealand the labour of one man in farming can supply an optimum diet for 40 people, in Australia for 25, in Poland for 3. New Zealand feeds herself adequately by utilizing only 8.6% of her labour force. In South Africa it appears that more than half the population is engaged in food production, while the country yet remains subject to violent food crises and suffers from shortages. While there has, over the last two decades been a marked shift from country to town of the European population so that to-day approximately one-third of the Europeans are in the country (as also Indians and Coloureds) it is estimated that roughly four-fifths of the Africans are still on the land, i.e. they are primarily agriculturalists. The Report, therefore, repeatedly urges the transference, particularly of Africans, from Agriculture to Industry.

d. Under the existing structure, this transference is continually taking place on a temporary basis. Only roughly one half of the Native population live in Native areas, but most of the families, with negligible exception, are unable to maintain themselves on the land available to them. Of the remaining half, roughly three-fifths live on Crown lands or European farms, the larger part being labour tenants who look to the sale of their labour away from the land or farm on which they live for the necessary supplement to their income, without which they cannot meet their minimum needs. This section has no right to land and very little prospect, as Mr. Molteno points out, of acquiring such rights. But even within the Native areas, landlessness, estimated for various areas to affect from 8 to 30% of the families therein, is assuming ever more threatening proportions.

e. The present system of migratory labour and a fluctuating and unstabilised Native population is conditioned by the land policy of the Union, whereby Africans are to all intents and purposes prevented from acquiring land, and by the conditions in the Reserves, where a form of tribal tenure is maintained and the principle of "one man, one lot" is observed. This system, coupled with extremely inefficient agricultural methods, has produced a steadily increasing land deterioration and poverty. The Native Economic Commission, as quoted by Mr. Molteno, stated 14 years ago "This involves the maintenance of a system which cannot continue except on a very low economic level".

(i) "Labour and the New Economic Policy" - Eleanor Hawarden - p.7.  
(ii) U.G. 14- 1944 pages 5 and 6.  
(iii) U.G. 14- 1944 page 82.

f. This system, which compels the men to leave their homes so as to sell their labour, is approved by the most important single industry in the Union, the mining industry, which is based upon migratory labour and claims that the perpetuation of this system is necessary to its own survival, as, if it had to pay a family wage instead of the present individual wage, a number of lower grade ore mines would be compelled to close down.

g. The conflict between the needs of the mining industry, whose products are sold outside South Africa at a fixed price, and those of developing secondary industry, which has to look to an internal market and postulates a rising standard of living if it is to develop, is growing.

h. The African population, due to the operation of this system, does not consist of peasants and industrial workers, but lives precariously with one foot on the land and one in industry. It is a population on an extremely low level of productivity, rooted neither in town nor country and lacking the traditions which are necessary to develop an efficient farming and industrial working force. Its skill, due to the intermittent and changing nature of its work, is not developed and, with the exception of certain industrial fields, is not being encouraged to reach higher levels of efficiency. A further factor of great importance, to which sufficient attention is not given, is the wastage inherent in the migratory labour system, particularly in juxtaposition with the practices and traditions of a primitive agricultural system. The position now is that the African from the Native areas and farms or Crown Lands outside the Reserves spends his potential working life alternating between periods of employment on the mines or in some other occupation away from his home with periods of "rest" at home during which his productive output is practically negligible. A "Labour and Manpower Survey of the Transkeian Territories" (par. 61) states: "The average European in South Africa is gainfully employed for between 30 and 40 years, that is at least three-quarters of his total possible labour life. The corresponding period for Transkeian Natives is not more than 8 to 12 years, i.e. one-quarter of his possible labour life. More than half of the entire Bantu population of the 18 to 44 age group is probably at any given time in the Transkeian territories where, with negligible exception, they virtually do nothing." Even if this statement fails to take account of the work that is done by men during their "rest" periods, it is undoubted that the wastage of potential labour energy which could be productivised is very appreciable.

i. The disruptive effects of the migratory labour system on family life and the evil social consequences which flow from the separation of a man from his family, both upon himself and his family, have been so frequently elaborated that the Joint Council does not consider it necessary to dwell on facts and trends which must assuredly be familiar to the Commission.

6. If, then, it is necessary for South Africa to direct its steps along an economic path that will raise the productivity of the whole country and increase the national income to the extent necessary to permit the introduction of a social programme considered to be the "minimum" essential for the country's needs, an all-round upgrading of skill, and elimination of inefficiencies and of waste periods is necessary. The Joint Council is profoundly convinced that this cannot be effected without stabilising the now unstable Native population, eliminating migratory labour as speedily as possible consistent with a careful assessment of the structure of existing industries and their safeguarding to the extent necessary best to serve the interests of the Union as a whole and ensuring the planned transference of population from agriculture to industry.

7. Obviously this implies that urban Native Policy cannot be considered in isolation. The Native Economic Commission, reporting in 1932, made it clear that the development of the Reserves and Urban Native policy could not be separated, and the events of the last 14 years have confirmed this view. The Joint Council welcomes the Government's plans for rehabilitating the Reserves (1) but it is convinced that these plans cannot achieve their  
desired/...

(1) The Joint Council is not competent to discuss the organisation of agriculture, but wishes to draw attention to the very pertinent remarks made by Sir Phillip Mitchell, Governor of Kenya, in his dispatch to the Secretary of State for Colonies, Discussing the problem of East Africa's "Agricultural Slum Existence" he states, inter alia, "to advance from subsistence/...

desired ends unless the full co-operation of the Native people is obtained and - of vital importance - unless the people in these areas are permanently resident there as full-time peasants while the population surplus to the effective utilisation of the land is absorbed elsewhere; in industries both in the reserves and in other areas and in Government schemes such as afforestation.

8. The Joint Council is well aware that migratory labour cannot be eliminated overnight from the economic structure of the Union, and that, according to repeated testimony by the Chamber of Mines, stressed particularly in the recent public statement by Mr. Carleton Jones on behalf of the Gold Producers Committee, the Witwatersrand Gold Mines are not in a position to convert the structure of their native labour force. The same evidence submits that it is not possible to reduce labour demands by mechanisation. The Joint Council is not in a position to discuss technical questions of this nature. It does, however, believe that it is possible to supply the bulk of the Native labour of the Mines on the Witwatersrand with non-Union labour and unmarried African workers from the Union. According to the Van Eck Report and the statements of the Chamber of Mines, a number of low-grade ore mines on the Witwatersrand can shortly be expected to cease operations, which will mean a reduction in labour requirements.

On the other hand, a great demand for labour is to be expected over the next ten years to men developing mines in the O.F.S. It is well known that opinion within the Chamber of Mines is divided as to whether the Witwatersrand system of migratory compound labour is to be maintained, or a permanent labour force is to be built up. The second school of thought is largely activated by the need to overcome the difficulty of attracting labour, in view of the shortage already being experienced on the Reef, to undeveloped areas lacking any of the amenities of urban life.

In the opinion of the Joint Council it would be the height of economic un wisdom - quite apart from the fact that it is ethically untenable - to introduce the present system into the O.F.S. mines. It strongly supports the suggestions made by Sir Ernest Oppenheimer for the establishment of villages for permanent workers living under conditions of married life, and believes that it will prove possible to divide the mine labour force on these lines,

Note Contd. from p.3

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subsistence agriculture with hand tools to a more productive form of farming involves capital, skill and organisation on an extensive scale and since the economic weakness of the African at present is what it is, that capital cannot to-day be obtained from his savings, or from a surplus of primary production by him; for there is normally no real surplus."

"Tenant farming on large estates has everywhere had to be replaced by some other form of organisation to do what the small farmer cannot do for himself, or has been succeeded by extreme poverty, destruction of the soil and political and social instability and suffering. The Russian Government met the situation by organising collective farms which are said to have proved a satisfactory solution; in parts of Scandinavia and elsewhere in Europe co-operative farming was developed and gave adequate economic stability and resources to the small farmer, and this has also been carried far in New Zealand; in America the conclusion is now very widely held that what is there called the "single family farm" is doomed to extinction in modern conditions in that country, and various alternatives are receiving attention, including what amounts to a reversion to large estate farming organised as a capitalist enterprise in which machines to a great extent play the part which the peasantry of the world has played for so many centuries. There are many other variations. On the other side of the picture there is ample evidence in Southern and South-Eastern Europe of the economic and social weakness of attempts at unorganised peasant farming. In the two greatest peasant farming countries which remain, China and India, extreme poverty, a depressed standard of living and recurring economic disasters are normal."

manning the Witwatersrand mines chiefly with unmarried workers.

The experience of the Congo Copper Mines where permanent villages and a permanent labour force have been established, has proved satisfactory - recruiting costs are now negligible.

The South African mines will, however, have to face a problem which apparently does not loom large in the Congo: viz., provision for phthisis sufferers, and for the aged who can no longer work on the mines. Judging from stray indications, it appears that one of the objections raised by that section of the Chamber which is opposed to permanent labour is that the incidence of phthisis is sufficiently heavy to make it impossible to provide surface employment for all those no longer able to work underground. Furthermore, South Africa with its limited land resources and differentiated economy, cannot throw back mine-workers who have reached the end of their years of productivity on to the already over-crowded Reserves. Hence, means will have to be devised for the creation of suitable industries - which those competent to deal with such matters will no doubt be able to define - for the absorption of those unable to be employed in mining operations.

*to compare this*

9. The position in South Africa is, and has been for some time, that both mining and farming suffer from a chronic shortage of labour. The impression that is created is that this country, in fact, lacks labour resources. On the face of it, this contention appears to be borne out by the comparative percentages of gainfully employed persons given in the Van Eck Report, according to which the figures are as follows:-

	<u>Males</u>	<u>Females.</u>	<u>Total.</u>
<u>South Africa (1936):</u>			
All Races	62.6	43.6	53.2
European	59.9	13.3	37.3
Asiatic	50.9	3.7	29.3
Coloureds	52.8	18.9	35.9
Native	65.0	56.9	60.9
<u>Great Britain (1931)</u>	68.9	37.1	52.4
<u>Germany (1933)</u>	65.5	34.2	49.4
<u>Sweden (1930)</u>	66.1	28.7	47.1
<u>Australia (1933)</u>	66.5	19.3	43.3
<u>Canada (1931)</u>	60.8	13.3	37.9

But the South African figures include 4,222,400 "gainfully employed" Natives of 10 years and over, the assumption being that all Natives of 10 and over in the Reserves are engaged in farming. The Natives from the Reserves included in this table number 671,300 males and 1,053,600 females, that is a total of 1,724,900, which is 41% of the total number of Natives included in the category of gainfully employed persons. What proportion of this 1 $\frac{3}{4}$  million people can in fact be classified as gainfully employed cannot be estimated, nor is their contribution to the national income known, but even a slight acquaintance with the Native Reserves makes it clear that amongst this number is a substantial proportion of workers whose potential productivity is not utilized. According to the occupational census for 1936 the total number of Native males gainfully employed in all occupations other than farming numbered 866,600. The number of Native males assumed to be "gainfully employed" in farming in the reserves is 671,300 and those engaged in farming outside the reserves, 765,800. In other words, almost the same number of Natives is employed in farming in the Reserves, in farming outside the Reserves, and in all other occupations combined: a ratio of almost 2 to 1 is occupied in some form of farming. Yet the contribution of agriculture to the national income is only 12 $\frac{1}{2}$  per cent. These figures are eloquent testimony to the maldistribution of the country's potential labour resources, and reflect a wastage of resources far more than an actual shortage of labour.

10. To re-adjust this situation - unless methods of compulsion and constriction, which cannot be tolerated except during war time, are used - requires an overall plan in which the relationship of population to land is assessed by experts and industrial development is planned and sited according to population needs. The establishment of employment bureaux is an indispensable element in bringing about occupational redistribution but obviously in itself provides no solution. Labour will in the future, as in the past, be attracted to those occupations which offer the most favourable conditions. The European farmer cannot be exempted from this inexorable law. The native/... 6

native labour supply of the farmer - repeatedly stated to be excessive and wastefully utilized - cannot be safeguarded by legislative enactment. General Smuts, addressing the Conference of Municipal representatives on the proposed amendments to the Native (Urban Areas) Act made the attempt to do this very clear when he said: "The proper way to deal with this influx (of Natives to urban areas) is to cut it off at its source and to say that our towns are full, the requirements met, we cannot accommodate more Natives, and we are not going to accept more except in limited numbers ..... Owing to this migration we find that the farming industry is suffering correspondingly, and to-day one of the greatest difficulties with which we have to deal in this country is the scarcity of farm labour. That is the situation with which the Act tries to deal."

11. It is this situation with which the Native (Urban Areas) Act, in conjunction with a variety of pass laws, has attempted to deal by circumscribing the freedom of movement of the Native and by trying to prevent him from offering his labour in the most favourable market. The implication of General Smuts' remarks is that the economic situation is static: that at a specified point in time the urban areas are 'full' and thereafter they can be closed.

12. It is primarily because the Urban Areas Act attempts to deal with a developing and changing situation by a static approach that it has, in fact, proved unworkable. It has not arrested the growth of the Native urban population as was apparently an implicit aim. The preliminary census returns show that the Native population in the 25 main urban centres of the Union increased from 866,526 in 1936 to 1,292,092 in 1946 - an increase of 49%. Johannesburg's Native population has increased from 229,122 to 370,972 over the same period. To have attempted to stop this process, which was predominantly a response to the increased demands of industry and its correlative demands for increased labour, would have amounted to an attempt to turn economic trends backwards. The Director of Native Labour's records of the number of unemployed natives in Johannesburg remained constant at about 5,000 despite the increased population.

The machinery devised to decide when towns were 'full' - namely the biennial census - was only put into operation once: in 1938. Responsible opinion had pointed out in advance that this form of census, as a device to assess the number of Natives required in a specific area, was bound to prove useless as the data according to which the labour requirements of an area could be estimated were not available. How was the optimum size of the normal unemployed pool to be determined?

Despite increasingly stringent powers of control, the fact remains that the Act has not been able to control the movement of Natives to urban areas and the growth of peri-urban concentrations of Native populations in shacks and shanties, lacking the elementary fundamentals of hygienic living, are further testimony to the impossibility of putting an arbitrary brake on irresistible economic forces.

Nor has the Act, despite the powers contained therein, succeeded in attaining one of its other principal aims, namely, that of eliminating slums and bringing about the effective separation of Europeans and Non-Europeans in the towns. Local authorities have been unable - for a variety of reasons, some within and some beyond their control - to meet the housing requirements of their Native populations. Yet, despite the need for speedy relief to an intolerable situation, as evidenced by the succession of squatters' camps in Johannesburg, local authorities have not, with negligible exceptions, availed themselves of one of the clauses of the Act which could have afforded such relief, namely, S.9 (2) (h) which allows for the setting aside of areas for freehold acquisition where Africans would build their own homes.

13. The Act itself makes provision for three different types of accommodation:-

(a) Locations for "The normal floating and less stable section of the population which could not afford the ordinary necessities of life. It was intended that generally the buildings in the location should be the property of the local authority and should be let on a monthly licence to Natives living under family conditions whose employment and residence in the area were temporary and precarious."

(b) The Native village "for the residence of the more stable and affluent section of the population whose employment was fixed and whose residence might be regarded as more or less permanent. The "lease" to which the paragraph dealing with Native villages refers, was intended to connote a period which would ensure some security of tenure, and the paragraph clearly indicates that/..... 7

that it was the intention that the buildings in the village should be erected by Natives for their own occupation."

(c) Hostels "for the accommodation of Natives not living under conditions of family life."

"In the event, development has been mainly in the direction of the establishment of locations and hostels. Few, if any, Native villages as contemplated by the Act have been established. This is no doubt a serious disappointment for those who looked forward to these villages as a stabilising and progressive influence among urban Native communities, but it is not difficult to find reasons for this tendency. The Local authorities have not evinced any great enthusiasm for the scheme, and seem afraid to risk the experiment of establishing within their midst a definitely permanent Native community." (Quotations from Mr. J. S. Allison - R.R. Vol. VII, No. 4, page 58)

14. The Joint Council is strongly of opinion that any satisfactory housing policy for urban Natives must be based on the recognition that the urban Native community consists of economically and socially differentiated sections and that differential provision must be made for these differentiated groups.

The essential needs are:-

- (a) To set aside areas for freehold acquisition by Africans who are permanently urbanized, where, subject to normal town-planning requirements, they will erect their own houses. Provision will have to be made for financial assistance in the form of loans, or the supply of materials, or various combinations of both methods. Attention is drawn in this connection to the system adopted in the Belgian Congo where interest-free loans extending over 7 years (which can under certain conditions be further extended to 12 years) are provided.

It is from these townships, where Africans will be enabled to acquire that sense of security of tenure at present denied them and where they will be able to go in for one of the few forms of saving open to the under-privileged - the gradual acquisition of home ownership - that it can confidently be expected that the integrated and 'ordered' Native urban community of the future will arise.

- (b) But even with the availability of financial assistance, it is clear that under the prevailing wage structure, a large section of urban Natives will lack the resources to purchase their own houses or to pay an economic rent. For this class in the future, as in the past, houses at sub-economic rentals will have to be provided. Initially, the subsidising of these rents was conceived of as being the sole responsibility of the local authority. Increasingly this policy has been modified till to-day the State bears roughly 2 parts to the local authority's one of the loss incurred.

To a large extent, local authorities have subsidised Native Housing schemes from the Native Revenue Account through Kaffir Beer profits. In areas like Johannesburg and Springs this has in reality meant that the rents of Africans living under conditions of family life have been subsidised from the wages of single men, who form a large proportion of the beer-hall customers. It has also meant, because of the fact that a large part of the income of the Native Revenue Account is used for the redemption and interest charges on Native housing, that the resources available for recreational and other amenities, are inadequate, the majority of local authorities being anxious to keep the deficit on the Native Revenue Account as low as possible.

The larger municipalities, e.g. Johannesburg, are expressing their dissatisfaction at the present financial arrangements with increasing insistence. They point out that what is in fact being required of them is a subsidy for employers who do not house their African employees. If wages were adequate, they assert, there would be no need for sub-economic housing except for specific categories such as the aged. It further appears that smaller municipalities are quite unable, because of the general lack of resources of the whole community, to provide housing even under the present financial arrangements.

It is the opinion of the Joint Council that as the present wage scale and the restriction of economic opportunities to Africans is a result of deliberate national policy, that the State should bear the entire loss on Native housing, the local authority acting as agent for the Government. Rentals will have to be fixed in relation to income, the goal to be aimed at being that rent and transport charges should not constitute more than 20% of earnings.

(c) Hostels, for the temporary worker, will remain a necessity. The time is overdue, however, for the consideration of the needs of single men and women whose occupation and consequent status makes it imperative for them to obtain accommodation of a totally different standard.

(d) The provision of houses for the aged and the disabled at very low or nominal rents will increasingly become necessary. In the past it was argued that when an African was no longer able to work and hence no longer useful to the town, he and his dependants could return to the "country", where, presumably, they would be cared for by the Kraal-head, who, under tribal law, had a responsibility to his kin. In the face of increasing rural poverty and growing land pressure, this assumption has gradually been exposed for the fiction that it is. Reports from the smaller urban centres emphasize that aged and destitute Africans now constitute a definite category in the locations and that the need to make provision for them will become an increasingly acute problem in the near future. The only means of meeting this problem is by providing housing free or at nominal rentals, together with raising old-age pensions.

15. The Joint Council urges the Commission to recommend that in the future town planning of urban centres and industrial areas, provision be made for the establishment of Native townships in order to ensure that the necessity for African workers to travel excessive distances to their work with consequent wastage of time and money, be eliminated. It also draws the attention of the Commission to the intention of the Railway Administration to discontinue subscribing to a policy of "basing fares to native locations upon charges which it is considered Natives can afford to pay." In future, therefore, charges would be computed at  $\frac{1}{4}$ d per mile for distances of 10 to 15 miles, and the charges for distances exceeding 15 miles would be determined where necessary but "as the charges for say, 20 miles, will be about 50% more than the figures quoted, it would seem that they will exceed the sum which it has hitherto been considered that Native workers can afford to pay." On such revised rates, the ordinary return fare to Pimville would amount to 8d. (at present 6d.) the monthly fare to  $\frac{3}{3}$  (now  $\frac{2}{6}$ ) and monthly season tickets to  $\frac{11}{3}$  (now  $\frac{8}{6}$ ). The fares to Zuurbeekom, the freehold township that the Johannesburg City Council proposed establishing, which is more than 10-15 miles from Johannesburg, would quite clearly be prohibitive. It is reported that transport costs are the obstacle now holding up the entire scheme.

The case for a State subsidy for transport appears to the Joint Council to be irrefutable. The siting of Native locations and townships has not been determined by the choice of the people concerned, but by national policy which insists upon rigid separation, and by unplanned and undirected urban expansion in the course of which the relationship that should exist between a worker's residence and his place of work has been almost entirely overlooked.

16. The Joint Council, in view of the considerations outlined above, supports the policy advocated by Mr. D. Molteno in urging that the Commission recommend the repeal of all provisions of the Urban Areas Act that restrict residential and property rights of Africans. This Council recognises, however, that, in view of existing racial tension, it may be inexpedient to press for the removal of provisions which secure residential racial separation. It further supports the repeal of those sections of the Act which restrict the mobility of the African and his right to offer his labour as he deems fit. It believes that existing laws and by-laws in the form of the Slums Act, the Public Health Act, the Work Colonies Act, give all the necessary powers to exercise effective supervision over townships and to deal with the "wont work" category who are common to all races. It is profoundly convinced that only by conceiving of all racial groups within one urban centre as forming an integral whole, can a harmonious and more secure future for South Africa as a whole be secured.



SECTION B.

URBAN NATIVE ADMINISTRATION.

(QUESTION 6A)

1. While the Joint Council has noted with gratification the attempts that have been made by the Johannesburg Municipality to attract to the service of its Non-European Affairs Department persons of high educational qualifications and sympathetic attitude of mind, it has reason to believe that insufficient care has been exercised in the past in the selection of officials, and that in many urban centres the present position leaves much to be desired. In general, it believes that much more care should be exercised in the appointment and choice of these officials, particularly the senior officials, and that where it is not possible to obtain candidates who have the requisite academic qualifications, they should be given a specific short course of training on the lines of the training given to the Colonial Civil Service officials.
2. It strongly deprecates the tendency to regard former police service and exclusively legal training as qualifications for managers of Native or Non-European Affairs Departments and location superintendents. It is likewise opposed to the practice of promoting officials on the grounds of seniority of service to senior posts in the N.A.D. from some other branch of the local authority's service. It believes that greater care in the selection of personnel will eliminate unsuitable persons who have done much harm to their department and race relations in their area.
3. The Joint Council advocates the throwing open of all positions in the local authority's Non-European Affairs Departments to Non-Europeans, consistent, naturally, with the availability of Non-Europeans of the requisite qualifications. It realizes that at this stage the senior posts will in all probability necessarily have to be occupied by Europeans, but it believes that the staffing of Non-European Affairs Departments is a legitimate occupational sphere for Non-Europeans and that, with the introduction of a policy of this nature, the necessary encouragement to Non-Europeans to qualify themselves for these posts will be given and suitable candidates will be forthcoming.
4. The selection of senior officials in the Non-European Affairs Department demands the exercise of the greatest care, and the Joint Council advocates the advertisement of all such positions throughout the Union in order to obtain the widest possible choice of candidates. In determining the final choice of candidates stress should be laid on their attitude of mind: only individuals who are in sympathy with Africans and patient in approach can be successful in this type of activity.
5. It is the opinion of the Joint Council that Managers of Native Affairs should, where possible, be men who have had previous experience in Native administration and should have a degree in either Native Law and Administration or Social Studies. It is also highly desirable that Location Superintendents should be graduates who have taken Native Law and Administration and/or sociological subjects in their degree course. Knowledge of a Native language is a very desirable further qualification.

(Question 6B.)

6. While the Joint Council does not advocate any classification of posts according to colour, and is strongly of opinion that educational qualifications and previous experience should be the determining factors in selecting personnel, it believes that the time has come for systematic attempts to be made to appoint Africans to certain types of posts. It believes that the appointment of African Assistant Location Superintendents would assist greatly in ironing out tensions between administration and people.
7. The minimum educational qualification for Assistant Location Superintendents should be matriculation. They should be fluent in the predominant Native languages spoken in their projected area of employment.
8. Other occupations which could at this stage suitably be filled by Non-Europeans are:-
  - Ledger clerks and cashiers, who should hold a Commercial Junior Certificate,
  - Typists and secretaries, who should hold a Commercial College Certificate for typing, shorthand and book-keeping,

Office Juniors, who should have passed Standard VI;

Interpreters, who should have a Junior Certificate and be fluent in the predominant Native languages;

Location Police, who should have passed Standard VI, be men of over 25 years of age and be given a special condensed Training course to fit them for their duties;

Post Office Officials, to whom, if they possess the requisite qualifications, definite preference should be shown, as many of the Africans in the locations are illiterate and require the sympathy and assistance which is not frequently forthcoming from Europeans who lack both the patience and linguistic abilities.

Health Inspectors. At present there is one health inspector for the whole of Orlando. This Council favours the increased employment of Health Inspectors and urges that they should be Africans, not only to offer occupational outlets to suitably trained Africans, but because Africans will be under less suspicion than Europeans, and therefore more suited to educate their own people in health matters.

The Joint Council urges that African Doctors and matrons, as they become available, be appointed to Location clinics.

9. It is the opinion of the Joint Council that increased employment of Africans in urban Native administration should be expanded and encouraged, not only because it would offer an occupational outlet to Africans who have the requisite higher educational qualifications and are at present unable to utilize their qualifications, but because it would increase the efficiency of the service.

At present many mistakes are made in location offices, Post Offices and Hospitals, etc. by the European clerks, especially in spelling the names of Natives, which lead to confusion, waste of time and injustice. Often the Natives do not understand what is said to them as there is no interpreter available.

As evidence we compare the Non-European General Hospital offices and the Coronation Hospital offices; the former is staffed by Europeans and the latter by Natives, and there is no question but that the latter is more efficient and accurate.

Furthermore, it is to be anticipated that the attitude of Africans would be a more sympathetic one than is that of a number of European officials. This lack of sympathy on the part of European officials which, in certain cases, displays itself in very marked form, discourages Natives from making complaints or asking for explanations which, in the end, leads to dissatisfaction and maladjustment.

(Question 7.) Rent Collection.

10. The Joint Council submits that there are three means by which the present system of rent collections on the Reef, which it considers to be inadequate,<sup>(i)</sup> could be improved:

1. By/..... 11.

(i) Illustrative of inefficiency in administration is the following case of Samuel and Rebecca Joqwana, tenants of a house in Orlando West. One Sunday Rebecca was arrested and locked up at the Orlando police station for contempt of Court. She was confined in a corrugated iron cell about 6 feet square with 12 other women. The congestion was so great that only one or two could sit down at a time. Missionaries succeeded in obtaining her release on the understanding that she appear in Court next morning.

In the Court she stated that she had never received a notice about arrears of rent or a summons to appear in Court. An attorney was obtained for her and she was acquitted. During the case the following facts were revealed:-

(a) That/..... 11

(i) By decentralisation and the setting up of sub-offices in the larger locations. In Orlando, where there are only two administrative offices where rents can be paid, decentralisation of administration would assist not only in rent collecting, but in the administration as a whole.

(ii) By substituting for the present system of receipts in the form of tear-off slips, the Bloemfontein system whereunder each tenant is issued with a rent book and the receipt is pasted into this book, a space being provided for each month. Rent-receipt books would assist in obviating many of the mistakes which are now being made in the form of spelling the name wrongly, noting the wrong house number, etc.

(iii) By making provision for the payment of rent in instalments. A constant complaint of location residents is: "I went to the office with 10/- to pay my rent. It was all I had, but the clerk refused it because I had not got the full amount for the month." Permitting the acceptance of sums less than the total amount of rent due would facilitate rent payments for tenants.

11. Frequent complaints regarding the method of ejection practiced by the City Council have been received by the Joint Council. It is alleged that the following procedure is adopted:-

(a) When a tenant is two (or in some cases only one) months in arrear with rent he is sent a notice telling him to appear before the Superintendent at his office.

(b) Whether he goes or not, if he is unable to pay he receives a second notice which tells him he must vacate the house by a certain date. The authority for this is in a reference to a clause of the Native Urban Areas Act which gives the Superintendent power to eject anyone whom he considers to be an undesirable resident. There is no reference in this paper to non-payment of rent.

THE FOLLOWING NOTICE IS SERVED:

"X of House No. Y, Orlando is summoned for contravening Section 15, Chapter I of the Native Locations Regulations under Section 23 (3) of the Natives (Urban Areas) Act of 1923, Amendment Act. No. 25 of 1930."

(c) If the tenant does not vacate the house and is still unable to pay the arrears, he is summoned to Court and is probably ejected.

The Joint Council urges that ejections should not be based upon the powers vested in the Superintendent to declare a person an "undesirable resident" and that, as in the case of Europeans, an ejection order should be a civil and not a criminal matter. It considers that all projected ejections should first come before the advisory boards.

(Question 8)

12. It must be stressed that the co-operation of the Native people in the maintenance of law, order and good government depends in the first place upon such modifications of policy as will accord them the status and rights of permanent urban residents as an integral part of the urban community.

This/..... 12

Footnote to Page 10 (Contd.)

(a) That she had in her possession all the rent receipts paid up to date, and that she was summoned through a mistake in the house number being written on the Summons a7 instead of a1.

In this connection it must be stressed that:

THERE ARE NO STREET NAMES IN ORLANDO. THE HOUSES ARE NUMBERED FROM 1 to 8250.

(b) The Clerk of the Court produced a summons which was in the name of "Samuel" without any initials. "Samuel" had been deleted (in pencil) and "Rebecca" had been substituted (in pencil).

This involves, as stated in the first section of this memorandum, the establishment of freehold Native villages as originally conceived in the Act, which will enable the growth of ordered and secure urban Native communities. It involves too, as elaborated in Appendix II of this memorandum, the direct participation of Africans in local government. A sense of collective responsibility can only be engendered by vesting responsibility in the group by means of normal democratic procedure.

Furthermore, that form of co-operation which will bring about ordered government and eliminate lawlessness, can in the final resort only be brought about when the economic and social conditions of the people concerned is such as to give them a foundation of security. This is obviously not the case at present. The Inter-Departmental Committee appointed to enquire into the Economic, Health and Social Conditions of Urban Natives pointed to urban Native poverty as being the most distinguishing characteristic of the community as a whole. The raising of the economic level and the provision of more adequate service, particularly in relation to housing needs, are indispensable pre-requisites to the establishment of ordered urban societies.

These are the long-term objectives, some of which fall outside the Commission's terms of reference, which will finally bring about the new type of "organic" urban Native community.

13. In addition, there are various directions in which immediate improvement could be brought about which would, in the opinion of the Joint Council, be conducive in enhancing co-operation and reducing lawlessness.

(a) Increasing Confidence in the Local Authority.

- (i) Laws in most cases are foreign to the Native population and as such are not understood or appreciated. The Joint Council suggests that the Local Authority print the Local Urban Regulations in the predominant Native languages and devise various means for acquainting the people with them, (e.g. Lectures, Broadcasts).
- (ii) Local Administrations with all their machinery should not be there only to decide on cases of omission and commission, but should also be the educational centre in civics. This can best be ensured by dividing the locations into smaller and less cumbersome units for administration.
- (iii) The Location Police force should be properly trained so as to - inter alia - preserve law and order, advise tenants about Local Urban Regulations and discourage vagrancy - approaching the problem from a social rather than from a legal angle.

(b) Improving Recreational and Adult Educational Facilities

The need to provide healthy and constructive outlets for leisure hour activities of both the juvenile and adult Native population is pressingly urgent. The following are the most urgent requirements:-

- (i) The extension of sports facilities. In Orlando, as an example, there are only two sports grounds (i.e. 3 soccer, 1 rugby, 2 or 3 basketball pitches and 2 tennis courts) to serve a population estimated to be in the region of 100,000 people. Apart from the small pool at the Wenmer Hostel, there is no swimming bath in Johannesburg.
- (ii) The provision of social or community centres in the locations, where a variety of entertainments can be offered (cinemas, concerts, theatricals, debates), various forms of clubs meet (boxing, billiard, boys' and girls') and various educational agencies promote their activities (literacy and adult educational classes, domestic economy and home management, etc.)
- (iii) The provision of social centres in the suburbs to meet the needs of domestic servants who at present have no meeting place and no centre in which to spend their free time,

SECTION C.

(Question 21a) Pass System.

1. The Joint Council is of opinion that the Pass Laws have been responsible in large measure for the growth of the feeling of unrest and resentment amongst the African people. The Joint Council feels that there is no longer any advantage in the retention of the various passes, and it is their considered opinion that the pass laws should be abolished.

2. In putting forward this view, it is only right that the pros and cons should be briefly recapitulated:-

The pros are stated to be:-

- (1) Facility of identification.
- (2) Registration of wages under service contract.
- (3) Protection of European employer against desertion.
- (4) Protection of Community against crime.

The cons are:-

- (a) The resentment caused by the demanding of passes by the Police.
- (b) The waste of time and the cost to the Government of maintaining Police, Magistrates, Gaolers and Administrative Staff in administering the pass laws.
- (c) The loss of working hours of persons arrested and sent to gaol.
- (d) The contacts with real criminals made in prison.
- (e) The hostility created between Africans and Police by the administration of the pass laws.  
(The Africans' attitude to the Police is that the Police are not for their protection, but for their exploitation. This is unfortunate for all concerned.)

3. In examining the pros -

(1) Facility of identification: How are illiterate Coloureds and Indians identified? How are Africans identified in those parts of South Africa where no passes are carried?

It must be admitted that the passes do serve a useful purpose in this direction, but the pass system at present administered is repressive in that arrests are made of people just because they have no pass when there is no real necessity for them to be identified. (i)

(2) Registration of wages under Service Contract: Wages paid to workmen in industry and commerce are to-day largely governed by Wage Determinations, and it is undoubtedly the case that the wages appearing in the passes are, in most cases, out of date, and only show the commencing wage and not the wage in force. The Department of Labour appears to function successfully in the enforcement of wages due to African employees without the documentary evidence contained in passes.

(3) Protection of European employer against desertion: It is true that in domestic service the male employee does not as frequently desert as does the female who has no pass. The real criminal, however, does not worry about these "niceties" and can readily obtain fictitious papers for himself. When an African is dismissed by his employer, it is the employer's copy of/... 14

(i) We draw attention to the comments made by Mr. D. Molteni, M.P. in his evidence regarding the claim that passes help to trace natives for their rural dependants, viz. "According to the Minister of Native Affairs in the House of Assembly on March 14th, 1944, 831 Africans were thus "traced" in 1943. The gaoling of 100,000 Africans for contravention of the Pass Laws in the same year seems a fairly stiff price to pay for such a service as the tracing of the above 831 cases represents! "

of the pass that is signed so that if an African deserts he still has in his possession his copy of the pass, so that as long as he can get some person to sign on the back of the pass that he is still employed he has the document he requires. The Joint Council is of opinion that few employers take steps in regard to employees who desert, in view of the trouble and time they would waste.

(4) Protection of the Community against crime: We have not noticed that because of the pass laws the community has been protected against crime. We feel that the pass laws increase crime by bringing Africans in contact with the real criminal class in prisons. Why is it that Africans do not look with disdain upon one of their number who has been in prison in the same way as Europeans do? Because it has been made almost impossible for an African to remain out of prison at some time or other because of the trivial offences for which they can be imprisoned.

An examination of the cons reveals:-

(a) Resentment caused: Africans do not feel the pass laws exist for their protection. In this they are justified as the Police have used the pass laws to arrest Africans who have committed no other offence than being without their pass. The handling of Africans by the Police is not always "gentle" and we feel that a lot would be done to improve the relationship between the Police and the Africans if the pass laws were abolished. It must be apparent that a Police force can function more effectively in a sympathetic population than in a hostile one.

It is not only against the Police that resentment is caused, but against the Government and European population. The African feels the pass laws are unjust and therefore wrong, and the Europeans as the legislators are consequently regarded as being unjust.

(b) Waste of time of Government Officials: The Joint Council feels that it would be in the public interest if the Police, the Magistrates and the Clerks of the Native Affairs Department dealing with the administration of the pass laws, were relieved of the burden of the enforcement of the pass laws. The time so saved would enable the Police to devote their energies to the eradication of "real crime". The Magistrates would be relieved of the "farce" of trying pass offences as it is in many instances where hundreds of cases are heard in a day.

(c) Loss of working hours: When the numbers of persons arrested for breaches of the pass laws are considered, some idea of the man hours lost can be obtained. The sentence for a breach of the pass laws has not proved a satisfactory method of dealing with the non-compliance as is evident from the numbers of people sentenced.

5. The Joint Council is of opinion that the cons far outweigh the pros, and recommends the total abolition of the pass laws. This action may seem revolutionary, but it is felt that only by taking bold action will the confidence of the African people in their European rulers be restored, and co-operation between them become possible.

(Question 23)

6. The Joint Council recommends that an Identification Card be issued to every citizen, but that no penalty be imposed for persons who do not have their identification card on their person.

It believes that as the projected social security measures are introduced, a large part of the population will, in any event, have to be issued with a social security card. It would, therefore, be in the interests of the country, both for this reason and to assist in compiling the basis of statistical information without which the necessary occupational redistribution cannot be planned, to provide identity cards for every citizen of the country. It should not be within the competence of anyone to require the production of the card on demand, but its production, when necessary, within a specified period should be obligatory, in the same way as production of a driver's licence is now on occasion required.

SECTION D.

DISTRIBUTION OF NATIVE LABOUR AND LABOUR EXCHANGES.

(Question 17.)

1. As indicated in the first portion of its evidence, the Joint Council is of opinion that the extension of the machinery of employment bureaux to include Africans is an urgent need, and will become even more necessary if the policy of occupational redistribution advocated by a number of organisations is adopted. Such employment bureaux should eventually form a national network operated by the Department of Labour, which would also carry out the functions arising from the application of the Registration for Employment Act. The effective functioning of such labour exchanges, co-ordinating information relative to the labour needs of the whole country, should assist greatly in directing the flow of labour to centres where it is most needed and increasingly acting as a placement agency.
2. If by "Controller of Manpower" is meant an individual who shall be in charge of the labour bureaux, co-ordinate their activities to the maximum extent possible and act in an advisory capacity to industrialists and others seeking advice, then this Joint Council records its agreement with such a proposal. But if the term is meant to connote an individual invested with the power of compelling workers of any racial group to accept employment in any occupation specified by him, then obviously the Joint Council must express its profound disagreement. The unfettered mobility of labour and its right to seek out the most favourable conditions offering themselves is an essential element of the "free" economic system operative in the Western countries.
3. As long as part of the labour force continues to be migrant, arrangements should be made for the proper housing and feeding of Africans near the Labour exchanges, while they are waiting to obtain employment.
4. Although it cannot be gainsaid that private registry offices and recruiting agencies lend themselves, insofar as the African is concerned, to abuse, and are very definitely less desirable than official labour exchanges, there appears to be no necessity for further specific legislative intervention to protect the African. As the official labour exchanges establish themselves, so the private registry offices will find themselves unable to function profitably.
5. There would appear to be no reason why a properly conducted system of Labour Bureaux should not be practicable. They have been found to function satisfactorily in a number of countries in Europe and fill an urgent need there. If run on lines just to both employer and employee they should operate satisfactorily in this country. There is no necessity for the use of the Labour Exchanges to be compulsory: there is no reason why employer and employee, if they so wish, should not make their own arrangements outside the Bureaux, which, however, if properly run should ultimately establish themselves as the recognised method of obtaining labour and employment respectively.

(Question 18)

6. There is no possible reasonable argument against any labour of whatever colour having unrestricted right to sell its services in the best market. This is exceptionally important in this country which envisages major industrial developments, which can only hope to be successful if the standard of living of the majority of its inhabitants (Africans) is allowed to improve to the maximum extent to which their ability as labourers and producers can raise it.
7. The effect of allowing this on the various activities of the country (farming, mining, other industries, domestic service, etc.) would be governed by:-
  - (a) supply and demand, and
  - (b) the attractions offered by the different classes of employers.

SECTION E.

(Question 9) Advisory Boards.

1. Location Advisory Boards, established under the Urban Areas Act of 1923 to provide municipal authorities with a means of communication with the urban Africans, have, in the opinion of this Council, been almost completely ineffectual. This view - that the Boards have failed both to provide the urban African with some form of self-expression, and to keep the local authorities in sympathy with the wishes of its African community - has been widely acknowledged. The Manager of the Johannesburg Non-European Affairs Department made the following remark (9th April, 1946) in an address to this Joint Council. "At present the locations are governed largely from above. The Advisory Boards have not been successful, due to lack of defined powers and administrative opportunities, and I do not wish to perpetuate them."

The following are some of the factors which have led to their failure:-

- (a) The functions of the Board are limited to consultation, and the giving of advice. They have no legislative powers, and practically no administrative functions.
- (b) Even within this limited sphere there is little evidence that local authorities have taken cognisance of the advice or opinions of the Boards. The President of the Congress of Native Urban Advisory Boards stated that "in many instances the consultation is of a most perfunctory kind, and often the expressed wishes of the people are over-ridden." (2nd July, 1941) A recent and outstanding example of this in Johannesburg, occurred in connection with the proposal to permit the domestic brewing of Kaffir Beer. This proposal, supported unanimously by the local Advisory Boards, and by the Municipal Department, was rejected by the City Council.
- (c) In particular the lack of any financial administration on even a limited scale, tends to reduce the Boards to impotence.
- (d) The ineffectiveness of the Advisory Boards has caused the African to lose confidence in the value of such bodies. Men of ability are unwilling to put themselves forward for election to a body which achieves so little. The refusal of the Provincial authorities to allow teachers to be elected to Advisory Boards further aggravates the position by excluding a large proportion of the more educated men and potential leaders. It cannot be said that, on the whole, the Boards are composed of the most suitable men.
- (e) For similar reasons the Boards are treated with indifference by the majority of the residents, less than one-third of those on the roll registering their votes.
- (f) The composition of the Boards is also open to criticism, since the method of election of Board members is not defined but left to the discretion of the local authority. In theory all members may be nominees of the municipal council, and the presence of nominated members reduces their popular support, as does the position of the Superintendent as Chairmen.
- (g) In the Transvaal the electorate does not include lodgers, who form a large part of the location residents, and these thus remain voteless. As the principle of giving the right to vote only to the "registered occupier" (usually the male-head) the overwhelming majority of women are excluded from the right to vote. The fact that the Advisory Boards are frequently out of touch with public opinion has been demonstrated in the various shanty towns, where the failure of the Boards to suggest or effect anything constructive seems to show that they are not a recognised channel of expression for the people. This lack of faith in the Boards is shown in the tendency - increasing in the past few years - to choose representatives other than those officially recognised e.g. the Vigilance Committees command more popular support.



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