

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

SUMMARY OF THE REPORT OF THE COMMISSION OF ENQUIRY  
INTO THE DISTURBANCE IN THE WITZIESHOEK NATIVE RE-  
SERVE. (U.G. 26-51)

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1. Terms of Reference.

To enquire into and report on:-

- (a) The causes of the recent unrest and disturbances in the Witzieshoek Native Reserve, District Harrismith, and the steps which should be taken to put an end to the said unrest and disturbances, and
- (b) Whether the Reserve aforesaid is over-populated and over-stocked, and, if so, what steps should be taken to remedy this.

THE FIRST TERM OF REFERENCE.

1. The Unrest and Disturbances.

Events may be summarised chronologically as follows:

First Stage

- 1937 With the consent of the Africans, a beginning was made with betterment measures, e.g. fencing six grazing camps, from which the Africans residing there were requested to move. Only one sub-Chief, Howell, and his son, Paulus Mopeli refused to leave. Howell did so after prosecution and fine.
- 1939 A meeting of Africans accepted regulations promulgated under the Betterment Areas Proclamation (No. 31 of 1939) for limitation control and improvement of livestock, pastoral and agricultural resources and a similar resolution was passed by the Reserve Board.
- 1940 Carrying capacity of the Reserve was put at 12,500 units.
- 1941 A total of 13,454 units were found on the Reserve.
- 1942 A cull took place with satisfactory results.
- 1946 13,791 stock units were found on the Reserves, which required another cull.

During the period 1930-1940, the Trust officials had carried out a number of improvements, e.g. survey, plantations, fencing, diversion and contour banks, shearing and show shed, bulls, rams, and a stallion.

Second Stage

- 1946 The cull already mentioned produced a less favourable reaction. Paulus, Mopeli and others refused to obey the order and were fined. On appeal, the judgment was set aside on a technical point. This caused reaction against culling and against the Trust and the officers of the Department.

1947

In February it was stated that the tribe had never accepted the limitation of stock. Chief Charles Mopeli and others petitioned for a commission of enquiry, alleging that the limitation of stock had not been explained to them. The Additional Native Commissioner said that the request for a commission of enquiry was reasonable and would be welcomed by all, including local officials. In April-May, three persons, chosen by the tribe, not by the Chief, went to Cape Town and requested Mr. Basner to place their difficulties before the Minister. The Minister promised to refer the matter to Pretoria with an instruction that the matter be investigated. The tribal representatives reported to the Chief that Mr. Basner advised them to cut the fences of the erosion camps and so bring their complaint forcibly to the attention of the Government. The Chief said he would not consent to such an act. The tribal representatives, however, reported this advice to the tribe but the Chief warned the tribe not to take such action. The three envoys began to organize resistance and widen the rift in the tribe.

In June, the Additional Native Commissioner reported that the residents were very opposed to Proclamation 31 of 1939 and were organizing resistance against control measures. In December, the Secretary for Native Affairs informed the tribe that the Minister had decided that there was no jurisdiction for a commission of enquiry.

1948

In January the Chief Native Commissioner addressed a meeting of tribal representatives in explanation of the Minister's decision.

1949

The carrying capacity of the Reserve was put at 10,000 units in January. In July, the Secretary for Native Affairs decided that the basis of the next cull should be 12,500 units, not 10,000. Representing the Witzieshoek Vigilance Association, Mr. Basner presented a petition complaining that the regulations re culling, etc., had been applied without due consultation with the tribe on the Reserve Board. The reply was that the Association represented neither tribe nor Chief.

July-September, three plantations partially destroyed by fire. In September, a dividing fence was cut and in November, it was totally destroyed for a length of two miles. Shortly after, cattle were forcibly removed from a temporary smaller camp by mounted Africans.

In November, a further count revealed 13,555 units. In December, the Additional Native Commissioner reported that he considered conditions serious.

1950

In January the Under-Secretary for Native Affairs informed a meeting of the tribe that the Department intended to proceed with the work commenced and that the cattle would be reduced. In the same month, notice was given of a cull in February, - which was a complete failure. Prosecutions failed on appeal. The Chief told the Native Commissioner that the position was serious. At a demonstration, 1,000 Natives seized the Chief's cattle and 400 Natives threatened the Native Affairs Department officials. On 18th February, the Chief asked that Paulus Mopeli and certain of his followers be removed from the Reserve.

In March, a meeting of police officers, with the Chief Native Commissioner, the Additional Native Commissioner and the Magistrate of Harrismith, discussed the situation and made suggestions with a view to a further effort to cull the stock in the Reserve. It also suggested that Paulus Mopeli be removed. On the 14th March, 300 armed Natives handed in 1,000 stock cards and 700 land certificates. In April, a gang of African road workers were warned by Africans to cease work, and in the same month the Native Affairs Department decided to start afresh with the culling of stock.

/The....

The Chief Native Commissioner called a meeting in May and explained the situation. He said that cattle reduction was essential and that it would be applied sympathetically. He warned against violence. In July, carrying capacity was assessed at 11,282 units for the Mopeli area and 3,300 for the Bathlekoa area, a total of 14,582 units.

In July-August, the Acting Native Commissioner and the Surveyor were driven out of an area where they were surveying allotments; a plantation was burned down; fences of camps were cut on a large scale and veld fires started. Police reinforcements arrived and remained for a short period. In September, more fences were cut. In November, the appointment of a Commission was announced, and further incidents followed.

## 2. The Causes of the Unrest.

- (a) The 1936 Act brought a drastic change into old tribal ways and customs. It meant a limitation of the freedom of the individual in respect of his cattle and other stocks and placed him directly under the control of the Native Commissioner in such matters.
- (b) While the Proclamation was explained to the Africans, the Commission concludes that it was still not interpreted by the Africans in its true meaning and intention. Africans said that they understood it to mean that their stock would be improved and that this would involve the disposal of their inferior stock with the right to substitute better stock; they did not interpret it as a right of the Department arbitrarily to reduce their stock. So the Department acted on the false assumption that the Proclamation was understood. African reactions after the second cull were understandable.
- (c) The request that allegations be investigated was reasonable and the decision of the Minister not to appoint a commission of enquiry, an unfortunate one. Such an investigation would have prevented subsequent serious situations.
- (d) A further set-back was the statement by the Under-Secretary in January, 1950, that culling would continue and that they were subject to communal fines, etc.

## 3. The Disturbances.

- (a) The Commission distinguishes between the "loyal" and the "disloyal" groups. The former took no action that could be described as a disturbance. This attitude should be attributed to the wise leadership of Chief Mopeli. The "disloyal" group was responsible for all the disturbances and sabotage.
- (b) The Witzieshoek Vigilance Association was of little importance till 1940, when it revived as a result of the betterment work done in the Reserve. Paulus Mopeli was its leader in the Reserve and there was a considerable membership in Johannesburg. The Commission concludes that the Vigilance Association in Johannesburg and the "agitators" in the Reserve were closely associated and wanted to usurp the functions of the Chief and, in some respects, those of the Native Commissioner. The unrest in the minds of the people was fanned and exploited by Paulus Mopeli who was inspired by a source outside the Reserve.
- (c) The following grievances brought up by Afrikaners added in a lesser degree to the state of unrest:
  - (i) The Chief was deprived of his powers in connection with the disposal of arable lands and trees;
  - (ii) The failure of the Department to consult the tribe before introducing any new measure. No serious breach of this generally accepted departmental rule was brought to the notice of the Commission.

- (iii) Stock kept by traders is excessive.
- (iv) The Reserve Board cannot function properly on account of the powers vested in the Native Commissioner.
- (v) The 1936 Act conflicts with the original treaty by which the Reserve was established. The Commission found no inconsistency.
- (vi) The Native Commissioner should not hear criminal cases arising from breach of administrative regulations.
- (vii) The Native Commissioner was unsympathetic. The Commission found little evidence to support this.
- (viii) Education and schools. The Commission referred these matters to the Native Education Commission.

THE SECOND TERM OF REFERENCE.

In discussing this term of reference, the Commission took the line that the Reserve should develop in the direction of becoming a self-supporting unit as soon as possible and that migrant labour should be limited to a minimum. This would mean that the industrialised African would no longer have the right, at present taken for granted, to return at will to Witziesshoek after years of absence. The Commission's conclusions are based mainly on this premiss.

1. The Reserve.

The Reserve forms the catchment areas for the Elands River, one of the most important and most constant tributaries of the Vaal. The extent of the Reserve has never been properly determined by survey, but it is estimated at 50,000 morgen. The boundaries between the Reserve and Basutoland have apparently never been determined. It has not been sub-divided by surveyors.

2. Population.

Europeans ... ..	37	
Africans (male) .. .. .	3,259	
Africans (female) ... ..	4,708	
TOTAL ... .. .	7,967	Africans.

This figure is far below the actual figure because when the 1946 Census was taken a large proportion of the population was absent from the Reserve. Tax figures indicate that the following percentages of taxes were paid outside the Reserve:-

1945 - 63%; 1946 - 68%; 1947 - 64%; 1948 - 61%;  
1949 - 64%; 1950 - 65%.

The Commission estimates the African population at 12,000 ± and suggests that a first requirement is the provision of properly organized vital statistics.

The Commission then proceeds to discuss what persons should be included as having a place in the Reserve. Are individuals who have been away from it for two or more years to have the right to return? Are those who have been away for such a period and are sent back by local authorities to have rights in the Reserve? The Commission considers it vital to the solution of the Native problem that a definite policy should be laid down with regard to Africans who leave and stay away from the Reserve. It points out that such people often invest their savings in cattle, which they place under the care of relations and friends in the Reserve. Others have lands that friends cultivate, or that are left uncultivated. The Commission found a considerable proportion of demarcated land totally uncultivated because it had been allocated to persons who had been away for years.

/In order.....

In order to stabilize the population in the Reserves, the Commission considers it essential that, in the urban areas, and particularly in large industrial centres, certain areas be proclaimed Native areas in terms of the Group Areas Act, for the permanent segregation of Africans in their own residential areas. There, provisions should be made for three groups of Africans, the sub-economic lessee, the economic lessee and the economic land-owner. The permanently industrialised African should live in such areas, have some say in his own affairs and invest in property or business. In this way, the African who has lost contact with the Reserve will feel safe and no necessity will exist for him to regard the Reserve as his home to which he has the right to return at any time.

The Commission is of the opinion that an African who has been absent from the Reserve for two years or more should be regarded as having left the Reserve permanently and should he wish to return, he should apply "de novo" to do so.

3. Extent and Productive Capacity of Arable Land.

The Commission concludes that there are a considerable number of families in the Hoek who possess no land. The number of surveyed lands, of about three morgen each, is 1,404, but the lands of the Bathlokoa tribe have never been surveyed.

The land varies in quality - in some cases, under good cultivation, 50-60 bags of maize per morgen can be raised; in others, the productive capacity is so low that it would be impossible for a family to make a living. Average production in Witzieshoek over the past ten years has been three bags per morgen; with right methods, this could be increased to an average of ten bags per morgen. The Commission, however, points out that in the future certain lands, the spongy marsh land and the land at high altitude, e.g. 6,000 feet, should not be ploughed. This would reduce the arable land.

An average production of ten bags per morgen would not meet the needs of the Witzieshoek Africans and two possible irrigation schemes should be initiated and farming turned from exclusive grain production to a mixed system. There would, however, still remain those who did not have arable land, e.g. the Bathlokoa tribe.

Taking all things into consideration, and even if the rights of the detribalised African are abrogated, and the population limited with its natural increase to those who reside there or do not remain absent for longer than two years at a time, the available agricultural land in Witzieshoek is not sufficient to ensure a decent livelihood to the Africans of the Hoek. The Commission is of the opinion that the agricultural land should be doubled, i.e. extended by 4,000 - 5,000 morgen.

4. Water-supply.

There is adequate water, which should be used more effectively and could be used to irrigate land adjoining the Reserve,

5. Grazing.

The grazing area consists of two portions, the summer pastures in the Malutis above 6,500 feet and the area between 5,000 and 6,000 feet. The former has six large grazing camps which have never been surveyed. The rainfall on the summer pasturage is about 60 inches per annum and the Commission found, on personal inspection, that the soil erosion and destruction of the sponges are "simply appalling". It therefore recommends that, despite opposition and other difficulties, everything above 6,500 feet should be permanently separated from the Reserve and set aside as a natural reserve so that the sponges may be restored and preserved for all time.

The other grazing is divided into two sections, the first starting at 6,500 feet and descending to the lower areas, and the second consisting of the grazing supplied by maize and other stalks on the ploughed lands, planted pasture crops and grass on river and spruit banks. The former is in an indescribable condition and nothing will remain to destroy unless immediate steps are taken.

The Commission discusses the carrying capacity of the reserves and points to the varied expert estimates of 12,000 in 1940, 10,000 in 1950, etc. Experts variously estimated that, if rehabilitated, the Reserves might carry 18,000 cattle units, or 16 - 17,000, or 15 - 16,000, and the Commission felt that the existing units, namely 13,551, could be carried, given certain measures of control. The optimum carrying capacity which the Commission puts at 16,500, could be achieved in time, but would come about faster if 18,000 morgen of pasturage of a more level nature could be substituted for the suggested excision of the portion above 6,500 feet.

The Commission concludes that either of two steps must be taken - the permanent population of the Reserves must be reduced to the carrying capacity, or more land must be acquired over and above the 4,000 morgen of lands and the 18,000 morgen in compensation for the mountain area.

6. Local Industries, etc.

The Commission indicates certain possibilities, but suggests that the matter be investigated. Blankets, fruit canning, a creamery, milk are mentioned.

7. Right of ownership or occupation.

The Commission considers that the historical development of the Reserves has proved conclusively that communal ownership of land is no longer a strong enough tie to keep the Africans on the land. It considers that the only other method of restoring the love of the soil in the Africans of Witzieshoek is the institution of a kind of private ownership. It points out that one big factor in the deterioration of the Reserve has been that the individual has found the communal possession of land, which subjects him to the arbitrary will of the Chief or official, irksome. He has no personal interest in the land and places responsibility for deterioration on the shoulders of the authorities. The Commission considers that this is an important cause of deterioration in Witzieshoek. It therefore recommends that the individual should be given the right to buy his residential lot and land together with the right to communal grazing for a limited number of stock. To help in such purchases, a Land and Agricultural Bank for Africans should be set up.

8. Rehabilitation Measures Already Applied.

The Commission discusses the success, or otherwise, of measures hitherto applied and comes to the conclusion that the success of the work done was not as great as it might have been because the wholehearted co-operation of the Africans was not obtained, too little use was made of mechanised units, and veld conservation and control by means of grazing camps was not applied correctly. It draws attention particularly to the fact that, while in 1939 the first assessment was 12,500 units, in 1949, after the Trust had been busy with its conservation measures, the carrying capacity was assessed at 10,000 stock units. It points out that an accurate survey of land is necessary before any accurate assessment can be made and that considerable time must be spent in arriving at an assessment. It also suggests that no culling and assessment should be carried out until a survey has been made and thorough study of the rotation of grazing has been carried out over a three-year period. The Commission actually comes to the conclusion that during the ten years of control, the present camp system in the Reserve has had an adverse, rather than a beneficial, effect on the quality of the veld. It does, however, point out that much excellent work had been done by officials despite this.

9. Trade with Basutoland.

For a variety of reasons, the Commission considers that trade with Basutoland over the mountains should be stopped.

10. European Traders.

The Commission considers that they should be expropriated with compensation and trading rights handed over to Africans.

SUMMARY OF RECOMMENDATIONS.

1. The Native Commissioner in Witziesshoek should not exercise any criminal jurisdiction whatsoever. This will save him the embarrassment of having to punish people with whom it is of the utmost importance for him to maintain relations of confidence and respect without causing dissatisfaction. Similarly, the Public Prosecutor in the Reserve should not be the same police officer investigating the cases.
2. The powers which the Chief formerly exercised should be restored.
3. The Reserve Board should be abolished and a local council instituted in its place which could, in the course of time, take over the entire domestic administration. The two Chiefs should be members, "ex officio".
4. Because Africans believe that, when the word "consultation" is used, their concurrence should be obtained for any measure, the Commission suggests that the word "discuss" be used instead of "consult".
5. The Commission recommends that all proclamations, etc., applicable to the Reserve should be reviewed and investigated by a committee and that such a committee should discuss its proposals with responsible Africans before making its final recommendations.
6. Deals with minutes of meetings.
7. Deals with the handing in of stock cards, etc.
8. A properly organized vital statistics service is suggested.
9. In urban areas, especially in large industrial centres such as the Witwatersrand, Pretoria and Vereeniging, certain areas should be proclaimed in terms of the Group Areas Act as Native Areas under the supervision of a statutory regional Council and not the municipalities, where permanent segregation of detribalized and industrialized Natives can be effected, where they can live with a certain measure of say in their own affairs so that the Native who has saved up capital in industrial areas may invest it there safely in property or business, and where the residential areas will be divided into three groups, namely for sub-economic lessees, economic lessees and owners of land, so that Natives who have been absent from the Reserve for many years and no longer have any contact with the place of their birth, will no longer need to regard the Reserve of their origin as their home to which they are entitled to return at any time.
10. Natives from Witziesshoek, who have left the Reserve for two years or more, should be regarded as having permanently left the Reserve. If they desire to return, they should make application 'de novo' to do so. Such applications should then be refused or granted on their merits, with due regard to conditions in the Reserve.
11. Natives whose applications to return to the Reserve are refused, or who for some reason are removed from the industrial area or a prohibited area in terms of Section 10 of the Natives (Urban Areas) Consolidation Act, should be removed to a special Reserve as, for example, Hamanskraal, and should not automatically be sent back to the Reserve of their birth.
12. The Commission recommends that the available arable land of Witziesshoek be supplemented by a further 5,000 morgen of arable land by the purchase of land to the east and north-east of the Reserve.
- 13 & 14. The 18,000 morgen above the 6,500 feet level should be excluded and pasture lands to compensate be included in the purchase of land as already recommended and that an additional area, depending in extent upon survey be bought.
15. A survey to be made of the Reserve.
16. After survey a proper assessment to be made.

17. Additional land purchased should be incorporated in the Reserve, not administered like a Trust farm.
18. The acquired land to be surveyed and properly planned. Lands approximately 5 morgen or more should be demarcated, etc.
19. After work of survey, etc., of the acquired land is completed, Africans should be given the right to purchase residential lots and agricultural holdings with the right to communal grazing for a fixed number of cattle.
20. Those buying land must submit to the jurisdiction of the Chief, maintain their tribal association and be subject to tribal laws and customs.
21. Neglect or inadequate use of land should involve expropriation with compensation for improvements.
22. After the additional land has been occupied the system of ownership should be extended gradually to the original Reserve.
23. The Commission recommends that a Land and Agricultural Bank for Africans be established to enable them to purchase the land and erect improvements thereon, and if the establishment of such a Bank will take a long time because legislation will be necessary, the Commission recommends that advance for this purpose be made from Trust funds for the time being against security of a first bond, which bond can subsequently be ceded to the Land and Agricultural Bank.
24. If additional land acquired, lands should be supplied to the Bathlokoa tribe who at present do not possess lands.
25. When the system of ownership is extended to the original Reserve, provision must be made for certain sections where poor Africans who cannot purchase land, can hire land as residential lots and agricultural holdings on a sub-economic basis more or less on the same basis on which residential lots and agricultural holdings are leased to people in labour colonies, with a view to their gradual rehabilitation so that they may eventually be elevated to the class of economic lessers or land owners.
26. The Commission recommends that in investigating the possibility of irrigation schemes and the building of dams, the feasibility must be borne in mind of harnessing water power for the development of electric current which could be laid on to the kraals where Africans who wish to, may buy it from the Reserve Board at fixed prices, but more particularly for power supply to industries such as mills, small dairy industries, creameries, bakeries, a wool refinery and possibly a spinning and weaving factory. The economic possibilities and the possibility of the supply of capital, co-operative or otherwise should be investigated by experts as soon as possible.
27. Trade with Basutoland should be stopped except for tourists and travellers.
28. The Commission desires to recommend that the time has now arrived for the State to expropriate the trading rights of European traders in Witzieshoek with fair and reasonable compensation for buildings, etc., and that in future no trading rights be granted to Europeans in Witzieshoek. If need be, the removal of European traders from Witzieshoek can be effected gradually in all fairness to the traders as well as to the Natives so as to cause as little inconvenience as possible. This matter should, however, be tackled immediately.
29. Number of trading sites, etc., to be properly planned.
30. A separate Licensing Board to be set up and long term loans on first mortgage bond be made available to Africans who wish to purchase business sites.



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