

CHAPTER 6

THEIR FATE IN THE BALANCE :
FUTURE AFRICAN RESIDENCE IN DURBAN AND THE HOUSING QUESTION

Proletarian Housing, Capital Accumulation and Power

With the ending of the Second World War both the municipality and major employers of African labour began to become ever more anxious to discuss the problems presented by the paucity of officially approved accommodation for Africans in the city, the location of housing, and the continuing growth of shantytown sprawls. These discussions were a continuation of negotiations which had occurred during the Second World War over post-war reconstruction policy. The debates clearly revealed the basic economic and political attitudes of both the municipality and local employers to the question of African urban housing. By the end of 1949, these preliminary negotiations had deadlocked as both parties endeavoured to highlight their own difficulties and abrogate basic responsibilities towards the urban African population.

The Natives (Urban Areas) Acts imposed very few conditions which could compel obdurate city municipalities to provide official African housing. Yet the Durban City Council's responsibility for ensuring the suitable housing of urban Africans was clearly set out in the Housing Act of 1920 and the Natal Ordinance of 1945. However, whilst recognizing and accepting these legal obligations, the municipality consistently declared that such obligations were never intended to override the basic financial structures upon which accepted principles of urban African administration were founded. In 1947, the Town Clerk, in giving evidence to the Broome Commission of Enquiry into urban African administration in Durban, remarked that "if the Local Authority refused to impose upon its city a (financial) burden that was too great to bear, then the Local Authority would be right and the coercing authority wrong".¹

A major component of the "Durban System" a component which later became integrated into statutory legislation covering all urban local authorities, allowed such local authorities to operate a separate Native Revenue Account. In terms of various legislative enactments, this fund could be the sole source from which the municipality financed its responsibilities for administration and the provision and maintenance of facilities for urban Africans. This fund, which derived its revenues mainly from the profits of the municipal beer monopoly and the renting of premises to African traders, was intended to be both self-accounting and distinct from other financial accounts administered by the local authority.

In effect the self-accounting basis of a Native Revenue Account was intended to allow urban local authorities to financially segregate and discriminate against the interests of Africans in the city from those of its

1. Broome Commission; evidence of the City Council, 10 December 1947.

White citizens. This prevented urban Africans from having access to municipal income accruing from the process of capital accumulation in the city.

The manner in which the municipality of Durban operated its Native Revenue Account was unique and further constrained the ability of the municipality to provide housing services to urban Africans. It had for long been the City Council's policy that no funds from municipal sources other than those in the Native Revenue Account be utilized for the provision and maintenance of urban African facilities or the general administration of Africans in the city. Bourquin, who joined the municipal Native Administration Department as Assistant Manager in 1950, remembers that:

... a matter which made our financing somewhat difficult was the declared policy of the Durban City Council that it would not use its own funds to subsidize or support the (Native) Revenue Account. If there was a shortfall in the Native Revenue Account, it was expected of a Local Authority to make good the shortfall or to contribute from its rate fund ... Now this had been the practice of most municipalities, including Johannesburg for instance, which at one stage contributed a million and a half from its rate fund to the Native Revenue Account. But in Durban this has never happened and it was the Durban City Council's declared policy not to contribute one single cent to that fund.²

However Durban's Native Revenue Account was not only self-accounting. In terms of an agreement reached with the Union Government in 1937, the Durban City Council was enabled to administer its Native Revenue Account in a manner which in essence allowed the municipality to extract profits from the Native Revenue Account.

It was the municipality's policy to "pool" all land required for native administration buildings and the use of and occupation by Africans under municipal ownership. Funds for such purchases came from the municipal Public Improvement Funds or from loans raised on the open market. This land was then rented out to the Native Revenue Account on the basis of the market valuation of the land. In the same way, if the municipality provided buildings for administrative use by the municipal Department of Native Administration, the Native Revenue Account would pay rental on the basis of the market value of such buildings. Furthermore as the owners of such land and buildings, the municipality would be able to sell such property on the open market and thereby secure profits which went to the municipality's own accounts.³

As owners of the land, the municipality would be required to provide and maintain essential services. For these services, the Native Revenue Account paid rates "in the same way as did any other ratepayer in the city".⁴ However, in interpreting this relationship, the municipality rarely provided all the services due to the Native Revenue Account as a ratepayer. When such services were provided the municipality levied the costs of such services as an additional charge against the Native Revenue Account. When charging such costs to the

2. Interview with Mr S Bourquin, 8 December 1980.

3. Broome Commission; evidence of the City Council, 10 December 1947.

4. Interview with Mr D McCullough, 23 April 1981.

Native Revenue Account, the municipality treated the Native Revenue Account as an outside customer, not as either a tenant or a ratepayer.⁵

Further profits were extracted from the Native Revenue Account when any municipal department apart from the Native Administration Department itself, which was always totally funded by the Native Revenue Account,⁶ provided services for the Native Revenue Account. For example, when the municipal City and Water Engineer's Department erected or maintained buildings rented by the Native Revenue Account, the costs of labour and material were charged to the Native Revenue Account. In addition to these charges however, a further amount equalling two-thirds of the total salary bill involved in the provision of such services was deducted from the Native Revenue Account. It was believed that this "fine" was justified: whilst municipal workers were engaged on these projects, they were prevented from completing other tasks of benefit to White citizens.⁷

In order to secure such profits, which municipal Native Administration officials accurately believed were intended to "bleed" the Native Revenue Account "dry",⁸ the municipality was authorized, under the 1937 Agreement, to establish two Working Balance Reserve accounts in both the general and Kaffir Beer sub-accounts of the Native Revenue Account. Native Revenue Account profits would first be entered in the Working Balance Reserve Accounts. Before making any of these profits available for the subsidization of sub-economic rentals or the allocation of grants-in-aid to welfare, sporting and such organizations operating among the African urban population, the municipality always claimed preferential rights. It deducted its own charges first. In giving evidence to the Broome Commission Enquiry the City Treasurer summarized the benefits of this accounting policy in the following way: 'I think I have made the point that Johannesburg has no Working Balance Reserve, I am convinced that if they had ... they would not have to call upon their General Rate Fund to meet the deficiency ...'⁹

Through municipal manipulation of the Native Revenue Account Africans in Durban were financially separated from the profits derived from the economic growth of the city. Through the municipality viewing the Native Revenue Account as "virtually a private company .. run by themselves", the Native Revenue Account was "plundered" by the extraction of funds and their channelling into general municipal accounts. Not only was the municipal Native Revenue Account in Durban self-accounting, it was also capitalized and thereby used as a source of profit for the municipality.

Officials in the municipal Native Administration Department were often highly critical of the manner in which the Native Revenue Account was administered. McCullough, then a clerk in the Department continues:

5. *Ibid.*

6. Municipality of Durban, Native Revenue Account, Financial Estimates, *passim*.

7. Interview with Mr S Bourquin, 10 September 1980.

8. *Ibid.*

9. Broome Commission; evidence of the City Treasurer, 11 December 1947.

It was always a very wealthy Account. All the massive funds from beer and things. But this was the irony. While it was always very profitable, the City Council always viewed it as a debtor ... claiming preferential rights to the Account's money. And in a sense it was always bankrupt, but only because of how the loot was filched.¹⁰

In 1947, the legal representative for the Joint Councils during the Broome Commission, Mr L R Caney, saw the position in significantly similar terms: that municipal administration of the Native Revenue Account was 'making a pauper a saver for someone else's benefit'.¹¹ Havemann, on assuming control of the municipal Native Administration Department in 1950, simply referred to the accounting procedures of the municipality as 'the farcical finances of Mr Green', the City Treasurer.¹²

By the late 1940's municipal officials were constantly maintaining that the municipality was not in a position to consider providing further housing for urban Africans. The Native Revenue Account could not bear the costs of such development. During the course of the Broome Commission, the Town Clerk maintained that '... we [the municipality] see the red light on this particular question in regard to meeting the requirements of the present and the future in the field of Native houses'.¹³ However the basis upon which such statements were founded requires substantial scrutiny. Such comments were, whilst partly true, often disingenuous and often deceitful. The City Council cited three reasons why it was unable to consider any future African housing development in the city.

First, as a result of the persistent shortage of housing capital available through government loans and the enormity of the African housing shortages in all the major urban centres, it was unlikely that sufficient funds would be made available by the state.¹⁴ This was true. As Bourquin remembers, 'one would get, I just mention by way of example, say three million to start with and you would gear yourself to spend three million a year ... and the next year you would only get a million and a half'.¹⁵ All capital for African urban housing came from the government which was unable to provide the required amounts.

The municipality claimed that the system whereby capital loans for sub-economic African housing were allocated to various urban authorities placed an 'inequitable' financial burden on the municipality of

10. Interview with Mr D McCulloch, 23 April 1981.

11. Broome Commission; cross examination during the evidence of the City Treasurer, 11 December 1947.

12. Interview with Mr C N Shum, 20 June 1986.

13. Broome Commission; evidence of the City Council, 10 December 1947.

14. *Ibid* and interview with Mr S Bourquin, 8 September 1980.

15. *Ibid*. Ladlau mentions this problem, but views the shortage of capital for African housing as stemming largely from administrative factors, rather than the result of financial authorities reluctance to allocate large amounts of capital to projects where capital returns were extremely minimal. See Ladlau 'The Cato Manor Riots', p 14-15. For theoretical accounts of capital availability for proletarian housing see P Wilkinson 'the Politics of Housing in South Africa', *Work in Progress*, no 17 (April 1981).

Durban.¹⁶ This was simply not true. The municipality had never been responsible for providing any finances for African urban facilities apart from those which could be recouped either directly from the Native Revenue Account itself or from government repayments.¹⁷

The municipality maintained that the Native Revenue Account was no longer in a position to continue subsidizing the rentals of existing sub-economic housing and would thus not be able to assist in subsidizing future housing. This was partly true. In 1949, for the first year ever, municipal financial estimates provided for a sum of £10,000 to be allocated from the General Rate Fund to the Native Revenue Account.¹⁸ However, the City Council did not permit these funds to be allocated to the Native Revenue Account.¹⁹ Instead it proceeded to extract further profits for the Native Revenue Account. The price of sorghum beer was raised, as were the rentals on municipal trading premises and new beerhalls, eating houses and trading premises, in all major urban African residential areas. Many of these facilities had been built out of capital in the "welfare" accounts of the Native Revenue Account.²⁰ It was thus not so much that the Native Revenue Account could not subsidize rentals. Such subsidization would drain finances which could otherwise be utilized to create further sources of profit in order to maintain the self-accounting status of the Account and allow the municipality to profit from the Account. Furthermore, the municipality was then engaged in negotiations with the government over means by which the 1937 Agreement could be altered in ways which would enable the municipality to increase their charges against the Native Revenue Account.²¹ The Native Revenue Account was and would remain wealthy. But it was unable to subsidize the rentals on future housing accommodation through the municipality viewing its desire to extract profits from the Account as constituting a preferential claim against the Account and municipal refusal to provide financial assistance to the Native Revenue Account.

The issue must also be viewed in a broader context. The White citizens of Durban claimed unto themselves sole power over, access to, and the distribution of the wealth created by capitalist growth. As such, municipal accounting procedures had to ensure that the needs of Black city residents be treated as distinctly inferior. For Africans living in Durban the material roots of racial segregation and class exploitation lay in the very accounting principles which underpinned the Native Revenue Account.

Ultimately, however, all official protestation about the weak financial position of the Native Revenue Account was a diversionary tactic. During the late 1940s, the municipality was trying to see to what extent it was able to abrogate all future responsibility for the provision of African housing in the city. This strategy was complementary to the politically motivated ideas of those city councillors who desired that Africans be housed

16. Broome Commission; evidence of the City Treasurer, 11 December 1947.

17. *Ibid.* Cross examination of evidence of the City Treasurer, 11 December 1947.

18. Interview with Mr S B Bourquin, 8 September 1980.

19. Municipality of Durban, Native Revenue Account, Financial Estimates, 1950-1951.

20. Broome Commission; evidence of the Town Clerk, 10 December 1947 and Mayors Minute, Report of the Manager, MNAD, 1948-1949, 1949-1950 and 1950-1951.

21. Broome Commission; evidence of the City Council, 10 December 1947.

outside, but within close proximity, to the city.²² No matter how much money the municipality was able to either save or extract through the Native Revenue Account, the residence of Africans in the city prevented the municipality from gaining revenues through the full capitalization of the land area of the city. Such revenues formed the basis of municipal finance.²³ Throughout the later 1940s the City Council was reluctant to provide any further African housing in the city. It attempted to prove that the responsibility for providing such housing lay either with local employers and the government or with the government alone.

In 1948 the Broome Commission Report suggested that the City Council embark on a massive scheme to provide formal sub-economic houses for Africans.²⁴ The City Council summarily dismissed these suggestions and in March 1948 sent a delegation to discuss the matter with the Union Government.²⁵ The City Council emphatically refuted any suggestion that it could provide further African formal housing. All that the City Council was prepared to discuss was the rapid removal of African shantytown residents to the Umlazi Mission Reserve, lying immediately to the south of the city, and the temporary establishment by the municipality of a transit camp on the Umlazi Glebe lands which lay within the city boundary. The municipality expressed its willingness to lease part of the Umlazi Mission Reserve and develop a 'native village' scheme in the area.²⁶

These proposals were turned down by the government and representatives of the South African Native Affairs Commission, who were responsible for the administration of the Umlazi Mission Reserve. The government stressed that they intended to develop sub-economic housing on the Mission Reserve and suggested that the City Council reconsider its objections to the *permanent settlement of Africans in municipally built*, formal, sub-economic housing located either in Cato Manor Farm or to the north of the city in the Richmond - Zeekoei Valley Farm area.²⁷ The meeting ended inconclusively and in April 1948, the City Council merely reaffirmed its previous intentions. On the 19 May 1948 the Secretary for Native Affairs refused permission for the municipality to acquire any land on the Umlazi Mission Reserve for anything but the erection, by the municipality, of formal sub-economic African housing.²⁸

In a similar way, deadlock was reached in the various negotiations between representatives of major urban employers, the municipality and the government over the question of employers providing accommodation for African employees and their families. Representatives of major employers continually stressed that they desired to have such labour provided with either formal hostel accommodation or resettled

22. *Ibid.*, evidence of the City Council, 10 December 1947.

23. *Ibid.*

24. *DNAC*, Report of the Commission.

25. Municipal Native Administration Committee, agenda, August 1948.

26. *Ibid.*

27. *Ibid.*

28. City Council agenda, 13 August 1948.

into nuclear family housing schemes.²⁹ However employers refused to pay anything towards the costs of such accommodation.

Employers stressed that they were unable to pay the costs of African family accommodation as this would raise the price of commodities produced in the Durban area above those produced in other areas.³⁰ Furthermore such an indirect subsidization of African rentals would directly affect the relationship between African, 'Coloured' and Indian labour.³¹ Employers were thus in favour of African family housing been built by Africans in areas located outside of the city but within close proximity to places of employment.³² Employers consistently suggested that the most suitable area for such family settlement would be the Umlazi Mission Reserve lands.³³

When considering African migrant accommodation, employers believed that such accommodation should be situated close to the major areas of employment.³⁴ However, the majority of employers refused to accept full responsibility for the provision of such accommodation,³⁵ or their obligation to financially assist the municipality in providing such accommodation,³⁶ unless employers were allowed to deduct such charges from the wages received by African workers living in such hostels.³⁷ This position brought employers into constant conflict with the municipality. When opening up the Mobeni Industrial Estate in 1946, the municipality only permitted industrial development in the area providing employers agreed to house their own African employees.³⁸ This provoked outcries from employers. Conflict continued in 1948 when the City Council informed employer organizations that from November 1948 it was intending to prohibit entry of Africans into the city to take up employment unless the prospective employer was in a position to provide housing.³⁹ Employers were outraged at the proposal, maintaining that it was so unreasonable "as to carry with it its own refutation".⁴⁰

Similarly during the late 1940s, employers steadfastly resisted attempts by the government to compel urban employers of African labour to accept some financial responsibility for the accommodation of African workers. In April 1949, a conference was convened in Cape Town for local urban authorities, employer

29. Natal Chamber of Industries, Annual Report, 1949-1950.

30. Broome Commission; evidence of the Natal Employers Association.

31. MNAD; H/Gen, vol 1; Manager, MNAD 'Native Housing Policy', November 1948.

32. Broome Commission; evidence of the Natal Employers Association.

33. Durban Chamber of Commerce, Annual Reports, *passim*.

34. *Ibid.*

35. Industrial Employers Association (Natal Section), Annual Reports, 1947-1948 and 1949-1950.

36. Broome Commission; evidence of the City Council.

37. *Ibid.*

38. Natal Chamber of Industry, Annual Report, 1947-1948.

39. Mayors Minute, 1949-1950 and Natal Chamber of Industry, Annual Report, 1951-1952.

40. Industrial Employers Association (Natal Section), Annual Report, 1948-1949.

organizations and the government to discuss the urban African housing question and the financial position of local authorities. The meeting failed to resolve any main issues, as employers refused to consider bearing any direct financial responsibility for African housing.⁴¹

Aside from their public statements however, both the municipality and local employer organizations were involved in a series of more open-ended discussions over various critical issues raised by the shortage of African housing and their desire to alter the nature of African work in the city. These discussions were of central importance. They raised major problems which would continue to be evident throughout the planning and development of both the Cato Manor Emergency Camp and Kwa Mashu township.

Both employers and the municipality recognized that it was necessary to restructure the very basis of African residential life through the provision of both single male hostel accommodation and nuclear family housing.⁴² The shantytowns would have to be destroyed and housing allocated to African families on a single site, single tenant basis.⁴³ In discussing the spatial location of such African nuclear family residence, both municipal officials and employers were less categorical than their publically expressed assertions that African family residence should be situated outside the city, preferably on the Umlazi Mission Reserve. In November 1948 it was estimated that whilst there were an estimated 40,000 Africans employed in the southern areas of the city, there were a further 30,000 Africans employed in central Durban and in areas to the north of the city.⁴⁴ It thus became clear to both parties that it would be inappropriate to provide all future African nuclear family residence solely on the Umlazi Mission Reserve.⁴⁵ Furthermore, it was also accepted that the benefits of relocating all African family accommodation to areas outside the city did not outweigh certain disadvantages. Employers were quick to realize that whilst this might be politically acceptable to many,⁴⁶ and might relieve employers from paying towards the provision of such housing,⁴⁷ the very development of such housing would encourage the growth of peri-urban industrial and commercial enterprises to the detriment of business located in Durban.⁴⁸

In discussing the type of African family accommodation which should be built, yet further problems arose. Whilst both the municipality and employers stressed that Africans should build their own homes according to laid down standards, both recognized certain difficulties with this approach. The City and Water

41. Mayors Minute, 1949-1950.

42. Natal Chamber of Industry, Annual Report, 1946-1947.

43. Broome Commission; evidence of the Natal Employers Association and the Durban Chamber of Commerce. Throughout all municipal discussions on the future of shack dwellers there was never any questioning of the idea that single-site single-tenant residence was intended.

44. MNAD; H2/CM; vol 1; Manager, MNAD-Town Clerk, 30 July 1949.

45. Interview with Mr C N Shum, 20 June 1985.

46. Interview with Mr D McCullough, 23 April 1981.

47. Broome Commission; evidence of the Natal Employers Association.

48. Durban Chamber of Commerce, Annual Report, 1950-1951.

Engineer noted that as a result of various surveys in the shantytown areas, it was clear that African residents did not build their own homes. Rather Africans paid a 'native builder' to erect dwellings. However, such builders had not the technical expertise or capital to provide the required sanitary and drainage facilities. As unlicensed operators, having no artisan's ticket, such people would anyway be prohibited from involvement in any formal construction work. Such builders could operate in the "happy freedom" of shantytowns, but they would be prohibited from any formal housing development scheme.⁴⁹

During their discussions over African housing, both the municipality and employers raised major objections over the costs of such housing. Firstly, employers noted that many of the residents in shantytowns like Cato Manor would in fact be able to pay a rental of around £2 to £2.10 for "a proper house" because "people are paying more than that for their shacks."⁵⁰ This was certainly true for many shack dwellers. But the municipal Native Administration Department raised a further problem. Many of the shantytown residents derived part of their income from activities which would be prohibited in formal townships: sub-letting room space and other forms of petty entrepreneurship.⁵¹ Such problems would remain central to all future discussions over the provision of housing for urban Africans in the city. However, during the late 1940s, notwithstanding the manner in which employers of African labour and municipal officials constantly expressed concern at the shortage of African housing in the city, both the municipality and industrial and commercial interests were primarily interested in absolving themselves of any financial responsibilities for such housing.

This virtual stalemate was to be broken, not so much through the January 1949 Riots revealing the problems of unregulated shantytown growth, but through changes in the balance of power within the central state and between the central state, industrial and commercial interests, and municipalities. After Verwoerd became Minister of Native Affairs in 1950, the Department of Native Affairs began to assume increasing power within the government over African housing policy. From 1950 many of the housing functions of state departments, such as the Department of Health, became consolidated under the influence of both Verwoerd and the Secretary for Native Affairs, the ex-University of Stellenbosch anthropologist and former colleague of Verwoerd's, Dr W M Eiselen.⁵² Urban labour and housing policies henceforth came under what was to become one of the most influential state departments.⁵³

In the early 1950s, during negotiations over how best to restructure control over African urban labour, the Department of Native Affairs was to stress to both employers and the municipality that such restructuring was impossible without complementary changes in African residential life. By the early 1950s

49. MNAD; H/Gen, vol 1; Manager, MNAD "Native Housing Policy", November 1948 and H2/CM, vol 1; City and Water Engineer- Town Clerk, 26 August 1949.

50. Natal Chamber of Industry, Annual Report, 1949-1950.

51. MNAD; H/Gen, vol 3; Manager, MNAD-Town Clerk, 9 November 1957.

52. H Kenney, *Architect of Apartheid: H F Verwoerd - an appraisal*, (Johannesburg, 1980), Chapter 3.

53. Posel, "The Nature of Apartheid", p 7.

major urban employers had accepted this interlinking of issues. After some coercion, employers came to bear some financial responsibility for African housing.⁵⁴ The municipality of Durban was however to remain impenitent. However during discussions over African housing in the early 1950s, the municipality was still defiantly attempting to absolve itself from any responsibility for the provision of permanent African urban housing on any large scale.

Verwoerd takes charge: the City Council and the Cato Manor Emergency Camp

Immediately after the January 1949 Riots a city councillor suggested that in view of the municipality's inability to control shack growth in Cato Manor Farm, the municipality should purchase land in the Mkhumbane area and erect permanent African nuclear family housing.⁵⁵ In July 1949, Havemann similarly suggested that the municipality should build between 1,500 and 2,000 sub-economic houses for Africans on a sparsely populated area of Cato Manor Farm. The most suitable land was that which adjoined the African freehold areas of Chateau and Good Hope Estates and a further area immediately to the north of Chesterville. These houses would be occupied by African families living in the shantytowns of Mkhumbane. Having thus reduced the population density in the main area of shantytown settlement, the municipality would be able to provide better facilities in Mkhumbane and eventually allow for the "later eventual stabilization" of Mkhumbane into a permanent African nuclear family scheme. Havemann believed such a policy would enhance the already strong community feeling which existed in the shack settlement.⁵⁶ However Havemann pointed out that the municipality would have to provide further African formal housing, particularly for those Africans employed in the central and northern areas of the city. He suggested that the municipality purchase and develop such formal housing on the Richmond and Zeekoe Vallei Farms.⁵⁷

Havemann's proposals incorporated three main principles. He was at pains to reject the commonly held notion that the African shack dwellers in Cato Manor Farm, were dirty, diseased and socially intolerable. Havemann maintained that,

Whilst there are criminals and idlers, the residents of Cato Manor are not a mass of brawling insurgents. They are on the whole decent working men trying their best to provide for their families. The municipal barracks also suffer in the same way at weekends from visitors who are law abiding enough during the week. This is an inevitable result of males living in barracks away from the normal constraints of family life.

Until land is provided where natives can live legally, the City's choice is between having new uncontrolled shack settlements like Cato Manor and allowing natives to live in backyards and

54. Wilkinson, "Adequate Shelter", p 19.

55. Durban Housing Survey, p 379.

56. MNAD:H2/CM, vol 1; Manager, MNAD-Town Clerk, 14 July 1949 and Manager, MNAD-Town Clerk, undated memorandum for submission to the Native Administration Committee, 16 January 1950.

57. Ibid.

to overcrowd already insanitary shacks. The problem has merely changed its venue and come out into the open.⁵⁸

Havemann also wanted housing provided in the city for African nuclear families legally permitted to live in the city. Such people could not merely be relocated to another shack area: "the sheer removal of the same people to another place can hardly change their character."⁵⁹ Finally, Havemann maintained that the only way in which the municipality would be in a position to afford such sub-economic housing was through the municipality making substantial and continual financial contributions to the Native Revenue Account.⁶⁰

Havemann's policy recommendation was summarily rejected by the municipal Native Administration Committee, which after much debate, agreed to request a further joint proposal from the municipal heads of departments concerned with African housing. This report was to be based on an acceptance of certain key constraints. Not only was the Native Revenue Account to remain self-accounting, but because the City Council was both reluctant to acquire any more land for permanent African housing and had already stated its belief that Cato Manor Farm should eventually be developed as a White residential area, the report rejected the idea of permanent African housing in Cato Manor Farm.⁶¹

The African shantytowns in Cato Manor Farm were located on Indian-owned land. Even though the majority of the landowners paid residential as opposed to agricultural rates on their properties,⁶² the municipality had provided pitifully few services to the area.⁶³ With the area being suitably close to the commercial and industrial nexus of the city, remaining undercapitalized and outside the effective day-to-day control of the municipality, the area was ideal for shantytown growth. However, by the 1950s the area was becoming a key urban space in the municipality's plans to provide for White urban residence and a consequent capitalization of its land-holdings.⁶⁴

The heads of department report suggested that as many of the African residents of Cato Manor Farm as possible should be relocated into either formal houses in Lamont Extension or onto the Umlazi Glebe, where residents were required to erect their own homes on sites which the municipality had provided with basic sanitary services. With regard to Cato Manor Farm, the municipality should acquire the Mkhumbane area, which had the greatest shantytown settlement, and develop a 'native village' scheme. As owner of the land, the municipality would be responsible for the provision of roads, stormwater drains and communal ablution and

58. MNAD;H2/CM, vol 1; Manager, MNAD-Town Clerk, 30 July 1949. Havemann's words are still remembered and accurately recalled by persons who had then been officials of the MNAD.

59. *Ibid.* My emphasis.

60. Interview with Mr C N Shum, 20 June 1986.

61. Native Administration Committee, minutes, 21 July 1949 and 3 August 1949.

62. MNAD;H2/CM, vol 1; City Valuator and Estates Manager, undated. See Also *Durban Housing Survey*, p 361.

63. MNAD; H2/CM, vol 1; City and Water Engineer- Town Clerk, 20 August 1949.

64. *Durban Housing Survey*, p 381.

water facilities. As the land would be eventually occupied by Whites, all major drain and road developments should be those services required by residential plots of 3,000 square feet. During the period in which the area was to be occupied by Africans, sites of a maximum of 1,750 square feet would be provided on which individual tenants would erect their own homes. Thus for the duration of the 'native village' scheme, the main drainage and water facilities would be catering for almost twice their intended capacity. Temporary sites were planned on very steep land because "there are always people who would fill them".⁶⁵ All sites would be allocated to individual tenants who were neither to sub-let or rent more than one site. Financial loans for the breaking down of existing premises and the erection of new houses would be available from the Native Revenue Account. The report envisaged that the dwellings erected in this scheme would be of similar construction to those already in existence in the area. But through sites being allocated on an individual basis, the communal nature of shantytown life would be destroyed. No trading, welfare, school or recreational facilities were planned. The only health facility envisaged was a municipal mobile immunization clinic if and when the municipal Native Administration Department requested such a service.⁶⁶

The report was in stark contrast to that proposed by Havemann. Both reports accepted the need to destroy the basis of shantytown life and revealed an awareness of how particular housing forms would constrain or enhance particular social relations. However, the heads of department report accepted certain policy constraints and thus formulated a plan which seemingly went against the expressed desires of city councillors to transform the residential life of African shack dwellers. While residence would be based on single-site, nuclear family housing the plan did not envisage the provision of adequate drainage and sanitation and in no way altered or improved existing conditions of community life in the area.

The heads of department report was submitted to the Native Administration Committee in September 1949. It was immediately the subject of bitter and heated discussion between what would rapidly develop into two factions within the City Council. This division was essentially between the Mayor, Councillor Boyd and the Deputy Mayor, Councillor Clarke, who had long been vociferous in condemning urban Africans for being diseased and morally reprobate and Councillors Nicholson and Spanier Marson, the respective chairman and vice-chairman of the Native Administration Committee.

The only area of agreement between the two factions was their common belief that it was necessary to control and destroy shantytown society in Mkhumbane. Councillor Clarke asserted that the "irascible" and "petulant" African shack dwellers should be "subdued" and noted that "the ingredients" of a practical solution "were available to the local authority". He maintained that the shantytown population should be "thinned out" by the police liquor raids, the building of a municipal beerhall in Cato Manor Farm, the prosecution of illegal traders, the demolition of all new shacks. Clarke maintained that the Crime and Disease Committee, which had

65. MNAD; H2/CM, vol 2; City and Water Engineer-Town Clerk, 17 May 1950.

66. MNAD; H2/CM, vol 1; City and Water Engineer-Town Clerk, 20 August 1949 and vol 2; City Medical Officer of Health-Town Clerk, 13 May 1950.

been disbanded in 1944, should be "resuscitated".⁶⁷ Councillor Spanier Marson's perceptions of the problem were similar. Spanier Marson believed that the City Council should declare Cato Manor Farm "out of bounds to town natives", the police should intensify their raiding into Mkhumbane and all municipal beerhalls should be open on Sundays.⁶⁸

The City Council's inability to either introduce many of these suggested measures or, at the very least, control the Cato Manor Farm shantytowns through effecting some of these suggested controls had already been discussed in the municipality. The City Council had not yet gained the right to demolish shacks in the 'added areas', which included Cato Manor Farm. Furthermore, shacks in Cato Manor Farm could only be demolished in terms of the Slums Act if alternative accommodation was available. Both the municipality and the police had long accepted that their ability to maintain any long-term influence in the area was non-existent.⁶⁹ Native Administration Department officials believed that the idea of introducing another curfew which would prevent Africans who did not reside in Mkhumbane from entering the area over weekends was unwise.⁷⁰

The castigation of African shack dwellers revealed clearly the frustration felt by many City Councillors. While they resisted any idea of the municipality providing further African housing, they were aware that the problems raised by shantytown growth could not be entirely controlled through direct coercion. Both factions within the City Council publicly upheld a policy of overt coercion and in their very language revealed a desire to blame African shack dwellers for the conditions of urban African residential life. But both sides were intent upon setting forth the benefits of particular housing policies as the only really effective way of eliminating shack society.

Councillor Nicholson proposed amendments to the heads of department recommendations on the basis of African employment statistics. Nicholson believed that all African workers employed in the area north of Berea Road should be settled in formal housing on Richmond and Zeekoe Vallei Farms. African workers employed south of Berea Road should be relocated to formal housing on either the Umlazi Mission Reserve or further south between Isipingo and Mbogintwini. The municipality should undertake all housing development.

For raising such suggestions Councillor Nicholson was vehemently attacked for "preaching apartheid" - an accusation which he proudly agreed with.⁷¹ Nicholson maintained that his "amendment was like the Act of

67. K J Clarke, "Some Observations on the Shack Settlements in Durban", Native Administration Committee agenda, 3 August 1949, Natal Mercury, 1 October 1949.

68. Native Administration Committee minutes 3 August 1949 and 4 November 1949, address by Councillor Spanier Marson to the Durban Parliamentary Debating society, 24 January 1950 and Daily News, 2 November 1949.

69. MNAD; H/Gen, vol 1; Acting Manager, MNAD-Town Clerk, 31 January 1952.

70. During this period, the municipality was resisting implementing such similar calls from many citizens. See MNAD; H2/CM, vol 1; Cato Manor Indian Economic Housing Scheme Ratepayers Association- Town Clerk, 12 August 1949; Natal Indian Organization-Town Clerk, 13 September 1949; Natal Indian Congress - Town Clerk, 14 September 1949 and 16 September 1949; Housewives League of South Africa (Durban Branch)- Town Clerk, 16 December 1949 and Montclair Ratepayers Association-Town Clerk, 1 October 1949.

71. Natal Mercury, 1 October 1949.

Union; in fact it was the Magna Carta for the Natives in Durban".⁷² He attacked other City Councillors for not seeing that the destruction of shantytowns required new housing. As a result of its dilatory approach, the City Council was "timidly yielding to the demands of unruly elements" in the shantytowns. He warned that "there was a cold war going on between various factions and that if the Council backed the Bantu, revolution and not just riots would start".⁷³ Implicit in these suggestions was the belief that shack life could only be destroyed through the provision, by the municipality, of formal housing.

The crux of city councillors' objections to Nicholson's proposals was that the Native Revenue Account would be unable to finance the proposed housing schemes. Under attack at an open meeting of the Native Administration Committee, Nicholson was at pains to assure councillors that the Native Revenue Account should remain self-accounting.⁷⁴ But once the City Council had adopted his suggestions, the municipality should approach the government, because the question of African urban housing was a "national issue" which required a "total solution".⁷⁵

The opposing recommendation was put forward by the Mayor, Councillor Boyd. This was based on the premise that whilst it was necessary to destroy the basis of shantytown life, the municipality should rather convince the government of its duty to provide permanent formal accommodation. Boyd believed that the City Council should accept the recommendations of the heads of department plan for a temporary, long-term 'native village' scheme in the Mkhumbane area, but that the municipality should not declare itself willing to provide any permanent housing for Africans. With regard to African housing on Richmond and Zeekoe Vallei Farms, Boyd believed that all the City Council should state was that this land was the "logical outlet" for African housing to the north of the city. Concerning African housing to the south of the city, Boyd shrewdly maintained that "the Government did intend to urbanize the Umlazi Mission Reserve and (thus) he stressed the inadvisability of submitting to the Government at this stage any alternative proposals for Native housing on the South Coast".⁷⁶

The Umlazi Mission Reserve was land set aside under the 1936 Natives Land Act for occupation by Africans. During the 1940s the City Council had repeatedly requested that the government allow the municipality to acquire part of the Reserve, at no cost, for the development of a 'native village' scheme.⁷⁷ For any change in the legal status of any land within the Umlazi Mission Reserve the formal consent of Parliament was required. An essential pre-condition to such a statutory change in the status of the Reserve was that alternative rural land would have to be provided for the occupants of the Reserve.⁷⁸ In the late 1940s, the City

72. Daily News, 2 November 1949.

73. Natal Mercury, 1 October 1949.

74. MNAD; H2/CM, vol 1; City and Water Engineer-Town Clerk, 26 August 1949.

75. See for example, Native Administration Committee, minutes, 30 September 1949.

76. City Council, minutes, 30 September 1949. My emphasis.

77. Broome Commission; memorandum submitted by the City Council, Chapter 6 and evidence of the City Council, 10 December 1947. See also Interview with Mr S Bourquin, 8 September 1980.

78. Broome Commission; evidence of the City Council, 10 December 1947, Report of the Commission and MNAD; H2/CM, vol 1; Town Clerk's confidential memorandum for the City Council's delegation attending a meeting with the Department of Native Affairs, 13 August 1948.

Council's suggestion that the most suitable alternative land was a White farming area in the Illovo and Umkomaas district was dismissed by the government,⁷⁹ as was the City Council's desire to develop a 'native village' in the Reserve. Both the government and the South African Native Affairs Commission, who administered the Reserve, were adamant that no Reserve land should be transferred to the municipality and that only formal housing should be provided in the Reserve.⁸⁰ In 1949, the Minister of Native Affairs announced that the Umlazi Mission Reserve would be developed by the government as a formal African urban residential area. This development would be independent of the City Council's own urban African housing schemes.⁸¹

The central tactical argument behind Boyd's proposal was that the City Council could rescind its earlier expressed desire to assume control of a part of the Reserve. Instead the City Council should convince the government of their responsibility to develop housing in the Reserve as quickly as possible. The municipality would thus be in a position to relocate shack dwellers out of the city without being involved in building projects.⁸² Boyd proposed that Councillor Nicholson's amendments be turned down. The report of the municipal heads of departments should be accepted but re-phrased in a way which blamed the government for the City Council's inability to acquire part of the Reserve and implied that government failure to provide formal housing in the Reserve raised the possibility of renewed racial tension in Cato Manor Farm. Boyd's proposed resolution read: "while the City Council desired another area for native housing, its inability to take over the 1,000 acres in the Umlazi Mission Reserve, forces it to declare that it has to try and put both Indians and natives separated in Cato Manor".⁸³

During the early 1950s, this strategy was to be the basis on which the City Council conducted its negotiations with the government on the question of African housing. Consequently both the City Council and United Party members of parliament for Durban constituencies were continually attempting to speed up the government's formal housing scheme plans for the Umlazi Mission Reserve.⁸⁴ On the 21 November 1949 the City Council turned down Nicholson's counter proposals, causing both Nicholson and Spanier Marson to resign from the Native Administration Committee.⁸⁵ Boyd's proposals were accepted, but referred back to a special sub-committee comprising Boyd, Councillor Barns, a supporter of Nicholson, and three other councillors, none

79. *Ibid.*

80. *Ibid.*

81. House of Assembly Debates, vol 70, 20 January-24 June 1950, columns 540-541 and 717-722 and interview with Mr S Bourquin, 8 September 1980.

82. Interview with Mr D McCullough, 23 April 1981.

83. City Council minutes, 21 November 1949.

84. House of Assembly Debates, vol 70, 20 January - 24 June 1950, columns 540-541.

85. City Council minutes, 21 November 1949. Both councillors were to withdraw their resignations within the space of a couple of months.

of whom had played any leading part in the conflict. This special committee was to liaise with the heads of department committee concerned with African housing.⁸⁶

The special committee, which first met on the 29 November 1949, attempted to formulate a detailed plan for a 'native village' scheme in the Mkhumbane area. Such a scheme would have to accord with three constraints. The City Council desired that Cato Manor Farm be eventually re-zoned for White residential occupation. The self-accounting status of the Native Revenue Account must be upheld. Finally the municipality's own financial involvement in the 'native village' scheme had to be as profitable as possible.⁸⁷ As a result of these constraints, the question of temporary African accommodation in the Mkhumbane area raised up certain intractable difficulties for the municipality.

It had for long been municipal policy that landowners on whose land shack settlements had developed should be compelled to provide essential sanitary services to the shack settlements at no cost to the municipality.⁸⁸ However, the City Valuator and Estates Manager pointed out that the local authority's ability to compel landowners to provide such services was severely constrained, involving lengthy arbitration procedures, and could be expected to be further drawn out through the "non co-operation of the present owners".⁸⁹ Furthermore, as municipal officials had long pointed out, when landowners were harassed many simply attempted to evict their shack tenants; this resulted in shack settlements being further dispersed and causing renewed tension in the city.⁹⁰ It was clear that the municipality would have to acquire the land in Mkhumbane and, as landowner, provide essential services in the area.

In discussing the question of how best the municipality should acquire ownership of the required land Havemann noted that all existing powers, except those in the Natives (Urban Areas) Consolidation Act, would involve protracted discussions over the basis for assessing compensation. The land could be easily acquired in terms of provisions set out in the Natives (Urban Areas) Consolidation Act and then deproclaimed once the land's use for temporary African housing ended. In addition the Union Government would provide the finance required for the purchase of the land. There were however two important considerations. Firstly, the Minister of Native Affairs had the power to deproclaim, not the City Council. The government would thus be in a position to close down the temporary scheme and thereby compel the municipality to provide permanent African housing, irrespective of whether government-built permanent African housing was available in the Umlazi Mission Reserve. Secondly, because the land would be acquired under the Natives (Urban Areas) Consolidation Act, the Native Revenue Account, and not the municipality, would be the registered landowner. Thus, when the land was eventually taken over by the municipality, the City Council would have to purchase

86. City Council minutes, 21 November 1949.

87. MNAD; H2/CM, vol 1; Special Committee Native Housing, minutes, 29 November 1949.

88. City Council minutes, 21 December 1948.

89. MNAD; H2/CM, vol 1; Special Committee Native Housing Agenda, 12 December 1949.

90. See Edwards, "Swing the Assegai", p 23.

according to the market valuation of all land and buildings calculated on the date of sale. The profit from the sale of this land would thus accrue to the Native Revenue Account.⁹¹

Both of these considerations went directly contrary to the wishes of the City Council. A key strategy underlying municipal policy towards African housing was to compel the government to provide permanent housing, rather than allow the Minister of Native Affairs to dictate terms to the City Council. Furthermore, it was the declared policy of the City Council that all land intended for use by Africans should be owned by the municipality. The councillors on the special committee were thus forced to recommend that the City Council purchase the land through its Public Improvement Fund or through raising a capital loan on the open market as it was impossible for the municipality to escape "the existing formalities (sic) of the Natives (Urban Areas) Consolidation Act".⁹²

Not only was it apparent that the municipality would have to purchase the land, and use its own financial resources to acquire the land, but as a result of the temporary nature of the scheme, the municipality would be involved in further expenditure. If the local authority purchased an area of Mkhumbane and provided permanent housing, the financial obligations of the City Council would be significantly less than the costs to the municipality in developing a temporary 'native village' scheme.⁹³ If the municipality purchased land and provided permanent housing the municipality's only capital outlay would be to purchase the land and provide half the costs of developing essential services in the area. As the City Council desired to own the land, such capital would either have to be allocated from the Public Improvement Fund or secured through a loan on the open market. The cost of building the houses and the remaining half of the costs of developing essential services would be borne by the Native Revenue Account through government loans at reduced rates of interest.⁹⁴

In developing a temporary 'native village' scheme in Mkhumbane, the municipality would still, as the landowner, be required to finance land acquisition. However, under existing policy, the Minister of Native Affairs would not permit the Native Revenue Account to provide half the finances for the development of essential services in the area. Thus even though many of the essential services which were required could not later be utilized for White residential housing, the City Council would have to pay all the costs of providing essential services. The City and Water Engineer noted that this "would have the effect of transferring the development expenditure from the Native Administration Committee ... to the Works Committee and doubling it".⁹⁵

A further set of financial problems was raised by the City and Water Engineer. The cost of servicing temporary housing was often greater than the finances required if the City Council were to embark on an

91. MNAD; H2/CM, vol 1; Special Committee Native Housing Agenda, 12 December 1949.

92. *Ibid.*, Special Committee Native Housing Minutes, 29 November 1949.

93. *Ibid.*; City and Water Engineer-Town Clerk, 26 August 1949.

94. *Ibid.* and Broome Commission; evidence of the City Treasurer, 11 December 1947.

95. MNAD; H2/CM, vol 1; City and Water Engineer-Town Clerk, 5 December 1950.

extensive programme to redesign all existing facilities in the area. The City and Water Engineer commented that,

In broken areas such as Cato Manor, the layout is usually bad and extravagant; and it is usually less costly for the Council, after obtaining control of the land to re-lay it out because a properly planned layout has a smaller length of roads and services per lot than has the existing bad layout, for which the Council is already liable. It therefore obtains a properly planned layout at no greater cost than the bad one and frequently with a decreased expenditure.⁹⁶

The City Council was thus faced with the disconcerting possibility that permanent housing could ultimately require a reduced municipal financial involvement than would the provision of temporary housing. Commenting specifically on the suitability of the land in Cato Manor Farm for development as a temporary 'native village', the City and Water Engineer maintained:

It will be apparent that Native Village schemes MAY represent some small saving to the local authority where topographical conditions are suitable, land abundant and the climate dry. On the Coast, the conditions which create dangerous slums in shack areas also create a position where housing built by the Council ... will ultimately remain the cheapest to the local authority as well as the Native.⁹⁷

Further, both the City and Water Engineer and the manager of the Native Administration Department noted that the regulations pertaining to 'native village' schemes did not allow for dwellings much inferior to those provided in municipal sub-economic African housing areas. In view of the fact that the scheme was temporary and that Africans could not provide such dwellings themselves, it was likely that the municipality might be compelled both to provide such housing and bear all the resultant costs.⁹⁸ The City and Water Engineer also noted that while the municipality envisaged the provision of only communal toilet and ablution facilities, it might, nevertheless, be compelled to provide such facilities on individual sites in order to protect its financial outlay in purchasing the land. Such a situation could easily arise because "it is the absence of such sanitary services which makes the shack areas dangerous".⁹⁹ The development of such services would have to be borne solely by the City Council through its own capital borrowing powers.

The effect of all these constraints was clearly pointed out by Havemann. Irrespective of whether the City Council was both willing and able to raise the finance required to develop a 'native village' scheme in Mkhumbane, it was by no means certain that the City Council would be permitted to charge all its capital loan and redemption costs to either the Native Revenue Account or to individual tenants. For example, because the scheme was temporary, the municipality could not charge to the Native Revenue Account the cost of providing

96. MNAD; H2/CM, vol 1; City and Water Engineer-Town Clerk, 26 August 1949.

97. *Ibid.*

98. *Ibid.*

99. *Ibid.*

major arterial stormwater drain piping or water services to the area. In addition, in terms of the 1937 Agreement the municipality was not permitted to levy an additional charge against the Native Revenue Account, as a ratepayer, for water usage and refuse removal. Furthermore, the rentals paid by individual site-holders would have to be both sub-economic and not greatly higher than the rents which shack dwellers were already paying in the area.¹⁰⁰ Whilst such charges had usually been levied, illicitly, against the Native Revenue Account, during the course of these negotiations, Havemann had, with the knowledge of other municipal officials, informed the Department of Native Affairs about the various ways in which the municipality was profiting from the Native Revenue Account.¹⁰¹

Because of the financial implications for the municipality of the proposed 'native village' scheme in Mkhumbane, the special committee eventually did no more than the City Council's desire to develop temporary housing in the area, and called for the City Council to be given powers of shack demolition in the 'added areas'. The special committee maintained that municipal funds should only be allocated for the purchase of the land and the provision of very basic sanitary facilities. These rather vague recommendations, which took no account of the problems raised by the municipal heads of departments, were submitted to the City Council on the 22 December 1949. Whilst the Finance Committee of the City Council turned the proposals down, the City Council, apparently making "one of its momentous decisions", accepted the recommendations.¹⁰²

In accepting the recommendations of the special committee all the City Council was doing was merely restating its earlier objections towards the municipality being responsible for anything but the provision of temporary African nuclear family accommodation. City councillors then attempted to negotiate with the government over the ways in which municipal capital expenses for the development of the 'native village' could be reduced and the municipality could further profit, through the development of the scheme, from the Native Revenue Account.

The municipality maintained that government capital loans at low rates of interest should be made available to the municipality for the acquisition of land intended for use by urban Africans, even though such land would not be acquired under the Natives (Urban Areas) Consolidation Act and would be owned by the municipality and not the Native Revenue Account. The municipality also maintained that while non-African ratepayers were not subject to additional surcharges for water consumption and refuse removal services, such additional charges should be made against the Native Revenue Account. Both of these issues, which had been raised in a general way by municipal officials during the course of the Broome Commission Enquiry,¹⁰³ were to become, what a municipal official referred to as "points of principle".¹⁰⁴

100. Ibid, City Valuator and Estates Manager - Town Clerk, undated. See also Broome Commission; evidence of the City Treasurer, 11 December 1947.

101. Havemann's protestations were eventually to lead to the Department of Native Affairs appointing a departmental inspector, Mr I P van Onselen, to investigate the manner in which the municipality was administering the Native Revenue Account.

102. Natal Mercury, 22 December 1949 and City Council minutes, 22 December 1949.

103. DNAC, Evidence of the City Treasurer, 10 and 11 December 1947.

104. Interview with Mr S Bourquin, 8 September 1980.

The City Council also attempted to absolve the municipality from paying any compensation to shack residents for shack materials when such residents were forced to move to both new temporary plots in Mkhumbane and eventually to permanent formal housing elsewhere. As a result of his total opposition to the idea of temporary African housing in any area of Cato Manor Farm and his belief that compensation should be paid, Havemann attacked the City Council. Havemann maintained that whilst the City Council asserted that it desired a healthy and law-abiding African urban population, its very policy would produce the opposite. Havemann believed that

It is necessary at this point to comment on the merits of proposals for using land temporarily for native housing and subsequently for another purpose. Such a scheme may have merits from the political or town planning angles: it has none from the point of view of building up a stable and law-abiding community, or of safeguarding the economic position of the natives concerned.¹⁰⁵

Havemann's comments were not accepted. Instead, the Native Administration Committee determined to present the City Council's plans for a 'native village' in Mkhumbane and their desire to reduce municipal financial involvement in such a way that the position could be seen as 'extraordinary'. The municipality's confidential document maintained that:

The Council has been driven to adopt its temporary Cato Manor proposals by the unlawful act of the persons it proposes to accommodate and thus no compensation would be payable ... As much as possible should be made of the special features of the project ... with such others as may be found. [sic]¹⁰⁶

City councillors had for long commented on the social, health and political evils which were evident in the shantytown areas of the city and had often insisted that Africans were to blame for living conditions there. However questions of health and quality of housing mattered little against other municipal concerns. During the late 1940s, the municipality opposed the idea of providing additional permanent African accommodation in the city, preferring to play a waiting game and compel the government to provide such accommodation. This policy represented the views of the majority of city councillors who, for political reasons, believed that African family residence should be relocated outside of the city boundaries. Related this belief was an awareness that the urban land space of Durban was a finite quantity of land from which the municipality desired to achieve the greatest amount of capitalization. The provision of urban African residential suburbs impeded this full capitalization. Furthermore any African residential facilities built by the municipality should be undertaken in ways which would allow the municipality to both gain profit and reduce their own financial responsibility.

The question of central government intervention in restructuring African labour and residential life in the city has been clearly discussed in much recent work. What is not however present in their work is any

105. MNAD; CMHP, vol 1; Manager, MNAD-Town Clerk, 24 December 1949.

106. MNAD; CMHP, vol 1; Deputy Town Clerk and City Legal Officer-Town Clerk, 16 February 1950.

analysis of the way the government sought to compel certain urban local authorities to provide permanent African urban housing.¹⁰⁷ During the early 1950s, it was the Department of Native Affairs which was to force the United Party City Council to assist with the provision of African housing.

The City Council gained the consent of both the Minister of Native Affairs and the Land Tenure Advisory Board for the development, by the municipality, of a temporary African housing settlement in the Mkhumbane area.¹⁰⁸ However, the Native Commissioner for Natal informed the municipality that compensation, estimated by Havemann to be between £10,000 and £50,000,¹⁰⁹ would have to be paid to African shack dwellers and suggested that the General Rate Fund be liable for such compensation.¹¹⁰ The City Council's proposal for a temporary 'native village' scheme in Mkhumbane was also rejected by the Natal Housing Board, which maintained that the scheme "disregarded the need for basic services", and failed to cover the issue of compensation for those residents who suffered material losses during the process of relocation.¹¹¹ In reviewing the City Council's proposals, the Natal Housing Board maintained that the City Council should rather develop permanent African housing on Cato Manor Farm.¹¹² To compound the problem even further, the Department of Justice refused the municipality's request for shack demolition powers in the 'added areas'.¹¹³

Faced with these difficulties, in September 1951 the City Council adopted a new plan for temporary African accommodation in Mkhumbane.¹¹⁴ In terms of the newly promulgated Prevention of Illegal Squatting Act, the municipality would acquire 558 acres of land in the Mkhumbane area and develop an Emergency Camp. The Emergency Camp was planned around the levelling of 6,000 sites each 1,200 square feet in size. African tenants would erect dwellings for use only by themselves and their dependants. No sub-letting would be permitted. The site rental was fixed at 20 shillings a month while loans from the Native Revenue Account would be available to assist tenants in providing housing. The General Rate Fund would pay tenants compensation for the loss of their houses when residents were moved to permanent accommodation. The municipality would erect one sanitary block for every 133 families and provide one water standpipe for every 25 persons living in the Emergency Camp.

107. Greenberg gives a cursory mention to opposition to the Nationalist Party government, but fails to probe the reasons for this, viewing the issue instead as merely political antagonism between the two parties. See Greenberg, *Legitimizing the Illegitimate*, p 37.

108. MNAD; H2/CM, vol 2; Native Commissioner, Durban - Town Clerk, 11 May 1950.

109. *Ibid.*, vol 1; Manager, MNAD-Town Clerk, 16 January 1950 and vol 2; Native Commissioner, Durban - Town Clerk, 11 May 1950.

110. *Ibid.*

111. *Ibid.*, vol 1; Minutes of the meeting between the Native Administration Committee and the Natal Housing Board, 23 May 1950.

112. *Ibid.*

113. *Daily News*, 23 May 1950 and Mayors Minute, 1950-1951.

114. City Council minutes, 28 September 1951.

The municipality was empowered to expropriate the land required and only provide compensation to the landowners on the basis of the municipal valuation roll estimates. These were substantially less than the market valuation of the land and buildings, plus 10%.¹¹⁵ As the municipality would own the land, the municipality would have to finance land acquisition. All development costs would be shared equally by the municipality, through the Public Improvement Fund, and the Native Revenue Account which would be funded by government loan.¹¹⁶ As owners of the land, the municipality was obliged to provide a refuse removal service and bear the costs of water usage without debiting the costs of such services to the Native Revenue Account.¹¹⁷ The Emergency Camp was to operate for a maximum of fifteen years. While the City Council attempted to increase the duration of the Camp's operation to thirty years their requests were rejected.¹¹⁸

The government Department of Health, after expressing initial concern over the minimal sanitation services envisaged for the scheme, finally agreed.¹¹⁹ The Department of Native Affairs however refused to accept the proposals. Verwoerd was not convinced of the City Council's sincerity and willingness to provide African housing. Verwoerd made his Department's acceptance of the scheme conditional upon the City Council making three commitments. Firstly Chateau and Good Hope Estates, Chesterville and all of Cato Manor Farm must be included within a "broad belt" of White residential land linking the Berea to Westville. Secondly, the City Council should rescind its policy statement of the 21 November 1949 and all policy decisions which declared that the City Council was compelled to develop temporary African housing in Cato Manor Farm through the municipality being unable to acquire a portion of the Umlazi Mission Reserve. Thirdly, the City Council should affirm its intention to develop permanent African housing on the Richmond-Zeekoe Vallei Farms.¹²⁰

These three demands effectively negated the basic principle that the City Council's Camp was simply the means whereby the municipality could both destroy and control shantytown society until those shack dwellers could be relocated out of the city to formal housing constructed by the government on the Umlazi Mission Reserve. Whilst desiring to compel the City Council to accept partial responsibility for the provision of African housing for those Africans employed in the city, Verwoerd, during the course of various meetings with municipal officials, assured the City Council that the government was aware of the potential financial burden

115. MNAD; H2/CM, vol 1; City Valuator and Estates Manager- Town Clerk, undated.

116. Native Administration Committee minutes 14 February 1952, City Council minutes, 30 September 1952, Shum Papers; "Cato Manor Emergency Camp Plans" and interview with Mr S Bourquin, 10 September 1980.

117. The City Council later refused to provide such services unless the Native Revenue Account could be debited with the costs.

118. City Council minutes, 21 January 1952.

119. Native Administration Committee minutes, 14 February 1952.

120. Native Administration Committee minutes, 16 May 1951, recording the minutes of a meeting between the Minister of Native Affairs and the City Council on the 2 May 1951 and Native Administration Committee minutes, 17 August 1951. See also *Natal Mercury*, 8 December 1951 and *Daily News*, 17 April 1952.

which African housing might place on local authorities. The City Council was assured that in terms of a revised housing policy, the municipality would bear no costs resulting from the provision of African housing.¹²¹

However because Verwoerd's demands contradicted the very basis of municipal policy, the Mayor, Osborn, attacked Verwoerd for endangering the "social health" of the city. Durban's daily newspapers noted the inability of the government to understand the unique situation which existed in Durban.¹²² Details of Verwoerd's correspondence with the City Council were kept secret from the majority of city councillors and only discussed by an Action Committee formed by the Mayor.¹²³ The sole purpose of this Action Committee, which comprised of the Mayor, Councillor Asher and the chairman of the Native Administration Committee, Councillor Nicholson,¹²⁴ was to gain government consent to the Emergency Camp plans on the basis of the City Council's resolution of the 21 November 1949.¹²⁵ The Action Committee refused to accept municipal responsibility to provide permanent African accommodation to the north of the city. This committee also issued the threat that if Africans were not to be permanently relocated from Cato Manor Farm to the Umlazi Mission Reserve, the City Council could declare Cato Manor Farm zoned for permanent occupation by Africans.¹²⁶

In spite of the emptiness of this threat, the refusal of the municipality to accept Verwoerd's demands created a severe crisis between the municipality and the government. Bourquin, then Acting Manager of the municipal Native Administration Department informed the Department of Native Affairs of the situation and demanded that the City Council accept the policy guidelines of the Department of Native Affairs. Bourquin asserted that,

There appears to be room for the belief that the City Council might deviate from the assurances given to the Minister of Native Affairs as regards the future of Cato Manor and the conditional approval of the Minister might therefore have been brought into jeopardy. There is a strong reason to believe that the relevant Government departments, both provincial and central are greatly perturbed about this alleged change of mind and are giving consideration to the withdrawal of the various approvals received so far and without which the scheme cannot continue.¹²⁷

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121. Native Administration Committee minutes, 13 April 1951, recording the minutes of a meeting between the Minister of Native Affairs and the City Council in Cape Town, April 1951.
122. City Council minutes, 22 October 1961, *Natal Mercury*, 16 April 1951 and *Daily News*, 13 April and 22 October 1951.
123. MNAD; H2/CM, vol 3; Town Clerk-City and Water Engineer, City Medical Officer of Health and Acting Manager, MNAD, 23 August 1951, *Natal Mercury*, 17 April 1952 and *Daily News*, 21 and 22 April 1952.
124. By this stage councillor Nicholson had reassumed his position on the Native Administration Committee.
125. Native Administration Committee minutes, 20 September 1951.
126. MNAD; H2/CM, vol 2; Acting Manager, MNAD- Councillor A L Barns, 21 October 1952.
127. *Ibid.*, vol 2; Acting Manager, MNAD - Mayor, 31 January 1952.

The City Council was eventually compelled to accept the proposals of the Minister of Native Affairs and thus accept policy guidelines which directly contradicted all previous City Council attempts to resist municipal involvement in the provision of permanent African residential suburbs in the city.¹²⁸ As a result of the City Council agreeing to Verwoerd's stipulations, in December 1952 the Secretary for Native Affairs informed the City that permission for the development of the Cato Manor Emergency Camp had been granted. Eiselen concluded his letter by stating that "I shall be glad to be informed what stage has been reached by your Council in regard to the selection of a permanent site for the accommodation of natives to be temporarily housed at Cato Manor in the interim."¹²⁹

128. City Council General Purposes Committee minutes, 2 June 1952.

129. MNAD; H2/CM, vol 3, Secretary for Native Affairs - Town Clerk, 5 December 1952.