

A SURVEY OF
RACE RELATIONS
IN SOUTH AFRICA
1951 — 1952

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INTRODUCTION

The following *Survey of Race Relations* was prepared by Miss Muriel Horrell, the Institute's Technical Assistant. In the past, the *Survey* was incorporated with the Institute's Annual Report; but this year, particularly in view of the events of the past twelve months, it was decided to make it an independent publication.

The past year has been one of increased tension. This has been admitted on all sides and if the events of this period are passed in quick review, there would appear to be a few major factors which have affected most seriously the relations of the groups in our multi-racial society.

The legislation to place the Cape Coloured voters of the Cape Province on a separate voters roll raised three fears:

that other rights embodied in and safe-guarded by the South Africa Act of 1909 would also be endangered by the ignoring of the two-thirds majority at a Joint Sitting which the Act demands for change of its entrenched clauses;

that if this proposed legislation could apply to the Cape Coloured people, it could also apply to other minority groups;

that if separate representation were given under this legislation it was but one step towards the elimination of all representation of Coloured people in Parliament.

This legislation, taken together with other measures, aroused Non-European resentment.

The second event has been the inauguration by the Joint Committee of the African National Congress and the South African Indian Congress of the Passive Resistance campaign to resist "unjust laws".

This campaign might, on the surface, appear to be insignificant in that so far only 7,500 have been convicted. The significance of the campaign, however, lies in the fact that there are over 7,500 Non-Europeans, mainly Africans, prepared to go to prison, and that no incident has been provoked. This latter factor implies a confidence and a self-discipline which no one expected of the African people, and the emergence of a self-sacrificial leadership to an extent not known before.

Though outside the period covered in this Survey there have been the riots at Port Elizabeth, East London, Kimberley and Denver, these constitute a third major event. Where the final responsibility for them lies has not yet been determined as no judicial commission of enquiry has been set up to examine the causes. All sections of the community have been shocked. Immediate European reaction has been very sharp but there is already considerable evidence that, however great their horror has been, Europeans are realising that a state of tension has arisen in the country that requires new understanding and new approaches; that while law and order must be maintained, South Africa cannot develop harmoniously and prosperously where Europeans and Non-Europeans face each other from hostile camps separated by artificial barriers of *apartheid*.

As a background to these events, have been the irritants of the application of *apartheid* regulations, the threat of application of the

Group Areas Act. the suggestion that African women carry reference books, the renewal of the idea of the expatriation of Indians and the criticism of South Africa which has been loudly voiced abroad.

These events and the undercurrents in the situation would indicate that the fundamental problems of the country have not been touched. These fundamental problems are those of human relations, of human dignity, of outlets for normal every-day human aspirations. While increased provision has been made for Native education and for other services for Non-Europeans — housing, health, rural development, local government and employment opportunities in the Public Service — these have not dealt with the vital issue. How canalize Non-European aspirations into the main stream of South African life, how make of South Africans — black and white alike — common citizens of a land of which all are proud and which all will defend before the world?

There are visible signs that the European community is more prepared to meet the situation. The Federal Mission Council of the Dutch Reformed Churches proposes to hold an inter-racial Christian Conference in 1953; Non-European housing schemes have been more vigorously tackled in some areas; the leaders of European English-speaking Churches have spoken out fearlessly on Non-European rights; the permanent need for urbanized Non-European labour in our industrial and mining areas has been recognized by both Government officials and Ministers. The Government has suggested various forms of local government which, though they can be criticised, go to meet, to some extent, African claims for local responsibility. Moderate African leadership, while determined on the necessity for the eventual elimination of discrimination, is recognizing the need for co-operation. Non-Europeans are being increasingly used in skilled capacities in our industries. The right of Non-Europeans to elementary education has been widely recognized. It is realized that the African is both a political and economic force in the country which cannot be ignored.

So there would appear to be two trends: first, the enactment of legislation designed to separate the races and to discriminate between them — how far it will be possible to put such legislation into practice has still to be seen; secondly, the economic and other pressures which are making for an integrated society. The great danger for the future lies in the possibility that this facade of "idealistic legislation" may be taken for reality by all groups.

The purpose, then, of this *Survey* is to place before the public a picture of events which have affected race relations in South Africa over the period October 1951 — September 1952. Readers may make their own assessments from the material supplied, but it is suggested that the *Survey* might be read in conjunction with . . . *go forward in faith* (The Logic of Economic Integration), which is a statement of the Institute's own beliefs and attitudes to racial affairs.

QUINTIN WHYTE.

Director S.A. Institute of Race Relations.

THE FUNCTIONING OF SOUTH AFRICA'S SOVEREIGN PARLIAMENT

JUDGMENT ON THE SEPARATE REPRESENTATION OF VOTERS ACT

The legality of the Separate Representation of Voters Act (Act 46/51—Institute commentary RR38/51) has been tested in the Courts during the year. It will be remembered that this Act deprived the Coloured people of the Cape of their existing right to vote in the same constituencies as Europeans and placed them on a separate roll to elect certain representatives of their own.

The essence of the legal situation was that the Statute of Westminster, enacted in 1931, made the Union Parliament the supreme sovereign authority in and over the Union. The question later arose whether Parliament was still bound by the terms of the South Africa Act of 1909 by which it was brought into being. In 1937, in the case *Ndlwana versus Hofmeyr*, the Appellate Division ruled, in effect, that it was not so bound.

During August, 1951, four Cape Coloured voters filed petitions contesting the validity of the Separate Representation of Voters Act on the ground that it conflicted with the entrenched clauses (Sections 35 and 152) of the South Africa Act. In October, the Supreme Court, Cape Town, dismissed this application, holding that the Appellate Division's decision in 1937 precluded the lower court from inquiring into the validity of the Act.

During March, 1952, however, the Appellate Division, in the case *Harris and others v. Minister of Interior and another*, set aside this order and reversed the 1937 judgment. It considered that although the Union Parliament is the sovereign authority in South Africa, this sovereignty, for the purposes of the entrenched clauses, exists only in a joint sitting of the Senate and Assembly; and even then is subject to the guarantee that existing voting rights and the equality of the two official languages shall not be altered except by a majority of two-thirds of the members present. As the Separate Representation of Voters Act, (which made changes in voting rights) had been passed through the Assembly and the Senate separately, and with simple majorities, it was ruled "invalid, null and void and of no legal force and effect." This was a unanimous judgement by a full Bench of five judges. The Chief Justice said that, however reluctant the Court was to depart from decisions of its own, it was bound to refuse to follow *Ndlwana's* case, for the decision in that case had been pronounced without hearing argument for and against the main conclusions at which the Court arrived.

REACTIONS TO THIS JUDGMENT

The Government

On the day the judgment was delivered, the Prime Minister announced that the Government would take steps to place beyond any

doubt the legislative sovereignty of Parliament. The Court decision had created a constitutional position which could not be accepted.

In South Africa Generally

Following this announcement by the Prime Minister, both the United Party and the Torch Commando convened protest meetings throughout the country. A party political truce during the Van Riebeeck Festival and over Easter had previously been agreed upon; but immediately Parliament re-assembled and the Budget Debate was continued, the Leader of the Opposition moved an amendment that "the House declines to go into Committee of Supply unless and until the Government undertakes to accept the judgment of the Appeal Court . . . and to abide by the constitution of the country." After a four-day debate the Amendment was rejected by 78 votes to 61.

The United Party, Labour Party and Torch Commando then announced that they had formed an alliance which would create a united front to work for the restoration of democratic government.

At a meeting of various Non-European cultural and social organizations, in Cape Town, it was decided to form a Non-European Franchise League to organize the registration throughout the Province of all qualified Non-Europeans as voters.

The Institute

On hearing the judgment, the Institute's Director issued the following press statement in English and Afrikaans:

"This is the most heartening thing that has happened in the past two years. It is a legal decision and not a moral judgment, yet it will have moral repercussions far beyond the bounds of the decision itself. The judgment re-establishes our faith in the soundness of the principles underlying our democratic system. It is a telling demonstration of the independence and impartiality of our highest Court. To Non-Europeans the decision comes not only as a vindication of the rights which they assert but also as a pledge of European integrity and justice. In the world outside our name and prestige which have suffered so grievously of late will recover some of the ground lost.

"Here is an opportunity for the Government to retrieve some of the lost faith of our Non-European people. Here is an opportunity for statesmanship of the highest order. Let the Government and the Prime Minister, who has always been regarded as a constitutionalist, accept this position and not attempt to outflank it by any other than existing constitutional procedures. To attempt to interfere with the powers of our Courts will be to undermine our whole democratic structure. It will induce a complete distrust by our Non-European people of White integrity and justice. It will worsen race relations at a time when race relations are bad and deteriorating and the consequences of this will be borne not only by the Government but by all citizens, Black and White.

"The Appeal Court must remain unassailed in its independence and completely unfettered in its impartiality. To Non-Europeans, who have little or no part in the exercise of the powers of our Sovereign Parliament, the Courts of our land are an anchor and a guarantee of justice. Any attempt to undermine the authority of the Appeal Court or to take steps which would have the effect of nullifying its decision would divest Europeans of any claim to honesty of purpose or consistency of principle."

HIGH COURT OF PARLIAMENT ACT

During April, 1952, the Minister of the Interior introduced the High Court of Parliament Bill, which was subsequently passed as Act No. 35/52. It provided for the establishment of a Court consisting of all members of the Senate and Assembly sitting together (50 of whom would form a quorum), which would have power by a simple majority to confirm, vary or set aside any judgment of the Appellate Division of the Supreme Court invalidating any Act of Parliament or refusing to give effect to any of its provisions. Applications for review of such judgment would be heard first by a Judicial Committee of the High Court of Parliament.

On the introduction of the Bill, the Opposition contended that as, in effect, it amended the entrenched clauses of the South Africa Act, a two-thirds majority at a joint sitting of the Senate and Assembly was necessary to pass it. The Leader of the Opposition thus asked whether the Assembly sitting alone was competent to proceed. The same procedure was later followed in the Senate, but in both cases the point of order was rejected. The Opposition then decided to move no amendment, but merely to vote against every clause and to break off parliamentary relations with the Government. The Torch Commando petitioned the Governor-General to withhold his assent to the Bill which was, however, signed on June 3rd.

The Rules of the High Court of Parliament were gazetted on June 18th, and provided that whereas the Judicial Committee would hold its sittings in public, its deliberations, and also the sittings of the High Court, would be held in camera.

Reactions to the Act

During the debate in the Senate, the Leader of the Opposition issued a warning that if the Government renounced its moral and constitutional obligations and, in effect, tore up the Act of Union, Natal would not be with it. The Natal Provincial Council, and later a mass meeting of 35,000⁽¹⁾ people in Durban, adopted a motion calling for a new national convention to re-affirm the constitution of South Africa. The Prime Minister's reply was that the Government could not consider this request as it came from one of the Provinces only. The question of secession from the Union continues to be debated fiercely in Natal.

(1) According to *Rand Daily Mail*, 7th June.

No statement was issued by the Institute because its views on the Appeal Court decision had been widely circulated to the Press, Members of Parliament, Senators and others, and had been published in the April issue of "Race Relations News."

Members of the Bar and of the Side Bar in several centres signed resolutions deploring what they considered the Government's threat to the rule of law.

A Women's Action Committee was formed and convened mass meetings of women in the major towns of the Union to protest against the Government's action and to enrol workers for the United Front.

(See page 11 for Non-European reactions to this and other legislation).

Sitting of the High Court of Parliament

On June 25th, the Government applied to the High Court of Parliament for a review of the Appeal Court's judgment setting aside the Separate Representation of Voters Act. Sittings were convened in Pretoria for the Judicial Committee on July 21st and for the High Court on August 26th: they were attended only by members of the Nationalist Party, as the United and Labour Parties and the Natives' Representatives decided to boycott all proceedings. The decision of the High Court was announced on August 28th: it ruled that the relevant judgment and orders be set aside, and accepted the Judicial Committee's view that the Assembly and Senate, and not the Courts, are alone competent to interpret and apply the law in so far as it relates to the procedure to be followed by them for the enactment of any law.

Validity of the High Court of Parliament Act

During June, the four Cape Coloured voters who had previously challenged the Separate Representation of Voters Act, applied to the Supreme Court, Cape Town, to have the High Court of Parliament Act declared invalid on the grounds that it would affect their voting rights. On August 14th, this Court ordered the Electoral Officer, Cape Town, not to remove the names of Coloured Voters from the common roll while judgment was pending; and on August 29th it ruled unanimously that the High Court of Parliament Act was "invalid, null, void, and of no legal force and effect." The Judge-President made it clear that the Court had no option, largely because it was bound by the Appellate Division's decision that the entrenched sections of the South Africa Act were still in force. An appeal against this judgment was immediately lodged by the Government: at the time of writing the Appeal had not been heard.⁽²⁾

Meanwhile, a Delimitation Commission had been appointed and, faced with the problem of whether to proceed on the basis that Coloured

⁽²⁾ It has since been announced that the Government appeal has failed. The five senior judges of the Appellate Division unanimously ruled that the Act is invalid.

voters were on or were off the common roll, was forced to provide for either contingency.

INTERNATIONAL AFFAIRS AND EVENTS OUTSIDE THE UNION

Human Rights

On page 15 of the Institute's last Annual Report, details were given of which provisions of the draft Covenant of Human Rights the Union Government accepted in principle, which it accepted with reservations, and which it found unacceptable. The United Nations has not yet announced its attitude to the question of what reservations States may make to the Covenant while still being bound by it. Nor has an answer been given to the problem of federal states unwilling to bind their component parts to international agreements.

The Commission on Human Rights met in New York during 1952 to continue work on the Covenant. Following instructions from the United Nations General Assembly it is preparing two documents, one on civil and political rights and the other on economic and social rights.

Relations between the Union and India and Pakistan

The treatment of Indians in South Africa was again discussed during the 1951/1952 Session of United Nations. A resolution passed by the General Assembly in January called for the establishment, by March 12th, of a commission of three to help settle the question, one member to be appointed by the Union, one by India and Pakistan, the third to be nominated by the first two, or, failing agreement between them, by the Secretary-General of United Nations. The Union Government was called upon to suspend the implementation of the Group Areas Act until after the conclusion of negotiations. It was further agreed that, in the event of the three countries failing to appoint members to the proposed commission, the Secretary-General should appoint a mediator to facilitate negotiations.

During March the Union Government informed U.N. that, while it was unable to accept this resolution as a basis for negotiations since the terms constituted intervention in a matter within the Union's domestic jurisdiction, it nevertheless adhered to the proposals for holding a conference on the basis of the formula agreed upon at the 1950 Cape Town conference (see page 23 of the Institute's 1950/51 Report). Following this, the Governments of India and Pakistan informed the Secretary-General that, in view of South Africa's attitude, no useful purpose would be served by their appointment of a representative to the proposed three-man commission. They intimated later that they were prepared to accept the services of a mediator: but South Africa proved unwilling to do so.

South-West Africa

Having been taken no further during the 1950/51 Session of United Nations, the South-West African question was again on

the agenda for the 1951/52 Session held in Paris. Against strong opposition from the Union, the Trusteeship Committee invited four tribal chiefs from the Territory to give evidence: on the ground that this Committee had acted beyond its legal competence the Union then withdrew from its proceedings and requested that the matter be raised in the General Assembly, but the President replied that he could find no valid basis for doing so. The Union thereupon also withdrew from the General Assembly for the current Session, but announced that it would continue to participate in the proceedings of the Political Committee. Passports and travelling facilities were refused to the four tribal chiefs. They asked the Rev. Michael Scott again to represent them, and he gave evidence during January.

The South African Government continues to maintain that the Trusteeship Committee's decision to grant oral hearings to petitioners was illegal. The position is that, while the trusteeship agreement does empower the United Nations to accept petitions, it is silent on the subject of hearing oral evidence from accredited spokesmen of those with special interest in a matter under discussion.

During December, the General Assembly once again asked the Union to place the Territory under international trusteeship (although it accepted the International Court's ruling that there was no legal obligation on the Union to do so), to submit reports on the administration of the Territory, and to agree to transmit petitions. It reconstituted the *ad hoc* committee on South-West Africa, which was asked to report back at the 1952/1953 Session.

Recently, in September, 1952, the United Nations was informed that, although South African opinion had been "deeply shocked" by the Trusteeship Committee's actions, the Union Government was willing in a spirit of compromise to discuss a settlement of the long-standing dispute. It had already offered these concessions:

- (a) it would be prepared to accede to a new instrument which would revive the lapsed League of Nations mandate;
- (b) It was ready to assume international responsibility for the administration of the territory, although believing it was no longer obliged to do so;
- (c) it was prepared to be accountable for the administration to the remaining three of the First World War allies, the United States, United Kingdom and France; the new instrument to be concluded under the aegis of the United Nations.

Institute action in regard to South-West Africa

In January, 1952, the Institute's Executive Committee drew up the following statement:

"Being deeply concerned at the international tension that has arisen over the South-West Africa dispute and the adverse effects of the dispute on inter-racial affairs within and without South Africa, the Executive Committee of the South African Institute of Race Relations appeals to the Union Government to accept

the advisory opinion of the International Court of Justice on the South-West Africa issue, to reaffirm its willingness to administer the territory in the terms of the mandate, and to reach a friendly agreement with the United Nations on the procedure to be adopted for consideration of the annual report and of petitions relating to the administration of South-West Africa within the terms of the mandate.

"With respect to the submission of petitions, the Executive Committee of the Institute considers that the method provided in the mandate should be adopted, namely, that petitions should in the first instance be made to the Union Government and should be transmitted to the United Nations by the Union Government in accordance with the opinion of the International Court of Justice.

"The Executive Committee holds that it is the Institute's duty and that of all Union citizens to concern themselves with the manner in which South-West Africa is administered under the mandate and has decided to submit to the authorities and to publish a memorandum containing a number of matters relating to the welfare of the Non-European inhabitants of South-West Africa."

The memorandum referred to is RR.81 A/51, by the President, Mr. J. D. Rheinallt Jones. This was summarized on page 89 of the Institute's last Annual Report, and was published in Race Relations Journal No. 1. of 1952.

Copies of the Executive Committee's statement and the President's memorandum were sent to the Prime Minister and later released to the press.

The High Commission Territories

In the Senate on May 13th, the Prime Minister said that the present position in regard to the High Commission Territories could not continue interminably. "It is 40 years since the (South Africa) Act was passed and since the agreement between Britain and South Africa — 40 years of no progress. We cannot leave the matter there." He was preparing a White Paper on all the negotiations that had taken place with the British Government. Provision had been made for both Houses of Parliament to forward a petition to the Privy Council asking for incorporation, but this had never been done. "The election is a matter of months ahead, and in the election the people should be asked to authorise their representatives in Parliament to support a petition by both Houses of Parliament to the British Government."

Next day, in the Assembly, the Prime Minister said, "We treat the Protectorates now as if they are part of the Union, and all the privileges which we give to our Natives we give to the Natives of the Protectorates . . . We look after the defence of those Protectorates . . . But we may come to the position later . . . that, since the Protectorates

fall under another Government, they must be regarded as foreign territories."

The Prime Minister of the Gold Coast has petitioned the United Nations to prevent the Union Government from incorporating the Protectorates.

During 1950, the Institute collected factual information on the three territories, examining to what extent they and the Union are inter-dependent, the status of Africans, economic conditions and development plans. This information is being kept up to date.

U.N. Consideration of South Africa's apartheid Policy

At the request of fourteen Arab-Asian nations, and despite protests from South Africa, the Union Government's *apartheid* policy has been placed on the agenda for the forthcoming session of U.N. The letter requesting this was accompanied by a memorandum in which it was said, "The race conflict in the Union of South Africa, resulting from the policy of *apartheid*, is creating a dangerous and explosive situation which contributes both a threat to international peace and a flagrant violation of basic principles of human rights and fundamental freedoms which are enshrined in the Charter of United Nations." South Africa had challenged the U.N. Assembly's competence to debate *apartheid* on the ground that Article 2 (7) of the Charter said that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State."

Inter-Racial Co-operation in Africa

On returning from wide travels in Africa during 1951, the Institute's President, Mr. J. D. Rheinallt Jones, drew attention to the growing tendency in all the territories for a division on racial lines. What was required was an expanding economy in which all ethnic groups would participate. He suggested that an unofficial conference be convened on social and cultural adjustments to changing economic conditions, individuals of standing from each racial group in the Union and the British Bantu-African territories being invited.

After much discussion and consultation with prominent people in territories to the North (many of whom supported the idea) it was realized that the Institute did not possess the resources to organize a Conference on the scale that would be necessary. U.N.E.S.C.O. was then requested to consider sponsoring it, and replied that it was already planning conferences in Southern Asia during 1952, and in Africa in 1953, to examine the social impact of modern technology in countries in process of industrialization. The Institute is awaiting developments.

British Central African Territories

During the year, the Institute published *The Proposed Federation of The Central African Territories* by Kenneth Kirkwood. The President,

who visited the Rhodesias and the United Kingdom in 1952, had discussions with numerous bodies and individuals concerned with this question, both those in favour of Federation and those opposed to it, his efforts being directed towards a settlement that would avoid a head-on clash between White and Black. At the time of writing, negotiations were proceeding.

RIISING TENSIONS IN SOUTH AFRICA AND WORK TO HELP RESOLVE THESE

CAMPAIGN OF DEFIANCE OF "UNJUST" LAWS

Preliminary Planning and Correspondence

Towards the end of 1951, a joint planning council of the African National Congress and the South African Indian Congress was set up to suggest how the efforts of Non-European organizations could be co-ordinated to secure the repeal of legislation considered discriminatory. The proposals of this council were considered by the African National Congress in December, 1951. Thereafter a letter was sent from Congress to the Prime Minister, re-iterating the plea, made over many years to successive Governments, for direct representation of Africans in the councils of state, and calling on the Government to repeal specified "unjust and racial discriminatory laws" by February 29th, 1952, failing which "mass action" would be taken. The laws specified were the pass laws, the Group Areas Act, the Separate Representation of Voters Act, the Suppression of Communism Act, the Bantu Authorities Act, the "so-called rehabilitation scheme" and the cattle-culling policy. Preparations for mass action would be made on April 6th — the occasion of the Van Riebeeck tercentenary — and the action to follow would commence with the defiance of selected laws and regulations. The letter emphasized that "the struggle which our people are about to begin is not directed against any race or national group, but against the unjust laws."

The Prime Minister replied on January 29th. The Government had no intention, he said, of repealing the long-existing laws differentiating between European and Bantu, which were largely measures for the latter's protection. "While the Government is not prepared to grant the Bantu political equality within the European community, it is only too willing to encourage Bantu initiative, Bantu services and Bantu administration within the Bantu community." The Prime Minister advised Congress to re-consider its decision — one of "extreme gravity" — in the interests of the Bantu people, and to devote its energies to a constructive programme of development, using the opportunities offered by the Government for building up local Bantu government and administration. "Should you adhere to your expressed intention of embarking on a campaign of defiance and disobedience to the Government," the Prime Minister wrote, "and should you in the implementation thereof incite the Bantu population to defy law and order, the Government will make full use of the machinery at its disposal to quell any disturbances, and, thereafter,

deal adequately with those responsible for initiating subversive activities."

On February 11th, Congress replied to the Prime Minister. They had no alternative, they said, but to embark on a mass campaign of defiance of unjust laws. As a defenceless and voteless people, they had explored other channels without success. Nothing contained in the Bantu Authorities Act could be a substitute for direct representation in the councils of state. Congress stated emphatically that it was their intention to conduct the campaign in a peaceful manner, and that any disturbances, if they occurred, would not be of their making.

The South African Indian Congress, the Franchise Action Council (consisting largely of Coloured voters in the Cape), and the Youth League of the African National Congress, decided to support and participate in the defiance campaign. A fund was launched to finance it. Non-European organizations were not unanimously behind the move, however: the Bantu National Congress (a new body formed at Ladysmith, Natal) and the Paramount Chief of the Zulu opposed it; and the Natal African National Congress dissociated itself from the proposed Van Riebeeck Day demonstration. The Natal Indian Organization has opposed the defiance campaign throughout.

April 6th

On April 6th, mass meetings of protest against "Unjust Laws" and religious services to pray for "freedom" were held at a number of the major centres in the Union. All the meetings were orderly; the Non-European leaders showed themselves able to control the total situation; there was no interference from the European public.

Volunteers to take part in the defiance campaign were enrolled.

April and May, 1952

During these months, the Executives of the organizations concerned planned the campaign to follow, deciding that it should commence with localized civil disobedience. Over a period of months, units of volunteers, first in the Eastern Cape Province and on the Witwatersrand and later in other centres too, would commit technical offences such as contravention of pass laws, general *apartheid* regulations at stations and post offices, and curfew regulations. No defence would be prepared for the volunteers, and they would go to gaol rather than pay a fine.

Government action against certain leaders

Early in June, certain leaders of the campaign whose names had been "listed" under the Suppression of Communism Act (see page 24) were served with notices requiring them to resign from specified organizations, restraining them from attending or addressing meetings, and imposing restrictions on their movements. Several of these leaders volunteered to begin the campaign by defying the

ban on attendance at meetings, thus courting arrest. Sentences of from four to six months' imprisonment were later imposed in a Magistrate's Court, bail being allowed pending an appeal. At the time of writing the appeals had not been heard.

Commencement of the mass defiance campaign

A day of prayer for success was held on Sunday, June 22nd, in Non-European townships throughout the Union. Then on June 26th the campaign was launched. Within the first fortnight, over 500 Non-Europeans (mainly Africans) had been arrested in the Eastern Province, and another 100 on the Witwatersrand, for such offences as contravening curfew regulations, ignoring *apartheid* regulations at stations or post offices, or entering African townships without permits or passes.

By 30th September, arrests totalled some 5,000 in the Union, about 1,500 of these being in Port Elizabeth, 850 in East London, 600 in Witwatersrand towns, 400 in Grahamstown, 300 in Peddie, 100 in Uitenhage, and smaller numbers in towns widely scattered throughout the Union, for example Cape Town, Durban, Pretoria, Kimberley, Bloemfontein, Queenstown, King William's Town, Port Alfred, Worcester, Stellenbosch, Paarl, Ceres, Mafeking, Verconing, Fort Beaufort and Witbank.

As the passive resisters concentrated on technical offences for which no heavy penalties are provided, ⁽³⁾ the sentences imposed were at first fairly light. They varied in different centres and according to the nature of the offence, but probably averaged £2 or 30 days' imprisonment. Gradually however, heavier sentences were imposed: in Port Elizabeth, during August and September, a number of adults (including women) were sentenced to £15 or 90 days, and juveniles to four cuts each with a light cane. Whipping of juveniles was inflicted in a number of centres. In August the Minister of Justice said that the full force of the law as it existed would be employed against the passive resisters, but if action in the Court proved ineffective the Government would not hesitate to introduce "the necessary legislation" to deal with the situation.

Prisons in several centres became overcrowded, since practically all those arrested refused the option of a fine. Several magistrates decided to include a "seizure clause" (under the Criminal Procedure and Evidence Act of 1917) in warrants committing the accused, enabling prison authorities to seize money found on resisters at the time of their arrest, using it to pay their fines. It was then arranged that volunteers would go into action with no money in their pockets.

⁽³⁾ No mention is made in this Report of the riots in Port Elizabeth on Oct. 19th, in Johannesburg on Nov. 3rd, in Kimberley on Nov. 3th and in East London on Nov. 9th, since these occurred after the end of the period under review, and, more important, because at time of writing the causes had not been investigated. The African National Congress had, however, deplored the riots and stated that Congress had taken no part in them.

Strong police re-inforcements were moved into the Eastern Province and Border areas.

Not all arrests led to convictions, the Courts upholding the principle (established in the cases the Minister of Posts and Telegraphs v. Rasool in 1934, Rex v. Abdurahman in 1950, and Regina v. Bestenbier in 1952) that if different racial groups were segregated in post offices or at stations, facilities provided must be equal. Mr. Bestenbier, charged after entering the European queue at Elsie's River post office, was acquitted on the ground that the facilities provided were not equal. In the case Regina v. Lusu on August 26, the accused was acquitted on a charge of entering the European waiting room at Cape Town station on the ground that the waiting-room facilities there for Non-Europeans were greatly inferior to those provided for Europeans. Appeal against this judgment has been lodged.

Nineteen Non-Europeans, arrested in Port Elizabeth during July for entering the European section of a post office, and charged with obstructing the business of the post-office, were acquitted because it appeared there had been no European customers present at the time. In Johannesburg, 51 Africans, arrested for being in a public street between 11.15 p.m. and 4 a.m. without night passes, were released after their leader had been acquitted on a technicality: the police had omitted to ask each person separately whether he was carrying a pass, and there was no proof that those accused did not have passes at the time of arrest.

Further Government action against leaders of the campaign

On July 30th in all the major centres of the Union, detectives searched the offices of organizations taking part in the campaign and the homes of leaders. Thereafter, early in August, 20 prominent Non-European leaders, including Dr. J. S. Moroka, President-General of the African National Congress, and Dr. Y. M. Dadoo, President of the South African Indian Congress, were arrested. They appeared in Court for a preparatory examination on August 26th, on a charge of contravening Section 11 (b) of the Suppression of Communism Act by aiming at bringing about a political, industrial, social or economic change within the Union by the promotion of disturbance or disorder. The alternative charge was that of aiming at the encouragement of violence or hostility between the European and Non-European races of the Union with the object of bringing about changes in the political, industrial, social or economic structure of the Union.

At the end of the preparatory examination the leaders were committed for trial. Counsel for Dr. Moroka said he was not applying for his client's discharge at that stage as he considered that an interpretation of the sections of the Act under which the Crown sought to label his client a Communist should be given by the Supreme Court. The cases had not come up for trial at the time of writing.

Eight more prominent leaders of the campaign were arrested in Port Elizabeth during September.

ACTION TAKEN BY THE INSTITUTE IN CONNECTION WITH THE DEFIANCE CAMPAIGN

March, 1952

During February, the Institute studied the correspondence between the African National Congress and the Government, and on March 13th released a statement (R.R. 35/52, subsequently published in the April issue of Race Relations News,) copies of which were sent to the Prime Minister, the Minister of and Secretary for Native Affairs, the President-General and Secretary of the African National Congress, and the Press.

The Institute, it was stated, shared with the Prime Minister his concern that public order must be maintained. It should be realized, however, that the African people had no adequate legitimate channel through which to express their needs and grievances, and that public demonstrations carried out in an orderly manner were a recognised legitimate method of expressing public opinion and the only effective means of expression left open to Africans.

Nevertheless, the Institute was concerned over the possibility that demonstrations might lead to disturbances, and regretted the choice of April 6th — a date with deep significance for many people — for the start of the campaign. It appealed to African leaders to defer their plans for that date.

The statement concluded, "While the Government maintains that all racial problems can be solved unilaterally within the pattern of apartheid, and the African National Congress unrealistically demands the immediate abolition of all discriminatory legislation, no real progress will be made in the achievement of a mutually satisfactory solution. The Institute is convinced that there is a third course of action possible, i.e. that the Government should meet the African leaders in order to explore, in a free and friendly atmosphere, the possibility of the progressive removal of grievances and the pursuance in mutual consultation of courses which will ensure peaceful relations in South Africa.

"The Institute, whose whole concern is peace, goodwill and understanding, will be only too glad to make its services available towards those ends."

August, 1952

In a press statement (R.R. 133/52) issued on 25th August, the Institute pointed out that the process of economic integration would continue inevitably and that total segregation was therefore impossible. The Prime Minister himself had made this clear. If this was so, then South Africa must admit the logical consequences — greater and more responsible participation by Non-Europeans in the life of the country.

The Institute considered that the practice of enacting legislation without consultation with the people it concerned was to beg for precisely the reaction demonstrated in the passive resistance campaign.

No adequate machinery existed through which the Non-Europeans could express their wishes: there appeared to be no other course of action for them to adopt save passive resistance.

The Institute appealed once more to the Government to meet with the leaders of the Non-European people to discuss measures which the situation demanded, and pointed out that, "Should the Government fail to do so, and should it adopt the severer method of punishment suggested, such as whipping, then the Institute considers that greater bitterness will be engendered, martyrs created, and the country hurried towards a position in which honourable compromise will no longer be possible."

This statement received very wide press publicity, as did a second (R.R. 134/52), issued on the same day, in which it was suggested that a suspended sentence, rather than whipping, should be imposed on juveniles convicted for participation in the passive resistance campaign.

The Labour Party, League of Women Voters and the Torch Commando endorsed the Institute's appeal to the Government to meet Non-European leaders. But in a speech in Johannesburg on September 6th the Minister of Native Affairs said, "The Government are not prepared to consult with law-breakers."

CONFERENCE HELD BY THE DUTCH REFORMED CHURCH

Following discussions held in June, 1951, between European representatives of the Dutch Reformed Churches and members of their Sotho congregations, discussions with Zulu members were held at Vryheid in May, 1952. Further talks with Xhosa members are to take place.

The Federal Missionary Council of the Dutch Reformed Churches proposes to call a conference of all established churches in South Africa to discuss the application and maintenance of Christian principles in a multi-racial land. It is suggested that each church should be invited to send one European and one Non-European delegate.

GENERAL WORK OF THE INSTITUTE TO HELP RESOLVE TENSIONS

The Preservation of Civilization

During the year the Institute has published three books dealing with the desirability of safeguarding "white" or "western" civilization. They are *Race or Civilization?* by Dr. A. Keppel Jones, *White Civilization* by Dr. E. E. Harris, and *—go forward in faith* by the Director of the Institute. (See also page 44).

The authors of the first two books are members of the Institute's Executive Committee: the third publication is an official statement of the Institute's fundamental beliefs.

Dr. Harris makes it clear that "white" civilization in South Africa is that imported from Europe. But this civilization is neither European

in origin nor the product of any one race. Neither race nor nationality is the essential vehicle of culture. Nor is there evidence that any culture cannot be acquired by the members of any human race.

Dr. Keppel Jones defines the values of our civilization as belief in the intrinsic value of human personality and in the fundamental rights which follow. On these beliefs have been built the rule of law and our system of representative government. The ingredients of our moral and political tradition are analysed by Dr. Harris, who concludes that the principles of Ancient Greek thought, the Roman legal system, Hebrew religious belief and the Christian doctrine all involve a free society, position in which depends solely on capacity. Dr. Keppel Jones points out how untenable the belief is that skin-colour is a true index of the civilized qualities in a man.

Our civilization, he says, can be endangered in two ways: it can come to be dominated by people who have little experience of or who reject its values, or it can disintegrate from within. On the first point, Dr. Harris shows that the persistent demand for rights by the mass of the people cannot be resisted for all time. Unless increasing opportunities are extended to them, the inevitable outcome will be the violent overthrow of White rule and everything associated with it. On the second point, he demonstrates how expedients that have been used by Europeans in the domination of Non-Europeans are now being used by Europeans against one another and threaten to displace democracy altogether. Both writers make it plain that the preservation of our civilization can be ensured only by the preservation of its intrinsic values. The questions before South Africa are whether we wish to sacrifice our civilization in an attempt to maintain the domination of the White man, and if not, how we can apply the principles of that civilization to the South African circumstances.

In *—go forward in faith*, (The Logic of Economic Integration) the Director indicates the extent to which economic integration has already taken place and concludes that total segregation would be impossible without a complete collapse of our economic structure. If this is accepted, the fundamental values of our civilization must then be realized in some form of pluralistic society.

Only by the progressive assumption by Non-Europeans of the standards of "Western" civilization and of the duties implicit in the acquisition of fundamental rights can this civilization be preserved in South Africa. There is no reason why a European group should not survive: this group has every right to preserve its white skin and its heritage if it so wishes, but it must do so with its own resources and not at the expense of other ethnic groups. To the Institute, the South Africa of tomorrow is a richly diverse country held together by the general acceptance of the principles and values of our civilization.

What the final pattern will be is impossible to guess. The only credo to which one can cling is to abjure self interest and policies of expediency, to stand firm on principle and go forward in faith, believing

that to do so is the only way to serve finally what is right and just, believing too that the use of the right means is in itself creative and that by unjust means no justifiable end can ever be attained.

Afrikaans-English Relations

Assisted by a generous donation from the Abe Bailey Trust, the Assistant Director has continued and extended work aimed at achieving greater harmony between the Afrikaans-speaking and English-speaking sections of the population.

During November, 1951, the Director and Assistant Director arranged to meet representatives of the S.A. Bureau for Racial Affairs to discuss ways of overcoming ignorance and apparent antagonism between members of the two language groups. The representatives they met agreed to submit a resolution to the Executive Committee of S.A.B.R.A. in January, 1952, suggesting that an independent committee consisting of leading English and Afrikaans speaking people be formed to study causes of strained relations and to seek means of alleviating the strain. Unfortunately nothing came of this suggestion.

Later, at the Institute's instigation, a special, independent committee was set up to undertake an enquiry into the origin of inter-group antagonisms. Members are Professor, I. D. MacCrone (Chairman), Dr. S. Biesheuvel and Mr. L. T. Badenhorst. Two field-workers, Miss A. Dodson and Mrs. C. C. Wilson (one English-speaking and the other Afrikaans-speaking), have been appointed to collect material.

The Assistant Director attended the Annual Council Meeting of S.A.B.R.A. during January. He continues to give a very large number of talks on the need for better English-Afrikaans relations to Rotary Clubs and Church and other organizations.

Institute Reference Library

The Institute's Reference Library, available to the public without charge, continues to supply information and literature on a very wide variety of subjects to student, research workers, government departments, manufacturing concerns, other organizations, overseas and local, and other libraries. Requests during the year totalled 1,200. A press cuttings collection is maintained. Compilation of bibliographies for people wishing to study specific aspects of South African affairs is a marked feature of the work. Much information is supplied by telephone.

Selected accessions to the Library are listed monthly in *Race Relations News*.

Institute Publications

Besides producing regular monthly issues of *Race Relations News*, two issues of the *Journal*, the *Annual Survey of Race Relations in South Africa*, and thirty-five press bulletins, the Institute has published the following pamphlets during the year:

Race or Civilization by Dr. Arthur Keppel-Jones, published in English and Afrikaans.

The Early History of Indians in Natal by the Rt. Rev. C. J. Ferguson-Davie.

The Proposed Federation of the Central African Territories by Mr. Kenneth Kirkwood.

Industrial Relations and Race Relations by Dr. Guy Routh.

—*go forward in faith* (The Logic of Economic Integration) by the Institute's Director, Mr. Quintin Whyte.

Indian Life and Labour in Natal, a study conducted by the Department of Economics of the University of Natal, under the direction of Prof. Raymond Burrows.

"White" Civilization by Dr. E. E. Harris.

The Findings of the National Conference convened by the Institute to study the Report of the Native Education Commission.

The following memoranda were issued during the year and are obtainable from the Institute:

RR 168/51 *Native Housing*, by Mr. A. J. Cutten.

RR 169/51 *The New Liquor Bill*, by Mr. W. G. Hoal.

RR 172/51 *Housing Schemes for Non-European Families*, by the Institute's Technical Assistant.

RR 174/51 *Local Government for Africans in Urban Areas*, by Dr. Ellen Hellmann.

RR 2/52 *Presidential Address* by Mr. J. D. Rheinallt Jones.

RR 9/52 *Native Housing*, by Mr. A. J. Cutten.

C1017 *Native Housing*, by Mr. D. M. Calderwood.

RR 10/52 Findings of Council Meeting, 1952.

RR 36/52 Memorandum on the Urban Bantu Authorities Bill.

RR 55/52 Hansard Report of Speech by Senator Dr. the Hon. E. H. Brookes on the Report of the Native Education Commission.

RR 57/52 *Summary of the Report of the Commission on Native Education*, by Mr. K. B. Hartshorne.

RR 58/52 Statement on the New Housing Bill.

RR 62/52 Summary of and commentary on the Native Labour Relations Bill.

RR 78/52 A criticism of the Urban Bantu Authorities Bill by Mr. L. P. Green.

RR 90/52 Graphs and Diagrams to accompany the Summary of the Report of the Commission on Native Education, by the Institute's Technical Assistant.

RR 96/52 *Techniques in Race Relations* by the Director of the Institute.

- RR 98/52 *The Analysis of Social change and its Bearing on Education* by Dr. A. W. Hoernlé and Dr. Ellen Hellmann.
- RR 105/52 *The Educational Policies of Other African Territories* by Dr. H. Jowitt.
- RR 118/52 *Africa, Continent in Transition*. Report on the Christian Conference held in June, 1952, at Wittenberg College, Springfield, U.S.A. by William W. Clemes.
- RR 131/52 Memorandum on the draft Education Ordinance, 1952, (Transvaal).
- RR 150/52 *Durban Group Areas*. Statement submitted to the Land Tenure Advisory Board, written by Mr. Maurice Webb and the Institute's Director.

Other significant books dealing with race relations and South African affairs which have recently been published are:

The Peoples and Policies of South Africa by Leo Marquard, (Oxford University Press).

Race and Psychology by Otto Klineberg (U.N.E.S.C.O.)

Race and Biology by L. C. Dunn (U.N.E.S.C.O.)

Race and Culture by Michel Leiris (U.N.E.S.C.O.)

Racial Myths by Juan Comas (U.N.E.S.C.O.)

The Significance of Racial Differences by G. M. Morant (U.N.E.S.C.O.)

Race and History by Claude Levi-Strauss (U.N.E.S.C.O.)

The Basuto by Hugh Ashton (Oxford University Press)

Great South African Christians by Horton Davies (Geoffrey Cumberlege, O.U.P.).

The People of South Africa by Sarah Gertrude Millin (Constable).

Twilight in South Africa by Henry Gibbs (Jarrols).

The Dilemma of South Africa by John Hatch (Denis Dobson, Ltd.).

Report on Southern Africa by Basil Davidson (Jonathan Cape).

Attitude to Africa by A. W. Lewis, Michael Scott, Martin Wight and Colin Legum (Penguin Special).

Bechuanaland Protectorate by A. Fillery (Oxford University Press).

Joint Councils

Joint Councils of Europeans and Non-Europeans, with which the Institute's Field Officer keeps in close touch, exist in the following centres in the Union and neighbouring territories:

Aliwal North	Lydenburg
Blocfontein	Mafeking
Bremersdorp	Mapumulo
Dundee	Mbabane
Durban (African and Coloured Councils)	Middelburg
East London (African and Coloured Councils)	Pietermaritzburg
	Pietersburg

Evaton	Potchefstroom
Francistown	Pretoria
George	Rustenburg
Germiston	Salisbury
Grahamstown	Springs
Hermanus	Vryberg
Johannesburg	Witbank
Kimberley	Zeerust
Ladybrand	Zoutpansburg.

Altogether there are 33 Joint Councils.

In the large urban centres, many welfare and self-help organizations have been established during recent years, and the scope of the Joint Councils has been correspondingly narrowed. Further, in consequence of the growing spirit of "non-co-operation," fewer Coloured people in the Cape or Africans in most centres are willing to serve on Joint Councils than was formerly the case. Nevertheless the Councils continue to do useful work.

In some centres they are the only bodies carrying out welfare services among Non-Europeans. They act as liaison between township residents and local authorities: explain laws and regulations to Africans; and take up with the appropriate authorities matters requiring attention, for example, during recent months, the lack of adequate recreational facilities (East London), the problem of idle children (Springs), and the implementation of the Group Areas Act (Lydenburg).

Study Circles

A number of study circles (some European, some African and one of mixed membership) have been established along the Reef and in other towns, for example Bloemfontein, with the object of spreading knowledge of race problems among a wider section of the public and, through the increased interest, recruiting more people to do active work. The movement flourished under the direction of Mrs. C. Rheinallt Jones and her successor, Miss M. McEarty, M.P.C., but unfortunately during the year the latter found she was unable to carry on. Lacking stimulus and assistance, certain groups have disappeared; but a number continue to hold regular meetings and to do useful practical work such as running night schools and helping at crèches.

Public Meetings

Regional Committees of the Institute in the Western Cape and the Southern Transvaal have continued to arrange quarterly meetings for members of the Institute and others. In Durban, monthly meetings have been held. Prominent speakers have addressed the meetings on subjects connected with race relationships, discussion followed, and on some occasions films have been shown. Speakers at Cape Town meetings have included Dr. de Villiers, M.O.H. for the Cape Divisional Council, and Messrs. Williamson and Middelmann of

the Chambers of Industries and Commerce respectively. In Johannesburg, Mrs. M. L. Ballinger, M.P., Senator W. Ballinger and Mr. J. D. Rheinallt Jones, the Institute's President, have addressed meetings; and Durban speakers have been Ds. J. Reyneke, Prof. P. Connell, Dr. Visser t'Hooft, Mr. G. C. Grant, Dr. S. L. Kark, Archbishop D. E. Hurley, Mr. Alan Paton and Prof. H. R. Burrows.

Political Rights and Duties in other countries.

In order to assist in the consideration of future political representation and franchise rights in South Africa, the Institute is assembling material on political rights and duties in other countries with racially mixed populations or in which religious or other minority groups exist. Four voluntary workers, Mrs. P. Skyrme-Jones, Mrs. J. Ruddock, Mr. C. Franks and Mr. L. Cohen, have very kindly assisted in this work.

School History Books

Work has commenced on a survey of history text-books used in schools to determine whether their treatment of inter-group contacts is liable to give unnecessary hurt to any ethnic, religious or language group. Mrs. S. Toens has kindly gone through all the history books used in secondary schools for English-speaking children, marking dubious passages. The psychological effect on pupils of these, and of similar passages in books used in other schools, will later be tested.

The Institute noted with pleasure that the Director of Education in Natal has instructed teachers of his department to expunge passages in history books which offend Indian citizens, and has informed the publishers concerned that unless the relevant passages are omitted, no further supplies of the books will be ordered.

Photographic Exhibition

During January, the Cape Western Regional Committee of the Institute held a photographic exhibition entitled "African Dilemma," showing conditions under which Africans are living. Enlarged texts gave particulars of population growth and homelessness as result of town-ward migration due to economic causes. During the exhibition, which lasted several days and which was particularly well attended, lunch-hour lectures were given on aspects of urban African life.

The photographs and texts have since been exhibited by N.U.S.A.S. in Cape Town and by the Institute in Johannesburg.

Other Work

The Institute's Field Officer has, during the year, carried out a number of *ad hoc* investigations following which Head Office or the Southern Transvaal Regional Committee have pressed for conditions to be improved. The following are examples.

Conditions at the Johannesburg Pass Office were investigated. It was found that it frequently took an African three days to obtain his pass. Ten different offices had to be visited, and unless a man

joined the queues very early in the morning it often happened that he waited all day without reaching the head and receiving attention. No seating accommodation was provided, nor were there awnings to protect sections of queues which extended outside the buildings from the sun and rain.

Some time was spent at the Johannesburg Magistrates Courts investigating allegations that a certain organization was in the habit of paying bail money or fines for Africans without their knowledge, and was subsequently forcing them to sign I.O.U.'s (for as much as £13 on a £10 fine, the additional amount being for "services rendered"). The allegations were found to be true, and the Bantu Press and the Social Services Association took the matter up.

It was found that in a town in the Southern Transvaal, African rent-defaulters were being arrested on the Location Superintendent's orders without the prior issue of summonses.

Recently, European residents of a township at Grasmeere asked the police to eject African families who had lived there for some years. Following representations by the Institute's Southern Transvaal Committee, it was agreed that the Africans should be allowed to remain until a township for them had been established.

Ad hoc investigations are carried out, too, by the Institute's Regional Offices. A member of the Cape Town staff, Mrs. N. Greshoff, with the valuable help of Mrs. Lipshitz, a voluntary worker, has been conducting an investigation into the economic circumstances of a sample of the African population of a squatters area. The Durban Office made representations to the Municipality on behalf of a number of Indian market gardeners who had received eviction orders; and pressed for the provision of more adequate transport and bus terminus facilities for Non-Europeans, and for performances to Non-European audiences by touring theatrical or concert parties.

Representation on and Assistance given to other Organizations

Head Office of the Institute continues to act as secretariat to the Bantu Welfare Trust, Robert Shapiro Trust, Auden Race Relations Trust, Johannesburg Joint Council of Africans and Europeans, Witwatersrand Council of Education, and Johannesburg Indian Social Welfare Association. The Institute's Durban Office acts as secretariat to the Brandon Bantu Hostel, African and Negro Library, Natal Native Welfare Society, and the Mvini Holiday Camp. It renders much assistance to the Joint Councils in the city and the David Landau Community Centre, and maintains close association with the Commission of the Churches on International Affairs and many other bodies.

The Institute is represented on certain overseas bodies such as the International African Institute which has its head office in London, also on a large number of national organizations, amongst these being the S.A. National Council for Child Welfare, the S.A. National Council for the Mental Health, the National Council for Care of

Cripples in S.A., the Penal Reform League of S.A., the National War Memorial Health Foundation, the Social Services Association of S.A. and the National Road Safety Organization.

It is also represented on very many Provincial and local bodies in Johannesburg, Cape Town, Pretoria, Durban and East London. Members of the Institute Council, Executive Committee and staff serve in personal capacities on a wide variety of organizations. They have during the year, also assisted visitors from Africa and overseas with introductions, information and material; have addressed numerous meetings; have been consulted on a wide range of matters; and have prepared articles on request for publication by other bodies.

GENERAL SOUTH AFRICAN AFFAIRS

Population Figures

Preliminary figures for the 1951 census are:—

	Union Total	Union Urban	S.W.A.
Europeans	2,643,187	1,972,735	48,588
Cape Malays	63,557	60,911	19
Other Coloured people	1,038,766	609,388	16,881
Asiatics	365,524	276,742	3
Africans	8,535,341	2,011,333	349,110
TOTAL	12,646,375	4,931,109	414,601

As the Fagan Commission pointed out, South Africa has during recent years witnessed the economic phenomenon everywhere associated with industrialization — the movement of population from the rural to urban areas. That this movement is by no means confined to the African section of the population is illustrated by the following figures, which show the percentage of the total of the racial group concerned living in urban areas.

	1921	1936	1946	1951
Europeans	55.8	65.2	72.5	74.6
Coloureds	45.8	53.9	58.2	60.8
Asiatics	30.9	66.3	70.3	75.5
Africans	12.5	17.3	23.0	23.6

(Calculations by the Institute from figures given in Fagan Report and preliminary 1951 census figures).

ACTION TAKEN DURING THE YEAR UNDER THE SUPPRESSION OF COMMUNISM ACT

"Naming"

The Minister of Justice said in the Assembly on January 25th, that the Liquidator appointed under the Suppression of Communism Act (44/50 as amended by 50/51) had by then asked 587 persons to

submit reasons why their names should not be included in lists of officials or active supporters of the Communist Party. The State Information Office reported in October (4) that the total of "named" persons was almost 500. The Liquidator's list was now practically completed.

Mr. Kahn and Mr. Carneson

A Select Committee appointed early in 1952 reported later that a majority of members had found that Mr. S. Kahn, M.P., and Mr. F. Carneson, M.P.C. (both of whom were Natives' representatives) were communists as defined in the Act. The Assembly adopted the report, and on May 25th the Minister notified the two gentlemen that they must cease to sit as members of the Assembly and the Cape Provincial Council respectively.

Banning of "The Guardian"

Following investigations by an *ad hoc* committee, "The Guardian," a Cape Town newspaper, was banned during May under Section 17 of the Act. It was announced on May 27th, that a paper called "The Clarion" would be published in Cape Town from that week. The management and staff of this paper were the same as those of "The Guardian."

Limitations imposed on persons "Listed"

In May the Minister sent out a number of letters to persons whose names appeared on the lists compiled by the Liquidator (several of these being prominent trade union leaders, European and Non-European), ordering them to resign from various organizations, prohibiting them from attending any gatherings other than church services and purely social or recreational functions, and, in some cases, restricting their movement to specified Provinces.

Action taken against Non-European Leaders

The action taken in terms of the Act against Non-European leaders of the passive resistance campaign is described on pages 12 *et seq.*

Action taken against certain Trade Union Leaders

One of those ordered to resign from his Union and to refrain from addressing meetings was Mr. E. S. Sachs, General Secretary of the Garment Workers' Union (Transvaal), an Executive member of the Trades and Labour Council, and National Treasurer of the Labour Party. Mr. Sachs was expelled from the Communist Party of South Africa in 1931, and had not been a member since. As recently as 1950 he was awarded damages by the Supreme Court against an allegation that he was a communist. He defied the Minister's order and, on May 24th, addressed a very large meeting in Johannesburg called to protest against the limitations imposed

(4) Newsletter dated October 9th.

on certain trade union leaders. He was arrested during the meeting; disorder followed; the police made a charge with batons and sticks; and numbers of people, including women, were injured. The Garment Workers' Union then arranged a one-day protest strike on May 26th.

On June 9th, 278 delegates representing 79 of approximately 200 registered unions met in Johannesburg to discuss the application of the Act to the trade union movement. By 66 votes to 4 a resolution was passed "solemnly requesting the Government to amend the Suppression of Communism Act by providing that any official, officer or member of a trade union on whom an order is served shall have the right of appeal to the Courts." A deputation from the meeting, representing 250,000 workers, placed this resolution before the Prime Minister and the Ministers of Justice and Labour.

Several other trade union leaders, European and Non-European, defied orders issued to them by the Minister and addressed or attended meetings. Prosecutions followed, sentences of four or six months being imposed. In his judgment of one of the cases the Magistrate said, "Parliament may make any encroachment it chooses on the life, liberty or property of any individual subject to its sway, and it is the function of the courts of law to enforce its will." (Star, 16th July, 1952). Several of those convicted lodged appeals: at the time of writing two petitions lodged by Mr. Sachs had been dismissed by the Supreme Court, but leave to appeal to the Appellate Division had been granted in one instance.

On October 3rd there was a new development. Mr. S. Tefu, an African trade union organizer, had petitioned the Supreme Court for an order declaring that his "naming" was wrongful and unlawful, and removing his name from the list. He also asked that notices issued to him by the Minister in terms of the Act should be set aside. He denied that he had ever been a member or active supporter of the Communist Party. The Minister of Justice excepted to this declaration on the ground that the question of whether Mr. Tefu had been a member or active supporter of the Communist Party was not a matter of fact which it was competent for any Court to inquire into.

The Judge dismissed the Minister's exceptions and upheld those by Mr. Tefu. Parliament, he said, had not directed that the Liquidator was to settle the list rather than merely to compile it. In consequence, the Courts' jurisdiction to investigate the correctness of the objective facts of plaintiff's membership or active support, and to remedy action taken by the Liquidator, and thereafter by the Minister, on an incorrect finding of fact, had not been ousted. An application by the Minister for leave to appeal against this judgment to the Appellate Division was noted.

Institute attitude

The Institute's attitude to the Act is expressed in previous Annual Reports. Briefly, while agreeing that the Government must have

the power to protect our society against threats to its safety, and while in full accord with the Government's decision to take powers against communist organizations which are dictated to in their policy and tactics by a foreign Government, it considered that certain of the provisions of Acts 44/1950 and 50/1951 might endanger perfectly law-abiding citizens and destroy some of the fundamental principles upon which the whole structure of Western civilization rests.

APPLICATION OF THE IMMORALITY ACT

Cases still occur in which two people, jointly accused of an offence under the Immorality Act, are tried by different magistrates and given different sentences. In Potchefstroom during May, in a case concerning a European man and an African woman, the former was acquitted while the latter was sentenced to three months' imprisonment. The Institute referred the case to the Secretary for Justice, who sent an explanation of how the discrimination had occurred. The Minister of Justice was then approached: he replied that steps were being taken to obviate, where possible, a recurrence of such disparity of treatment.

BANNING OF PUBLICATIONS

During September, the Government imposed a ban on sales of two publications dealing with race relations, *Behind the Colour Bar* by Dr. Kenneth Little, published by the Bureau of Current Affairs, and *Roots of Prejudice* by Professor Arnold Rose, published by U.N.E.S.C.O. (Also see page 25).

REFUSAL OF PASSPORTS

Chief Hosea Kutako, one of the chiefs from South-West Africa who was earlier refused a passport to appear before the Trusteeship Committee (see page 8), was in September again denied a passport when he wished to accept an invitation to preach at St. Paul's Cathedral in London on the spread of Christianity among Africans. Mr. S. S. Benghu was refused a passport to travel to the United Nations meeting to plead for the expatriation of Indians.

LEGISLATION PASSED DURING 1952

See Index which follows the Table of Contents.

BILLS POSTPONED TO THE 1953 SESSION OF PARLIAMENT

Native Trust and Land Amendment Bill (Institute commentaries—R.R.66/51 and 18/52).

Native Labour Relations Bill (Institute commentary—R.R. 62/52).
Bantu Urban Authorities Bill (Institute commentaries—R.R. 36/52 and 78/52).

Liquor Law Amendment Bill (Institute's views expressed in Findings of Council, January, 1952, R.R. 10/52).

Bill to establish an Economic Advisory Council. (See page 59).

GENERAL ASIATIC AFFAIRS

Relations between the Union and India and Pakistan (See page 7).

Expatriation of Indians

92 Indians left the Union during 1951 under the assisted emigration scheme; 199 during 1950; 215 in 1949; and 27 in 1948. A bonus of £40 for adults and £20 for children is paid.

Institute Publications

During the year, the Institute has published *The Early History of Indians in Natal* by the Rt. Rev. C. J. Ferguson-Davie, and *Indian Life and Labour in Natal*, a revised edition of a survey conducted for the Institute under the direction of Professor Raymond Burrows of Natal University.

Liquor Permits for Chinese

It was announced in the Government Gazette during August that Chinese are now re-included in the definition of "Asiatic" under the provisions of the Liquor Act. This means that they will in future have to be in possession of a permit to obtain liquor.

GENERAL COLOURED AFFAIRS

Separate Representation of Voters

The judgments on the Separate Representation of Voters Act are summarized on page 3 *et seq.*

Conference on Coloured Affairs

Representatives of local authorities on the Reef and in Pretoria, the Provincial Administration, the Division of Coloured Affairs, the Land Tenure Advisory Board, the National Housing Commission, and Government Departments of the Interior, Labour, Social Welfare and Native Affairs met in Pretoria during November, 1951, to discuss matters such as housing, residential areas, employment, and education for Coloured people in Pretoria and along the Reef. The Prime Minister, who opened the Conference, said the purpose was to develop further the Coloured man's strength and pride in his own group through responsibility and economic and social uplift. The Coloured people must be treated as a separate group with its own interest and problems. The findings of this Conference have not yet been made available to the public.

Courses for Coloured people

A South African Association of Vacation Courses for Coloured people has been launched in Cape Town. The Commissioner for Coloured Affairs said the aim was to establish a permanent centre or centres with such amenities as playing fields, swimming baths, gymnasias, and a community hall.

GENERAL AFRICAN AFFAIRS

Natives' Representatives in Parliament

In the Senate on May 14th, the Prime Minister said that if Natives showed a sense of responsibility in exercising their right to elect representatives to the House of Assembly, the position would remain unchanged. Since the Suppression of Communism Act had made it impossible for them to elect known communists, the demand for the removal of the three Natives' Representatives had diminished, and, in the circumstances, he was prepared not to proceed with that part of the *apartheid* policy seeking the removal of these representatives.

Native Laws Amendment Act (No. 54/52)

This Bill was held over from the 1951 Session and re-introduced during 1952. It made amendments to various earlier Acts, such as the Native Labour Regulation Act of 1911, the Native Administration Act of 1927, and the Natives (Urban Areas) Consolidation Act of 1945.

The Institute had issued a statement on the Bill (R.R. 71/51) when it was first introduced. This was re-issued during the 1952 Session. A press statement (R.R. 17/52) was also sent out. The Institute pointed out that it was unable to accept some of the major premises upon which the Bill was based, for it considered that Africans should be permitted to sell their labour freely on the best market; it was further of opinion that all master-servant contractual liabilities should be civil, without criminal sanctions. Nevertheless, as the Bill was likely to be debated, the Institute submitted comments on various clauses.

Some of the more important provisions upon which comments were made were:

- (a) Under the Natives (Urban Areas) Consolidation Act, any urban local authority had the right to request the Governor-General to "proclaim" (i.e. place restrictions on the entry of Africans into) the area within its jurisdiction. The Bill proposed that this procedure be reversed by making restrictions automatically operative on a national scale, exemption therefrom having to be specifically requested. The Institute opposed this suggestion.
- (b) In terms of the Bill no African would be permitted to remain in an urban area for longer than seventy-two hours without a permit unless he was born and permanently resided there. Exceptions were made in the case of a man who had worked in one area continuously for one employer for not less than ten years, and in certain other cases. If those requiring permits were found in an urban area without such permits, it would be presumed that they had been there for longer than seventy-two hours unless the contrary was proved.

The Institute pointed out that it would be extremely difficult for an accused to prove that he had been in the area for less than the stipulated period. The threat of expulsion after seventy-two hours would force Africans to accept any type of employment offered, and would deter them from trying to improve their positions by changing their employment. Protection from expulsion should be given to property owners and their families. Areas where there are contiguous local authorities (such as the Witwatersrand) should be treated as regions, and Africans born or permanently resident in these areas be permitted to take up employment in one section of such a region without forfeiting right of domicile in another section controlled by a different local authority.

- (c) The Institute considered the clauses dealing with the summary removal of tribes or individuals, and with idle and undesirable persons, to be unnecessary in that the present law of the land makes quite adequate provision for unlawful acts and for dealing with persons whose behaviour is anti-social.
- (d) Concern was expressed that the clause dealing with kaffir beer profits might further encourage the tendency of some local authorities to follow a self-balancing policy in regard to their Native Revenue Accounts.
- (e) The Institute urged that the mobility of labour should not be restricted, and that the use of labour bureaux should not be made compulsory.

The relevant sections remained unaltered in the Act.
(Also see page 61).

Natives (Abolition of Passes and Co-ordination of Documents) Act (No. 67/52)

The purpose of this Bill, according to the Minister of Native Affairs (Senate, 27th May) was to do away with all unnecessary passes and to replace them with a simple document which would not be a nuisance to the bearer, and which would enable the police to perform their duties more easily.

The Institute's Cape Western Regional Committee examined the Bill very closely, gave evidence before a Parliamentary Select Committee (some of the alterations then suggested being accepted), and issued a press statement.

Under the Act, a strongly-bound reference book will be issued to all Africans (initially only men) over the age of 16. Pasted in front will be the identity card issued under the population registration scheme; and there will be pages for entries relating to labour bureaux and influx control, signatures of employers under whom the holder contracts to work, poll tax receipts, entries relating to any taxes imposed by Bantu authorities, and any other particulars, for example exemptions from Native law or curfew regulations. As the books are issued,

finger-prints (or, in certain cases, signatures) will be taken and recorded in a central bureau. Africans under the age of 16 who leave home to work will have to carry an identification document bearing the guardian's consent and the signature of the Native Commissioner or location superintendent.

In its evidence, the Institute welcomed the repeal of certain laws relating to travelling passes, also the fact that it will be simpler for Africans to carry a reference book instead of a number of separate papers. It noted, however, that the apparent free movement resulting from the abolition of certain travelling passes would apply only to travel to a rural area or to an urban area for a period of under four days. Control measures relating to movement to employment within restricted areas (such as permits to obtain rail tickets, entry permits for periods over three days, contracts of employment, curfew passes) would remain.

Further, the Act imposed certain new restrictions. In the eyes of most people in South Africa, any document that must be produced on demand, and particularly one associated with movement, is a "pass." By making the reference book producible on demand the Act in effect introduced a new pass which is applicable to women and to thousands of Africans, particularly in the Cape, who have hitherto not been required to carry documents demandable on the spot. Subjecting women to powers of summary arrest is liable to grave abuses and will be strenuously opposed by Africans.

Exemptions from the Pass Laws

In the Assembly on May 9th, the Minister of Native Affairs said that 89,544 Africans had been exempted from the pass laws up to the end of 1950. Detailed figures for recent years were:

<i>Year</i>	<i>Applications</i>	<i>Exemptions granted</i>
1949	6,981	3,340
1950	7,977	3,270

Passes for Women

During June, the Odendaalsrus Municipality decided to make it compulsory for African women to register service contracts. This was much resented, and riots broke out at a meeting called by municipal officials to explain the scheme. One African was shot dead, and many policemen and Africans were injured. Charges of public violence were laid against 47 Africans (44 of them women): 15 women were later found guilty.

Attorneys representing those charged warned the Town Council in July that unless the scheme was discontinued, application would be made to the Supreme Court for an interdict and a declaration of rights. The Town Council replied that it did not see its way clear to giving such an assurance.

Registration of Births and Deaths

As from July 1st, the registration of births and deaths of Africans in rural areas became compulsory. Previously registrations were compulsory in urban areas only.

Taxation

An inter-departmental committee to inquire into the Native taxation system was appointed by the Minister of Native Affairs during November, 1951.

URBAN AREAS

THE GROUP AREAS ACT

Group Areas Amendment Act (No. 65/52)

The Institute's attitude to the Group Areas Act was expressed in memoranda R.R. 67/50 and 99/50 (summarized in the 1949/50 Annual Report), and in the Findings of Council, 1951 (page 18 of 1950/1951 Annual Report). In January, 1952, the Institute's Council resolved:

"The Group Areas Act having now been proclaimed notwithstanding the Institute's appeal for delay, made last year, Council feels that it must express its deep concern at the uncertainty, fear and hostility to which the Act has given rise. Council is convinced that only by the way of inter-racial co-operation and consultation, and not by the way of mere separation or of solutions imposed on one section of the community by another, is peace to be found."

In introducing the Group Areas Amendment Bill, the Minister of the Interior acknowledged that the principal Act had given rise to uncertainty. A number of amendments had become necessary, he said (Assembly, 23rd June) because of difficulties experienced. The most important principle of the amending Bill arose out of the difficulty involved in proclaiming a group area within a comparatively short period. At the same time there had been a call for more certainty about the future of certain areas, and it was felt that this would be provided if group areas could be proclaimed without the effects coming into operation immediately.

The Amending Act extended from five to fifteen years the period during which the Government is empowered, without reference to Parliament, to establish certain group areas. It enabled the Governor-General to define an area which he proposed in the future to declare a group area for occupation or ownership by any one racial group; and provided that, after an area is defined in this way, the use of land there will be controlled to prevent development that would be in conflict with its future status. It authorized the Minister to make determinations in conflict with provisions of title deeds. It laid down that if a White man is married to a Non-European he

will, for the purposes of the Act, be regarded as a Non-European of the ethnic group of his wife.

Land Tenure Advisory Board

Addressing the Council of the Institute in January, 1952, the Chairman of the Land Tenure Advisory Board said that the process of inter-penetration was already being reversed in some areas by means of voluntary sales.

The Board had asked local authorities, he said, to make group surveys, plan group areas, and then apply to the Board for the proclamation of such areas. Representations from interested organizations, communities or individuals were also welcomed. All the plans submitted would be advertised and written representations invited. The Board would then visit the area to hear evidence for and against the plans, would decide how the Act could best and most fairly be implemented, and would submit its recommendations to the Minister. Almost without exception local authorities were responding satisfactorily; but should any of them refuse to co-operate, *ad hoc* committees of Government officials would be appointed to do the necessary planning.

Planning and Reference Committees

Planning and Reference Committees, consisting of representatives of Government departments, commerce, industry, etc., are being set up in areas where there are several different local authorities --- e.g. the Witwatersrand - Vaal area, the Natal coast, and Port Elizabeth area - to examine group plans prepared by local authorities and interested groups or individuals, and to prepare regional plans for submission to the Land Tenure Advisory Board.

Planning of African Townships

The Minister of Native Affairs has appointed further committees in the Pretoria and Witwatersrand-Vaal areas to make recommendations in regard to the siting of African townships. The Pretoria committee has completed its work. It recommends that Africans be removed from various scattered townships and squatter camps and concentrated in three large townships. Lady Selborne and Claremont, where Africans at present have freehold title, are two of the townships that would be expropriated.

Inspectors

Recruiting has begun for Group Areas Inspectors, who are given sweeping powers under the Act. A minimum educational qualification of Junior Certificate is required.

Schools for Indian children in Natal

The Chief Inspector of Indian education for Natal said at a conference in September that the Act had been seized upon with alacrity by local authorities in Natal as a means of depriving Indians of school premises without offering them alternative sites.

Implementation of the Act in Lydenburg

The Municipality of Lydenburg, in the Eastern Transvaal, was one of the first to apply for the implementation of the Act. Its plan involved removal of the Indian population to a new site 2½ miles out of town, and serious interference in consequence with the trading businesses in which many were engaged.

The local Joint Council of Europeans and Africans asked the Institute to ensure that the interests of Lydenburg Africans would be adequately watched. The Institute's Director arranged to visit the town with an advocate, but then received a letter from the Land Tenure Advisory Board saying that the African township would not be affected, and heard from Indian and Cape Coloured organizations that they were briefing counsel to appear before the Board on behalf of their people. Further action by the Institute was thus unnecessary.

After the Board had considered the Municipality's plan and heard evidence, the Chairman announced that he could not endorse the local authority's suggestions. He called for new proposals, inviting Non-European communities to submit theirs.

Implementation of the Act in Durban

The exceptional complexity of the Durban population gives special importance to the application of the Act to this city. Durban Municipality has submitted its proposals to the Board. The Natal Regional Committee of the Institute has made a detailed examination of them and reports:

- (a) Under the Municipal plan, only one-fortieth of the total European population of Durban, but one-half of each of the other groups, would be displaced.
- (b) Property to the value of £9 million would be taken away from Indians and made available to Europeans; the property of which Europeans would be deprived in favour of Indians is worth £900,000.
- (c) Should the proposed displacements take place, little new accommodation would be required for displaced Europeans, but housing for some 152,000 displaced Non-Europeans would be needed.

The Institute was faced with the difficulty that it had opposed the Act and did not wish to appear to be accepting it now by making any recommendations in regard to its implementation. On the other hand, it wanted to try to minimise hardship. Finally it was decided that each situation, as it arose, would be judged on its merits. So far as Durban was concerned, the Institute would submit a statement to the Board but no alternative plan, and would also assist any group that wished to make representations in respect of its area, by placing maps, facts and figures at its disposal.

In the statement (RR. 150/52) subsequently prepared, the Institute questioned the assumption that race tensions necessarily arise out of the proximity of group to group; pointed out that the

enforced removal of 152,000 Non-Europeans but only 3,000 Europeans would cause bitter resentment, especially as no alternative accommodation was available for the Non-Europeans; and suggested that every possible effort be made to overtake the short-fall in housing and to provide for the population growth, and that the proclamation of a Group Area or the dating of an "undated" area be made contingent upon comparable alternative accommodation being available to all those to be displaced or dispossessed.

Implementation of the Act in Pietermaritzburg

Publication of the Municipality's race zoning plan for Pietermaritzburg has evoked protests from all four racial groups affected.

SITING OF URBAN AFRICAN TOWNSHIPS

The Secretary for Native Affairs wrote to the Institute's President during January outlining Government policy in regard to the siting of urban African townships. Sites selected should be sufficiently large to meet immediate housing needs and requirements for, say, 50 years ahead. Wherever possible they should be away from developed areas. Steps should be taken in consultation with Provincial authorities to prevent the establishment of European townships or small-holdings in the vicinity. Should a site not be adequately separated from areas occupied by other racial groups or from important main roads by industrial areas or natural barriers, buffer strips, normally 200 yards wide, must be created, if necessary from the location land itself.

HOUSING

Noteworthy during the year have been most useful research work by the National Building Research Institute in connection with housing types and standards, clarification of the position regarding funds for services, the Native Services Levy Act, increased use of skilled African labour in construction of housing for Africans, and wider adoption of the economic principle. Excellent progress has been made during the year in some towns, particularly along the Eastern Witwatersrand, in overcoming the shortage of housing; but in the Union as a whole provision of housing for Non-Europeans lags very tragically behind the need. While Africans are threatened with removal from certain townships in Johannesburg and Pretoria where they have possessed the right to freehold title, this privilege is not being extended to other urban African areas, where a 30-year lease of plots is the maximum security offered. The general situation continues to be complicated by uncertainty in regard to areas which various racial groups will be permitted to occupy under the Group Areas Act: this affects particularly the Indians.

The Shortage of Housing

It was reported in September that the Minister of Native Affairs had appointed an inter-departmental committee to inquire into the backlog of African housing and the problem of increasing costs. It is to be hoped that, as a result, building programmes will be much

accelerated in the many towns where the shortage becomes greater every day.

The problem is most acute in Johannesburg, where industrial expansion has been greatest. In his report for the year ended 30th June, 1951, the Manager of Non-European Affairs for this city said that the waiting list for houses for Africans grew at an average rate of eighty-nine families per month, and 11,700 single men were waiting for beds in hostels. Africans in the townships lived at an average of about seven persons to a dwelling (including single-roomed shelters). The housing position of the Coloured and Indian population was desperate, for continued industrial development of the poorer areas of the city had resulted in numerous evictions, leading to increased overcrowding in remaining areas.

According to the National Building Research Institute, the Native Affairs Department estimated during 1952 that the shortage of housing for Africans in the Union as a whole then totalled 167,328 dwellings, and that a further 185,813 dwellings would be needed during the next ten years: a total of 353,141 which would cost roughly £100,000,000.

If an adequate housing programme is to be undertaken, it will thus be necessary to spend about £10,000,000 on building 35,000 houses a year for the next decade for Africans alone.

Present Rate of Building

During 1951, the National Building Research Institute reports⁽⁵⁾, only 7,911 houses for Africans were built in South Africa, 4,229 of these by African owners and 3,682 by local authorities. In Johannesburg, where the shortage at the end of 1951 was 50,000 only 78 municipal houses were built during the year. No municipal houses at all were completed during 1951 in Cape Town, Kimberley, Pretoria, Randfontein or Boksburg. On the other hand, Springs Municipality built 827, Benoni 606, East London 400, Port Elizabeth 201 and Germiston 200. African owners in Kimberley built 190.

The rate of building by local authorities generally has not increased during recent years, although good progress is being made in certain individual towns. The National Building Research Institute reports that the following numbers of houses for Africans were constructed during the calendar years mentioned:

Year	Sub-economic houses built	Economic houses built	Total	Expenditure (including cost of land and certain ser- vices).
1947	3,936	3	3,939	£2,368,307
1948	3,821	—	3,821	£1,141,069
1949	4,705	56	4,761	£1,386,529
1950	3,013	323	3,336	£1,534,117

⁽⁵⁾ See Table I of paper by Mr. J. E. Jennings entitled "The Role of Native Housing Research in the Provision of Housing for the Urban Bantu." Figures supplied by Native Affairs Department.

The total sum made available to the National Housing and Planning Commission for housing schemes for all racial groups (including loans to local authorities) is the same for 1952/1953 as it was during the two previous years — viz. £8,500,000. It is to be expended as follows:

Item	Proposed Expenditure	Proposed Expenditure
	1952/1953	1951/1952
Commission's own housing scheme ...	£1,750,000	£1,500,000
Direct Individual Loans	£1,500,000	£1,325,000
Joint Housing Commission — Building Societies loan schemes	£675,000	£200,000
Allocated to local authorities for economic schemes	£2,275,000	£2,275,000
Allocated to local authorities for sub-economic schemes	£2,000,000	£3,000,000
Housing schemes for the aged poor ...	£300,000	£200,000

The total funds taken up in loans by local authorities for sub-economic schemes for Non-Europeans during 1951/1952 amounted to £1,998,915⁽⁶⁾.

Provision of Land for Non-European Townships along the Reef

The *Precious and Base Metals Amendment Act* (No. 41/52) made it possible for the surface of gold-bearing areas to be used for the establishment of townships without the holders of mineral rights losing these rights. In the Assembly on May 29th, the Minister of Mines said that the measure would help to solve the problem confronting municipalities on the Witwatersrand of finding suitable sites for Non-European townships.

Prevention of Illegal Squatting Amendment Act (No. 24/52)

The object of this Act was to include the Peri-Urban Areas Health Board of the Transvaal among local authorities who were empowered, under Act 52/51, to establish emergency camps for homeless persons.

The Institute's attitude to the principal Act was expressed in memorandum R.R. 62/51 (Page 13 of 1950/51 Annual Report). Briefly, while stating that it could not take exception to the prohibition of squatting without permission or the organizing of such squatting, it urged that, before any emergency camp is established, the Government should satisfy itself that the local authority concerned has effective plans for housing to be built within a limited period, so that the emergency camp may be eliminated.

Provision of Services for Non-European Townships

Since the Institute's last Survey of Race Relations was written, the National Housing and Planning Commission has made known its policy for provision of loan funds for services *within* a township.

⁽⁶⁾ Information from Commission.

Sub-economic $\frac{3}{4}$ per cent loans may be granted for sanitation, street lighting and storm-water drainage, also for such part of the construction of roads as will allow of traffic under normal weather conditions. Because water reticulation and main electrical installations are considered to be productive services, economic ($4\frac{1}{2}$ per cent) loan funds only are available for these.

This assistance is available for services *within* a township; but inability to find funds for linking a new township to *outside* roads and water and other mains has in the past sometimes meant that local authorities have been unable to use available housing and service loans. The *Native Services Levy Act* (No. 64/52) was designed to overcome this difficulty.

The Act provides that urban employers of male Africans of eighteen year of age or over (excluding domestic servants) shall pay to the local authority a sum of up to 2/6d. for each six days' work performed by each employee. If, however, the employer provides approved accommodation for his employees, he will be exempt. The definition of "employer" includes the Government, Railways, Provincial Administrations and local authorities. The levy will in the first instance be paid by employers in towns where there are 20,000 or more Africans; but smaller towns may later be included.

Employers are prohibited from deducting the sum payable from an employee's wages, or from reducing his wages or dismissing him because the levy has to be paid.

The resulting funds will be used for providing and maintaining water, sanitation, lighting or road services outside an African township or hostel. In certain circumstances they may also be used for subsidizing African transport services or for making loans or grants for providing and maintaining services within an African township.

When the possible imposition of a housing levy was first discussed the Institute submitted a memorandum (RR 94/49) to the Minister of Native Affairs, expressing disagreement with the principle of requiring employers to contribute to costs of housing or essential services for Africans. Such a levy, it was considered, would have unequal incidence, and a tax on profits would be preferable. Copies of this memorandum were sent to Senators, Members of Parliament and the press when the Native Services Levy Bill was being debated during 1952.

In calculating rentals in economic schemes or losses on sub-economic schemes, local authorities usually include interest and redemption of loans for necessary capital expenditure, maintenance and running costs of services. Included in the last item are often the costs of administering the township and of medical and health services. In common with several authorities on housing, the Institute has for long considered that administrative and medical service costs should be accepted as charges against the municipal rate fund: early in

1952 it wrote to the Institute of Treasurers asking that local authorities be urged to do so.

Housing Bill

The Housing Bill was held over until the 1953 Session of Parliament. Institute's views on it were expressed in a memorandum RR 58/52.

Variety of Types of Dwellings Required

It has for long been pointed out by the Institute that an urban African community is not a homogeneous mass, but is made up of individuals at differing economic levels. In its findings at the meeting in January, 1952, the Council of the Institute recognized that, so far as housing is concerned, Africans can be divided into three main economic groups:

- (a) those who can afford to build or purchase their own house, or pay an economic rental;
- (b) those who require subsidising for a certain period;
- (c) those who can afford little or nothing for rent.

Council considered that "townships and houses therefore should be so designed as to provide for these categories a gradation of house standard and amenity. For example, the smallest income group should be housed in terrace or row houses or other multiple housing units to achieve the greatest economy of services and maintenance. The middle income group should be enabled to occupy a house with a small garden, but those able to afford it should be entitled to obtain larger stands in a village set aside for this purpose."

Springs Municipality recently decided to build a new African township, Kwa Thema, and to plan this in accordance with the needs of the people. The National Building Research Institute, in conjunction with the Municipality, undertook a detailed social survey in the existing township.⁽⁷⁾ It was found that:

40 per cent of the families could afford to pay an economic rent or to build for themselves;

13 per cent were in the "sub-economic" group — they could afford some rent but would have to be subsidised;

47 per cent were in the "sub-sub-economic" group and, if they were to cover other essential expenses without resorting to illegal practices, could afford no rent whatsoever.

The township has been planned in accordance with these results. Africans in the economic class will be accommodated in detached brick houses which may be designed to individual taste or owner-built. Standard-type semi-detached homes will be built for those in the second group, and terraced rows of houses for the sub-sub-economic group. As a result of cost reduction studies carried out by the National Building Research Institute, it has proved possible to build the row houses at a cost of £190 per unit of three rooms with a kitchen and W.C. The township will consist of three neighbourhood units with

(7) See paper by Mr. Jennings quoted above.