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THE ORIGINS AND SUBSEQUENT DEVELOPMENT OF ADMINISTRATION BOARDS

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PREFACE

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ABSTRACT

Until the introduction of administration boards in 1972-1973, the responsibility for administering the urban black townships in "white" South Africa was vested with the municipalities as agents of the Department of Bantu Administration and Development.

The establishment of administration boards to replace the municipalities' Non-European Affairs Departments reflected the determination of the Department of Bantu Administration and Development to secure tighter direct control over the implementation of policy, particularly that affecting influx control and labour regulation.

The decision to end municipal control was made after the report of the Van Rensburg Inter-Departmental Committee of Inquiry into Control Measures, which reported in 1967. The report's concern that influx control was not working as intended, coupled with doubts about the political autonomy of Opposition controlled municipalities, which dated back to the 1950s, were the major reasons for the introduction of administration boards.

## INTRODUCTION

The aim of this study is to explain the introduction of Administration Boards in the early 1970s, after Parliament had passed the Bantu Affairs Administration Board Act in 1971. In terms of this Act, responsibility for administering the urban black townships outside the homelands passed from the white municipalities to the newly created administration boards. The ending of municipal responsibility for the implementation of legislation affecting the urban black community was of fundamental importance, particularly to the implementation of influx control.

As this study will show, the decision by the Department of Bantu Administration and Development to establish new statutory structures as agents for the Department in the implementation of policy was almost entirely due to a commitment by the Department to tighten influx control, restrict the capacity of blacks to achieve residence rights in the townships outside the homelands and to increase the extent of migrant labour in urban industries.

The Department strove to achieve these goals with increased vigour and emphasis during the 1960s. New legislation, amendments to legislation and regulations governing housing and labour during this period testify to this. These actions took place against the homelands policy and accordingly premised with the assumption that urban blacks were only temporary residents in the urban areas of "white" South Africa to sell their labour.

Against this ideological backdrop, the role of the municipalities as agents of the Department of Bantu Administration and Development for the implementation of policy became crucial. Although the Department had considerable powers to check on how efficiently the local authorities were administering legislation, by implication these powers were not deemed sufficient by the Department to ensure the application of policy as strictly as it wished it, especially by those municipalities which were seen as controlled by the United Party.

Conflict between these Opposition controlled municipalities and the Department was a major feature of the 1950s and 1960s and was perhaps the most important factor in the decision to end municipal responsibility for the administration of legislation.

Particular attention is paid throughout the thesis to an examination of the attitudes of municipal administrators to the vital issues of influx control, and the housing and financial policies towards urban blacks. Very little, if any, attention is devoted to the views of other important actors in the development of policy; namely, urban industrialists, mining interests, white farmers and of the persons most intimately affected by the policy decisions - the black community themselves. This lack of attention to their views is not because their views are considered irrelevant to the development of policy but, rather, because it would have considerably expanded the scope of the study. Accordingly, I have not strayed far from the attitudes, perceptions and ideological assumptions of the municipal and head office administrators.

Chapter One, detailing the development of policy before 1948, serves as an introduction to the major focus of this study. The importance of the attitudes of municipal administrators to the evolution of policy is established during this period with their uniform commitment to tougher influx control policies.

In Chapter Two, the consequences during the 1950s of the election victory of the National Party in 1948 are examined. The justifications for much stronger policies towards influx control are examined and the most important aspects of the new legislation - Section 10 of the Natives (Urban Areas) Consolidation Act of 1945 and the introduction of labour bureaux - are discussed. It is in response to aspects of these policy measures that the conflict and opposition between United Party controlled municipalities and the Department of Native Affairs has its roots.

Chapter Three deals with the hardening of policy between 1960 and 1967 which took place against a more explicit ideological and planning formulation of the homelands policy. Important amendments during 1964 affecting Section 10 (1) (a), (b) and (c) qualifiers are a result of this policy emphasis. It is during this period that the ending of municipal

control is seriously considered and the report of the Inter-Departmental Committee of Inquiry into Control Measures is examined to show the concern within the Department that influx control was not working as well as intended.

Chapter Four, covers the period between 1968 and 1971 when the Bantu Affairs Administration Board Act was passed. The first attempt by the Department of Bantu Administration and Development to end municipal control over labour regulation - which failed - and the arguments presented by municipal administrators for opposing the introduction of new statutory authorities are discussed. The provisions of the Bantu Affairs Administration Board Act are then noted.

Chapter Five discusses the developments to influx control during the 1970s leading up to the report of the Riekert Commission and the subsequent White Paper in 1980. The various factors explaining the origins of aspects of the Commission's recommendations towards influx control are illustrated.

Chapter Six concludes the study. A conceptual framework explaining the political importance of bureaucracies in political systems is considered with reference to the statements of the municipal and head office administrators considered in this study. Finally, the major themes of the study are restated.

A note on terminology: The changing official terminology referring to legislation and government departments directly concerning black persons poses considerable problems when a consistent usage of terminology is desired. The term "black" is used throughout this study to refer to those formerly called "Bantu" and "Native". What is now the Department of Co-operation and Development is referred to by its earlier titles in discussion of the periods during which they were so named. Thus it is referred to as the Department of Native Affairs until 1958, when it became the Department of Bantu Administration and Development. In 1978 it became the Department of Plural Relations and Development and in 1979 it changed its name for the fourth time, to become the Department of Co-operation and Development. The same style is adopted in references to legislation.

## I. SELECTED ISSUES AND THEMES OF URBAN BLACK ADMINISTRATION 1923-1948

As later chapters will illustrate, the introduction of administration boards in the early 1970s was a response by the Department of Bantu Administration and Development to the political opposition and administrative discretion which certain United Party controlled municipalities adopted to legislation introduced by the National Party after their election victory in the 1948 general election. This opposition to aspects of the unfolding legislative programme was particularly acute during the 1950s. This chapter briefly outlines the development of urban areas policy before the election victory of the National Party in order that developments after 1948 can be placed in context.

### A. Urban African Administration Before the Natives (Urban Areas) Act of 1923

With the discovery, and subsequent development, of the diamond and gold reefs on the Witwatersrand and Kimberley in the last quarter of the 19th Century, the foundation of South Africa's capitalist economy was laid. It was with the exploitation of these minerals that the urbanisation process amongst blacks received its first major impetus as they either voluntarily left their rural reserves or were induced by a variety of taxes to become migratory labourers in these industrial and mining centres.

This drift to the towns soon saw the development of a core of blacks living and working in these areas which, in turn, led to attempts by administrators in the Boer Republics and the Natal and Cape colonies to regulate and control the accommodation and employment of persons in the urban areas and entrants to the towns. Davenport has pointed out that this response saw the evolution of basically similar policies in all the pre-Union colonies with segregated residential areas and controls on the mobility of blacks. (Davenport, 1971: 6)

Powers were devolved to the local authorities to administer and control these segregated residential areas - the location. These powers

included health, the maintenance of law and order and the prevention of overcrowding in the locations.

Municipalities generally did very little to meet the needs of their black location residents as a series of Government commissions during the first two decades of this century reported. The South African Native Commission of 1903-1905 was the first to report on the unsatisfactory conditions in the locations.

"The Commission has visited and inspected several municipal locations, and records its opinion that in some respects their condition leaves much to be desired. The Natives who reside in or frequent these locations are in the main working people. As such there is every reason why they should be encouraged to stay as useful members of the community. The tendency of inadequate accommodation is to make them dissatisfied and restless; the standard of comfort is low, and they are liable to be overcrowded and overcharged." (South African Native Affairs Commission, 1903-1905: para. 248)

This was echoed by the commission appointed to inquire into assaults on women and by the report of the Tuberculosis Commission which reported in the following terms.

"...the majority of such locations are a menace to the health of their inhabitants, and indirectly to the health of those in the town. We have, indeed, no hesitation in saying that we know of no municipal location which is entirely satisfactory. We do not go so far as to say that there is none which is entirely satisfactory, but if there be we are unaware of its existence. Some, of course, are much less objectionable than others, but all those which we have seen are bad in some feature or other." (Gregory, 1914: para. 235)

These unsatisfactory conditions, caused in the first instance by municipal neglect, were aggravated by the drift to the towns which was gaining momentum. By 1911, almost 500 000 blacks were living in urban areas - a 40 per cent increase over the figure recorded in the 1904.

census. The following table charts the progress of this urbanisation process for the census years of 1904, 1911 and 1921.

Table 1  
Urban Black Population in South Africa 1904 - 1921

Census year	<u>1904</u>	<u>1911</u>	<u>1921</u>
Urban black population	352 275	494 275	649 314
Total urbanised (all races)	1 210 487	1 489 881	1 931 863
Urban blacks as % of			
total urban population	229,1	33	33,6
% increase of blacks urbanised			
(over census period)	-	40	32
Urban blacks as % of S.A.			
black population	10	12,2	13,8

Source: Derived from: Republic of South Africa, Urban and Rural Population 1904-1960

In the Transvaal, the emerging core of the South African economy, the urbanisation process amongst blacks was even more marked during the same period.

Table 2  
Urban Black Population in Transvaal 1904 - 1921

Census year	<u>1904</u>	<u>1911</u>	<u>1921</u>
Urban blacks	152 760	311 449	364 092
Total urbanised (all races)	345 033	595 500	747 304
Urban blacks as % of			
total urban population	44,3	52	48,7
% increase of blacks			
urbanised in Transvaal	-	103,9	16,7
Urban blacks as % of			
Transvaal black population	16,2	25,5	24,3

Source: Derived from: Republic of South Africa, Urban and Rural Population 1904-1960

The Tuberculosis Commission of 1914, besides drawing attention to the poor health conditions of urban blacks, drew attention to the

profiteering, through overcharging for services, which certain municipalities made out of their adjacent locations. The Commission advocated a separate revenue account for location administration "and that any surplus of revenue over expenditure should be strictly devoted to the betterment of the location and the improvement of the conditions of its native and coloured inhabitants". (Gregory, 1914: para. 252)

Meanwhile, the Natives Land Act of 1913 had been passed, setting the basic segregationist pattern and division of land between blacks and whites in the rural areas. Complementary legislation for the urban areas was first considered by the Department of Native Affairs in 1912 but shelved while the issue of rural segregation enjoyed priority. Six years later, in 1918, the Department of Native Affairs again put forward proposals in a draft bill.

These proposals formed the basis of a revised Bill announced by the Department of Native Affairs in 1922 which had "a pronounced welfare focus". (Davenport, 1971: 13) It also allowed for blacks to have "fixity of tenure" in the locations. In the same year, however, the Transvaal Local Government Commission, chaired by Colonel Stallard, declared its opposition to any form of permanent tenure for blacks in urban areas who were only to enter such areas to sell their labour.

This statement of principle - although questioned at various times - was to form the basis of urban areas legislation and policy for the next half century and influence related issues of the provision of housing, facilities, financial arrangements towards the urban black community and conditions of tenure in the locations.

The Native Affairs Commission, which examined these differing views on the presence of blacks in urban areas between 1921 and 1923, advocated the granting of property rights to blacks in urban locations but still gave some support to Stallard's doctrine. (Davenport, 1971: 13-14) On this basis, the debate on the Natives (Urban Areas) Bill opened in Parliament in February 1923.

B. The Natives (Urban Areas) Act of 1923

The aims of the Act were twofold. Firstly, it aimed at improving conditions of residence in the municipal locations, particularly of housing. Secondly, it aimed at providing a means of control over blacks already resident in urban areas and over those who wished to leave the reserves and find work in urban areas. These two aims must be examined in greater detail.

The Act aimed at improving living conditions in the locations in various ways. It became the responsibility of the municipalities to administer the locations, which were to be segregated from the white residential areas. The local authorities were to provide housing and general amenities and the Minister could compel municipalities to provide these services if the Department of Native Affairs felt local authorities were not meeting their responsibilities. The ability of municipalities to provide housing without having to shoulder large deficits through the inability of location residents to pay economic rents, as a result of low wage levels, was to become a major source of discontent for municipalities in the 1920s and beyond.

Municipalities were required to create Native Revenue Accounts which were to be credited with all the revenue derived from location administration. No surplus on this account could be transferred to the general rates - so meeting the recommendation of the Tuberculosis Commission which had pointed to instances of municipal profiteering of location residents. However, deficits on the Native Revenue Accounts could be met from the general rates. The sources of finances accruable to the revenue account included fines, rents, beer profits (where a municipal monopoly had been adopted) and registration fees (except in the Transvaal where these were a source of provincial finances).

While the evidence supports the view that the creation of the Native Revenue Accounts was intended to prevent municipal profiteering, their creation did not end it. Many municipalities refused to bear the losses involved in location administration and improvements, caused in large part by the inelastic sources of revenue, and instead accumulated deficits against the account. Subtler means of exploiting and overcharging location residents for municipal services were available -

such as including a profit margin in the costing of essential services. Nevertheless it does seem that the Native Revenue Accounts were intended by the Department of Native Affairs to prevent such profiteering, although this did not happen in all cases.

While the Act did not legislate for the financial self-sufficiency of the locations, as happened to urban blacks with the introduction of administration boards fifty years later, it indirectly did so. This was done firstly, by restricting the sources of revenue to those which the municipalities could generate from the urban blacks themselves (rents, beer profits and fines) and through registration fees paid by employers of black labour and secondly by the reluctance of many municipalities to subsidise their locations from the general rate fund.

The Act also created advisory boards which were to be consulted "on all matters relating to the management of the location". (Cape Times, 8 February 1923: 54) Smuts rejected the argument that the boards should be given administrative powers, in addition to their consultative rights, because "it was much too early to make the natives views compulsory (and) it would be going too far to vest them with actual administrative functions." (Cape Times, 8 May 1923: 285) No regulations could however be made, or withdrawn, without prior municipal consultation with the advisory boards.

The second aim of the Act - to provide a means of control over blacks living in urban areas or those from rural areas wishing to enter urban areas to seek work - was provided for in various ways.

Firstly, the development of segregated residential areas: Section 5 allowed the Governor General to declare that, from a specified date, all blacks within the urban area, or a portion of it, would have to live in the location, hostels or native villages. Certain limited categories, including domestic servants, were exempted from this provision.

Secondly, a range of influx control provisions were contained in Section 12 (1) which municipalities could invoke if they so wished. Thus adoption of these influx control provisions was permissive and not mandatory. Section 12 (1) (b) made it possible for municipalities to

insist that every black male entering a proclaimed area had to register on arrival in the urban area and proof of registration could be demanded. Section 12 (1) (h) gave municipalities powers to expel blacks from proclaimed areas if they were unable to find employment within a specified period after entry or if they were unable to find employment after discharge from a previous employment. The registration of service contracts provided municipalities, except in the Transvaal where this was a central government responsibility, with a further means of control as both employer and employee could be asked for proof of registration. Finally, blacks under 18 could be refused permission to enter proclaimed urban areas unless accompanied by an adult.

Fewer blacks were exempted from the provisions of Section 12 (1) than were exempted by Section 5 (1) from having to live in segregated locations. The rationale for this is obvious: Section 12 aimed at controlling entry to urban areas, which was of more immediate concern than enforcing strictly segregated townships, given the costs attached to providing housing to ensure this. It was of more importance first to stop the influx, or stabilise it, and then to tackle the enforcement of segregated locations.

The Department of Native Affairs had intended that the provisions of what eventually became Sections 12, 13, 14, 15 and 28 of the Act, to be the core of a separate bill, the Pass Laws Amendment Bill. These plans were however dropped during the parliamentary session and the provisions were incorporated in the Urban Areas Act.

In view of the subsequent difficulties municipal administrators were to face in preventing influx into the larger towns after the Act came into operation, this raises the question of whether the Act was intended to provide an efficient influx control machinery which municipalities could use to reserve housing solely to those blacks employed within municipal boundaries.

Judging from Smuts' statements during debates on the Bill, he was committed to a milder form of Stallardism in that he wished to prevent blacks from living in locations unless they were employed in the adjacent white area. (Cape Times, 8 February 1923: 54) Furthermore, he appeared confident that the provision that blacks should return to their places of

origin if unable to find work would be sufficient to stem any influx.

"The native who comes to a proclaimed area has to possess a pass or a certificate which gives him a certain time within which to look for work, and if within that period conceded to him he does not find work, he goes. I think that the point that natives should not come simply to swell the numbers at the location has been completely met." (Cape Times, 8 February 1923: 54)

Smuts' rejection of a plea to exempt wider categories of blacks from the labour and influx control provisions of Section 12 (1) does, taken with the above, indicate a commitment to a reasonably efficient system of influx control.

"You don't want thousands of people walking about without identification documents, and you want practically every man to be identifiable so that you may know where you are...You would be making a leap in the dark and exempting tens of thousands of people who would make the administration in regard to the rest of the native population impossible." (Cape Times, 8 May 1923: 286)

Furthermore, these influx control provisions were included in the Act after pressure from municipalities who feared that their responsibilities to provide housing would have been too great without ways of controlling any influx of workseekers from rural areas; this was to indicate the close connection between housing finances and municipal interests in pressing for influx control amendments during later years.

Smuts told Parliament:

"All over South Africa they (the municipalities) find it an enormous burden (the provision of housing)...This drastic provision, entirely novel in the legislation of South Africa, is now throwing on the municipalities of South Africa the burden of seeing that there is proper accommodation for the reception and housing of their natives. The municipalities say

that unless there is a certain amount of control it is impossible for them to discharge the obligation. We can only get the municipalities to accept the burden of this Bill if we provide a certain measure of control, and Section 12 and the following few Sections give that control, and provide that where natives flock to urban centres who are not required by the economic requirements of those centres, it will not be necessary to provide housing for them but they can be sent back to the location from which they had come." (Cape Times, 8 May 1923: 286)

These three indicators - Smuts' attitude to wider exemptions from the provisions of Section 12 (1); his apparent belief that these provisions would be sufficient to stop "redundants" from living in the locations; and a deal between the municipalities and the Department of Native Affairs on the issue of influx control and its consequences for municipal housing responsibilities - would seem to indicate that the Government saw the Act as providing reasonably efficient procedures which municipalities could use to regulate the drift to the towns.

Why then was Section 12 (1) made permissive and not mandatory? A tentative answer could be that the Department of Native Affairs did not wish to saddle the smaller municipalities, who would not suffer from an influx of workseekers to the same extent as the large municipalities, with a relatively expensive influx control machinery. Presumably the Department expected the larger municipalities to invoke these provisions, as they subsequently did, with the notable exception of Port Elizabeth.

i) Municipal Response to the 1923 Act and the 1930 Amendment

Municipal reaction to the Act revolved largely around the issue of finances for the provision of housing. This issue was to become a major source of grievance to the municipalities and was particularly important because the extent to which blacks could be housed in segregated locations depended on the provision of housing in areas proclaimed for this purpose. But it went further to include the question of rents in the segregated locations, and also affected the ability of municipalities which had adopted the influx control provisions of Section 12 of the Act to enforce them.

The first annual report of the Department of Native Affairs presented to Parliament after the introduction of the Act revealed both the difficulties and the progress of municipalities in enforcing the Act. By 1927, locations had been established in 64 urban areas in terms of Section 1 (1), but the complementary clause allowing municipalities to force blacks into segregated locations had only been applied in 26 areas. The relatively few urban areas which had invoked the compulsory segregationist clause (Section 5) was the direct result of the inability of municipalities to almost single-handedly shoulder the responsibility of providing housing for urban blacks. Although municipalities could obtain authority to require employers of more than 25 blacks to provide or hire accommodation for their employees - by 1927 this had only been enforced in Johannesburg and Pretoria - municipalities were obliged to meet the rest of the demand for housing on terms which were decidedly disadvantageous to them. Municipalities could not obtain housing loans at sub-economic rates of interest from the State until 1932 which meant, given low wages, that the municipalities were unable to recoup their financial commitments for housing by charging economic rentals. The unwillingness on the part of municipalities to secure loans to improve and provide housing in the locations under these conditions appears to be shown in figures provided by Rogers. Between 1924 and 1932, municipalities borrowed approximately £500 000 at economic rates of interest. (Rogers, 1933: 194) In 1932 when sub-economic loans became available to municipalities, they took the opportunity to borrow £1,6 million during the next seven years. (Rogers, 1949: 179)

The inability of municipalities to raise sub-economic loans until 1932 was not the only factor serving to push up the cost of providing housing with consequent higher rentals. The widespread use of white labour, at union rates, helped to increase the cost of building a house to more than double that of the variation on a site and service scheme which the Bloemfontein municipality employed.

The result was that in Johannesburg, rentals, including service charges accounted for between 23 per cent and 32 per cent of a black's income. In Natal, where municipalities were allowed to adopt a beer monopoly, rents were lower. (Randall, 1939) This, in Johannesburg at

least, was accompanied by widespread defaulting in the payment of rentals. Ray Phillips quotes figures showing that in December 1934, while the collection of rentals amounted to £5 776, total arrears amounted to £14 535. (Phillips, n.d., 81)

The first amendments to the principal Act, passed by Parliament in 1930, reflected these issues, being designed to increase the ability of municipalities to enforce stricter control over location residents.

The amendments did this, firstly, in response to a decision by the courts in 1927 which prevented the Johannesburg municipality - and thus others - from enforcing the segregation of blacks in proclaimed locations until the council could provide alternative accommodation in the proclaimed location. A further amendment allowed municipalities to license landlords outside the locations and to restrict the number of blacks living on their premises - a move aimed at controlling the numbers of blacks living outside the segregated locations. These two new clauses, when added to Section 5's provisions, gave added powers to municipalities to enforce the goal of segregated residential areas.

But more importantly, the amendment was a response to the difficulties experienced by the larger municipalities in controlling the continued influx of blacks into the towns. As already shown, the financial implications involved in the provision of housing were decidedly disadvantageous to municipalities. A continuing stream of blacks into the towns served to increase these disadvantages and, as far as the municipal administrators were concerned, had to be stopped.

Thus municipal representatives from Johannesburg, Cape Town and Bloemfontein complained bitterly to the Select Committee on Native Affairs in 1929 about the continuing influx and what housing costs were involved. They suggested various measures to halt the influx - that wives and children should not be allowed to enter urban areas, that municipalities be given powers to fix population quotas for the locations and to refuse site permits.

The Bloemfontein representatives stressed that the influx - which they estimated at 1 000 a year - was adversely affecting labour supplies

for farmers who "complain bitterly" about the "distinct tendency on the part of the rural native to leave the farms and to drift to the towns". (Select Committee on Native Affairs, 1929: 14) The municipal administrators were suggesting that tighter influx control provisions would serve both municipal interests, by preventing an increase in the demand for housing, and farming interests, by ensuring an adequate labour supply for the farmers, through restrictions on the freedom of movement of rural blacks.

The influx control provisions in the 1923 Act had not been sufficient to stem urbanisation. The Johannesburg representatives told the Select Committee that "there is no law at the present time to control the influx..." (Select Committee on Native Affairs, 1929: 1), while the Bloemfontein witnesses said it was "almost impossible in the absence of any further machinery to cope with this particular difficulty...". (Select Committee on Native Affairs, 1929: 14) The Cape Town municipality declared that "the natives seem to be on the march to Cape Town" and even doubted whether the process could be stopped with additional powers of control over entry to urban areas. (Select Committee on Native Affairs, 1929: 41)

Two related issues were involved in this controversy - who was to finance housing and was a migrant labour system, with its cheaper housing costs and greater opportunities for control, not preferable to the provision of family housing. On this latter issue, the Johannesburg municipality grasped the advantages of a migrant labour system and the difficulties of providing family housing.

"There is too heavy a burden on the local authority and it can be obviated by certain amendments to the Act. The first thing that is necessary to do is to control or restrict the influx of families to the towns. The kraal native who comes to the town to work and is required there is no difficulty to us at all, but when the native brings his family, as he is doing today, you have got an entirely different state of affairs." (Select Committee on Native Affairs, 1929: 2-3)

This "entirely different state of affairs" was soon explained to the Select Committee.

"We have a very great difficulty in regard to the payment of rents. In one location there are usually 3 000 to 3 200 per month behind in revenue. That means that these natives either cannot pay or neglect to pay their rent. We have no trouble at all in regard to the single men with their rent, the defaulters are the married men." (Select Committee on Native Affairs, 1929: 5)

The inability of urban blacks to pay the rentals set by the municipalities was not only a consequence of the unfavourable financing conditions and the use of white artisan labour but also involved the wage levels of urban blacks. Municipal administrators, and others, argued that they were being unfairly asked to subsidise what was an employer's responsibility to pay a living wage. This perception was expressed by a member of the Select Committee, L. Moffat, who said:

"The rental we charge is not an economic rental. The rental is less than the actual return necessary on the building, but very heavy for the native to pay on his average wage. It is practically as you say that the municipality has to stand the cost of the housing and that helps the employer to have the native labour at a cheaper rate." (Select Committee on Native Affairs, 1929: 5)

The 1930 amendments sought to achieve this tighter control requested by the municipalities in various ways. As already noted, Section 5 was amended to nullify the effects of the 1927 judgement which prevented the Johannesburg municipality from pressing ahead with enforcing the residence of blacks in proclaimed segregated locations. A new sub-section was added to Section 5 which empowered the Governor-General, after a request from a municipality, to prevent any black from entering an urban area "for the purpose of seeking or undertaking employment or of residing therein" unless the conditions prescribed in the proclamation were met. By 1933 only three local authorities - Kroonstad, Steynsrust and Bloemfontein - had been proclaimed under this sub-section. This provision gave municipalities, who wished to do so, powers to shut off all further influx in addition to the provisions which they might have

invoked in terms of Section 12.

An amendment to Section 1 allowed municipalities to require unemployed blacks to leave the urban area, unless they were exempted through owning rateable property, were registered black voters in the Cape or were the dependants of these exempted categories. This provision, with its potentially far-reaching consequences, was never enforced during the 1930s because no regulations were ever promulgated which would have allowed municipalities to enforce it. (Allison, 1940: 58)

From the evidence it is clear that, to the municipalities at least, the problems arising from the continuing urbanisation and drift to the towns was a source of major concern. Their clamour for extra powers to deal with new entrants to the towns must be measured against the Hertzog government's response. During debate on the Bill, Hertzog appeared to accept the inevitability of black urbanisation but others, especially Stallard and Nicholls, warned of the heavy financial burden being carried by the municipalities. Stallard accordingly proposed an amendment increasing the qualifying period of residence and employment of black males from two to five years as a means of alleviating the consequent family housing responsibilities but the amendment was rejected by E.G. Jansen, the Minister of Native Affairs.

"I think that two years would be quite sufficient to meet the position here. After all there are few natives who remain continuously resident in any urban area for any length of time. After they have lived there for two years continuously, it means that they have established themselves, and they should be given the opportunity to bring their wives in."  
(Hansard, 1930: 3845)

But later in the debate Jansen did accept a proposal making the right of entry of black women subject to the availability of accommodation in the segregated locations.

C. Municipal Reaction During the 1930s and the 1937 Amendment

i. The Problem of Finance

The 1930 amendments did not resolve the issues described above. Indeed these issues grew more acute during the 1930s as the municipalities struggled to cope with the consequences of an ever increasing influx of blacks, particularly women.

As already stressed, these conflicts must be understood against the background of the financial policies of municipalities towards their location residents. These issues - housing, rents and continued inflow of blacks to urban areas - were mirrored in the treatment by municipalities of their Native Revenue Accounts. By the end of the 1930s towns outside Natal were able to adopt a municipal monopoly and did so, often it seems, because of the financial relief such a system brought to them. Simultaneously, other amendments to the Natives (Urban Areas) Act introduced in 1937 brought tougher influx control powers, designed to allow municipalities to cope with these inter-related problems.

Before examining the financial issues involved it is useful to quote F. Walton Jameson, a member of the Central Housing Board, to illustrate the relationship between the provision of housing and the financial involvement of municipalities.

"Let us examine an actual case of a Native location about to be developed by a public authority. Some 5 000 Natives require rehousing at least two and a half miles out of town. In order to come within reach of the wage earner at £2.10.0 per month, 600 dwellings of the one living room, one bedroom type are to be built, and only a dozen or so dwellings of the two bedrooms, one living room type are to be provided. This means that the public authority, quite rightly, prefers to provide two well-built rooms for Natives at present living in slum shacks and to provide them at a rental within the economic reach of the Native. Sociologically, however, the two bedroomed dwelling fails. At best it means all the males over 12 must sleep in one bedroom. There is no door between the living room and the bedroom. To build a door adds to the cost, and the important

consideration is to keep the rent down. Most of the families require two bedrooms and a living room, but they cannot have them. Who is going to pay for the extra accommodation? The public authority cannot do so without considerable costs to the general rate. It is useless to charge a higher rent. Is the housing problem solved under these conditions? It must be admitted it is not.

"Under the Union Government's sub-economic housing schemes, the public authorities are required to lose 2,5 per cent rental and the Government loses a similar amount, while the loans carry 0,75 per cent interest. A number of public authorities feel that even a loss of 2,5 per cent is too heavy, and few will face heavier losses." (Jameson, 1937: 29-30)

Jameson's statement was made in 1937 - the year in which municipalities could no longer attempt to enforce prohibition of beer consumption and when tighter influx control regulations came into force. It is hoped to show the links between these developments through examining the financial policies towards selected Native Revenue Accounts. Information on the standing of these accounts is not easily accessible but a series of articles by R.J. Randall contain valuable information. (Randall, 1939; Randall, 1940)

Randall's articles in the South African Journal of Economics are important because he contrasts the financial standing of the Native Revenue Accounts of Johannesburg - which had not yet then invoked a municipal beer monopoly despite urging by its Native Affairs Department manager - with those of Durban and Pietermaritzburg, which had a monopoly on beer sales. Two different methods of financing location expenditure were at issue. In Johannesburg, income from rents accounted almost exclusively for income flowing to the revenue account and was insufficient to cover expenditure, while in Durban and Pietermaritzburg beer profits balanced the accounts and even generated a surplus.

Without being able to fall back on beer profits, the Johannesburg municipality subsidised the Native Revenue Account to the extent of £11 645 in 1925, increasing to £23 158 in 1938, the last year for which

it subsidised the account before introducing a beer monopoly. During these 14 years the total subsidy amounted to £240 948. During the same period the income from rents never constituted less than 80 per cent of total income. By 1938 rent income had risen to £147 234 out of a total income of £172 225.

Thus, in the absence of beer profits, the account was dependent almost exclusively on income from rents which, in turn, meant that any current account expenditure which the Johannesburg municipality wished to incur on local administration was, except for the deficit met each year from general rates, derived mostly from rent income. But this example of subsidisation, limited when compared to the total expenditure of the municipality, was contrary to the general pattern where municipalities, unable to fall back on beer profits because they had either tried to enforce prohibition or allowed domestic brewing, aimed at balancing their Native Revenue Accounts by restricting expenditure to income.

The annual report of the Department of Native Affairs for the year 1935-36 confirms this. It reported that "the majority of local authorities have shown a liberal attitude...meeting the deficits by advances from their general funds free of interest and sometimes even by means of out and out grants." (Department of Native Affairs, 1937: 34) Yet, it must be pointed out that advances from the general rates still had to be paid back by the Native Revenue Account, and hence location residents. In these circumstances, the waiving of interest was not a particularly generous act.

On the other hand, the advantages of a beer monopoly are well illustrated by Randall's statistics on Durban's treatment of the Native Revenue Account. Extremely profitable beer sales, with profits of between 300 and 400 per cent in most years, allowed the Durban municipality to restrict subsidisation to only £272 over 13 years. (Randall, 1939: 164) In addition, a large capital reserve fund was built up out of the almost annual surpluses. In Pietermaritzburg, a similar situation was to be found. The contrasts between Johannesburg and Durban are stark indeed.

Municipal administrators in Durban admitted that the provision and

financing of further facilities in Durban's locations depended on the continued patronage of municipal beer halls. D.G. Shepstone, then a city councillor and later an Administrator of Natal, argued in response to Randall's charges that "beer profit is, in effect an investment made by the beer drinkers in the provision of amenities for the urban native population. It yields dividends by way of medical attention, grants-in-aid, and other social services." (Shepstone, 1940: 268)

Beer sales were just a very lucrative way of getting location residents, out of whom the Durban municipality was unable to extract a profit on family housing schemes (Shepstone, 1940: 270), to themselves provide the funds for further facilities in the location. It served then to absolve white ratepayers from having to subsidise the location.

The turning point for municipalities outside Natal who wished to try to balance their Native Revenue Accounts came with the 1937 Native Laws Amendment Act. The Act amended the principal Act which had previously laid down a general principle of prohibition where either a municipal monopoly or domestic brewing had been introduced with Ministerial consent; the amendment no longer allowed municipalities the option of prohibition, so forcing municipalities to consider afresh the means of supplying beer to the location residents. While the scrapping of the attempt at total prohibition was primarily prompted by its failure, it certainly presented to many municipalities the obvious means of reducing their subsidy to location residents and of balancing their Native Revenue Accounts by implementing a municipal beer monopoly. This monopoly was often to be invoked in opposition to Advisory Board feelings. (Saffery, 1940: 92)

For example, the Johannesburg City Council used the introduction of a municipal beer monopoly in 1938 to end its long period of subsidisation - a policy change caused directly by the establishment of profitable beer halls. (Lewis, 1941: 48) Beer profits rose rapidly from slightly more than £7 000 in 1938 to £63 752 in 1940. (Hawarden, 1941: 48)

The policy change led Eleanor Hawarden to comment that "the European citizens of Johannesburg have used the profits on kaffir beer to relieve them of a responsibility which they would otherwise have had to shoulder, and they are building the beer profits into the financial structure of

the City". (Hawarden, 1941: 49) The decision to end the subsidisation was however to be reversed and once again resumed in 1942.

There seems to be no reason why the same should not have happened in other towns which adopted a municipal monopoly after 1937. They, too, joined their Natal compatriots in appropriating to themselves the profits on beer sales, which before 1937 had gone to the illicit brewers in prohibitionist municipalities. Location residents were accordingly being asked to almost exclusively finance improvements and services to their locations, except for funding from the Central Housing Board for housing purposes.

Further evidence of the financial stringencies and reluctance of municipalities to bear the deficits of the Native Revenue Accounts was shown at a conference held in September 1937 to explain the provisions of the Native Laws Amendment Act to the municipalities. The Transvaal Provincial Auditor echoed the annual report of the Department of Native Affairs, quoted earlier, when he said that "there are many cases in which there are no losses to be borne by the General Account and there is very substantial profit". (Department of Native Affairs, 1937: 17) But to those municipalities who were carrying deficits on their Native Revenue Accounts, this was a burden they wished to be without. The Simonstown delegate to the conference moved a motion, later adopted, requesting the Department of Native Affairs to help meet the deficits incurred "in carrying out obligations forced upon them by the Government." (Department of Native Affairs, 1937: 18) Cape Town's delegate reported an accumulated deficit of £106 000 with annual deficits of about £7 000. The Kimberley City Council, in turn, supported the motion. "Moreover, it feels that the Government, while making the fullest use of its powers over the service, is shirking its financial responsibility and throwing the whole burden of this on the Municipalities." (Department of Native Affairs, 1937: 18)

The Government declined to meet this request - a factor which no doubt prompted more municipalities to adopt a beer monopoly in preference to domestic brewing. The later decisions to opt for municipal monopolies instead of allowing domestic brewing appears to have been contrary to the expectation of the Department of Native Affairs. In its annual report for 1937 it reported that domestic brewing had been adopted in 111 towns,

while in "recent years the popularity of the monopoly system has diminished, especially in the smaller centres, where, in several instances, the venture has not proved to be a profitable one". (Department of Native Affairs, 1937: 35)

Clearly the financial advantages of a municipal monopoly in the larger towns were overwhelming, especially in the face of low wages and unprofitable tenants; a seemingly inexhaustible demand for housing, and particularly re-housing in segregated locations and a continued inflow of blacks from already impoverished rural reserves.

ii. The Problem of Influx and Housing

The 1936 census results illustrated the extent of the increase of the urban black population which had taken place since the previous census in 1921. The results for the country as a whole were as follows.

Table 3  
Urban Black Population: 1936

Urban blacks	1 219 892
Total urbanised (all races):	3 155 896
Urban blacks as a % of total urbanised:	38,6
% increase of urban blacks since 1921:	92
Urban blacks as a % of S.A. black population:	18,4

Source: Derived from: Republic of South Africa; Urban and Rural Population 1904-1960

This influx had not occurred evenly throughout the urban areas but was most pronounced in the major industrial centres, particularly the Witwatersrand. Two issues, in particular, were of major concern to municipal administrators during this period. The accelerating influx of black women and families was of concern to municipalities throughout the country while municipalities in the Transvaal were pressing the Department of Native Affairs to transfer responsibility for the registration of service contracts to them, as was the case in the other provinces, so they could gain greater control over the entry, employment

and residence of urban blacks and particularly new entrants. The influx of women and families to join their husbands in the urban areas was important because, if not stopped, would increase demands for the provision of family housing. The 1930 amendments had restricted the right of women to enter urban areas unless their husbands had lived in the area for two years and providing accommodation was available. However, a major problem in enforcing this provision centred around the problems of an acceptable marriage document testifying to proof of marriage, whether by Native law or civil law, to a male living in an urban area. Thus, in 1935 the Reef Conference of Location Superintendents adopted a resolution urging a system of registration of marriages in the Transvaal similar to that in Natal. It also resolved "that no Natives be issued with stand permits or granted married quarters in a location unless they can satisfy the superintendent that they are married to each other." (Phillips, n.d.: 97) Then, with an eye on the housing implications, the conference urged that "when the Native families resident in urban areas are provided for, sufficient provision will have been made for Natives living under conditions of married life, and therefore further Native families should be prohibited from coming to the Reef and Pretoria " (Phillips, n.d.: xxviii)

This was an attempt by Transvaal municipalities to persuade the Department of Native Affairs to allow them to extend the migrant labour system used in the mining industry to the commercial and industrial sectors. The financial advantages such a housing system would bring to the municipalities, who were largely responsible for the provision of housing for blacks employed outside the mining sector, would seem to have been the major component in the justifications for these resolutions.

In the Cape, municipalities were urging the introduction of a pass system to the province to restrict movement to the urban areas. At the conference held in 1937, the Cape Town municipal delegate said even the stricter influx control provisions which the Act introduced were not sufficient to be of assistance to the municipality.

"You cannot have an area ring-fenced with Police, and all manner of Natives will come in in some way. I hope you will give this matter consideration and arrive at a decision whereby

the trouble will be stopped at its source and the Natives told by law that if they move without permission they will be charged with contravening the Act." (Department of Native Affairs, 1937: 12)

As already mentioned, Transvaal municipalities were urging the transfer of responsibility for the registration of service contracts from the Department of Native Affairs to them because, they argued, the division of responsibilities between the two authorities was hindering the efficient implementation of influx control to the detriment of the municipalities.

These powers were claimed by the municipalities because they would then be placed in "possession of machinery for tracing the history of individual natives and for controlling the movements of natives generally within their areas." (Young, 1935: para. 34)\* But, more importantly, if this were done, control over housing and labour would then reside under one authority - the municipality. This argument was however rejected by the Young/Barrett Committee, appointed in 1935 to examine urban areas policy rejected this argument and it was only in the late 1940s that Transvaal municipalities began to be given responsibility for the registration of service contracts, with immediate consequences for influx control.

In conclusion, the central issues confronting municipalities during this period were the interwoven issues of finance, housing and influx control. The key component was influx control. For without first restricting movement to urban areas, municipalities were unable to control the demand for housing with their unprofitable tenants. The provision of housing was costly and stricter influx control, particularly over the entry of women and children, would have financial benefits for the municipalities.

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\* The Young/Barrett Report quoted the resolution requesting the transfer of these powers: "This conference...is of the opinion that the existing system of Government control of labour requirements in the local authorities concerned is inadequate and ineffective, and that legislation providing for municipal registration and control appears to be the only solution..." (Young, 1935: para. 33)

#### D. The 1937 Native Laws Amendment

This legislation was the product of almost seven years of debate, in and out of Parliament, over policy towards urban blacks. It is not intended to discuss this debate as preference has been given instead to examining the views of municipal administrators involved in urban black administration. The legislation amended the Natives (Urban Areas) Act by considerably strengthening the influx control machinery available to local authorities and was also aimed at allowing municipalities to cope with aspects of their housing dilemmas.

The tightening of influx control was not only a response to the financial and housing difficulties experienced by the municipalities but also served to protect supplies of black labour for white farmers from competition for urban employers. This aim was acknowledged by General Smuts, Acting Minister of Native Affairs, at the 1937 conference referred to earlier.

"Owing to this migration, we find that the farming industry of this country is suffering correspondingly, and to-day one of the greatest difficulties with which we have to deal in this country is this scarcity of farm labour at the same time that there is a surplus of Native population, many of them probably unemployed in the towns. That is the situation with which the Act tries to deal." (Department of Native Affairs, 1937: 2)

Smuts urged municipalities to implement influx control more efficiently and blamed them for not having enforced it during the 1930s.

"There is power at your disposal to do so. You will remember that an amendment of the Natives (Urban Areas) Act of 1923, an amendment which was passed in 1930, gave power to the Municipalities to restrict this increase of unwanted Natives into their towns. This provision, however, has not been made use of generally. I am told that there are only 11 towns in South Africa who have so far availed themselves of the power to

limit and control the entry of Natives into their locations. In these 11 towns where the system works I am told it works very satisfactorily. But then the majority of our urban communities have so far not availed themselves of these powers. I do not know why - they may have difficulties of their own - but there is no doubt, the proper way to deal with this influx is to cut it off at its sources and to say that our towns are full, the requirements met, we cannot accommodate more Natives and we are not going to accept more except in limited numbers." (Department of Native Affairs, 1937: 3)

Smuts' references to the 11 towns which had adopted the provisions of Section 5 (6) as the only towns to have invoked influx control is misleading. For a plethora of influx control measures were to be found in Sections 1 and 12 and in other sub-sections of Section 5. The annual report of the Department of Native Affairs for 1936 provides evidence of this. Seventy six urban and industrial areas had been proclaimed under Section 12; segregated locations had been introduced in 30 areas while 234 locations had been established in terms of Section 1. Besides, as shown above, the municipalities, in spite of having adopted these provisions, still complained of an inability to implement influx control, for differing reasons.

The provisions of the 1937 amendment were squarely within the confines of Stallardist doctrine, as acknowledged by the Minister of Native Affairs.

"One of the main objects of this Bill is to remedy this state of affairs and to establish once and for all the policy that natives should only be permitted in the towns in so far and for so long as their presence is demanded by the white population." (Hansard, 1937: 4220)

The Act did this by introducing new restrictions and tightening existing restrictions affecting the rights of residence of blacks to enter urban areas and on their conditions of residence in such areas. It was however primarily achieved through the new requirement that municipalities determine their "reasonable labour requirements" through

biennial censuses. Any blacks deemed "surplus" after such a census could be removed from urban areas.

The provisions of Section 12 - which governed entry to urban areas - were appreciably strengthened. Permission to enter could now be refused by the municipalities if a surplus of labour was deemed to exist; permission for women to enter remained dependent on the availability of accommodation and subject to the two year qualifying period but municipalities could now rescind this permission at any time or grant it for a limited period only. Workseekers were allowed no longer than 14 days in which to find work before being required to leave the urban areas.

The amendment is also important because it attempted to link a system of urban influx control with controls of movement out of rural areas. Permission to enter urban areas was made dependent on the carrying of any required passes while more importantly, blacks in the Transvaal and Natal who fell under the Native Service Contract Act of 1932 could only enter urban areas if they could show that they had been released from legislative obligations to white farmers. Women also came under this dual control mechanism as they could only leave rural areas with the permission of the magistrate or Native Commissioner.

Urban influx control and general municipal control over blacks living in municipal areas was also strengthened in other ways by the amendment. New categories of blacks who could be removed from urban areas in terms of Section 17 were added - namely illicit beer brewers and black women who had entered urban areas without the approval of either the municipality or had left a rural area without permission from the magistrate or commissioner. The amendment furthermore allowed municipalities to presume that blacks were in urban areas illegally unless persons who were challenged could prove otherwise by producing proof of permission to remain in urban areas. This presumption of illegality clearly shifted the onus of proving a right of urban residence to urban blacks themselves where previously no such presumption had existed. Exemptions from the provisions of Section 12 were reduced - the amendment no longer exempted blacks who qualified for the parliamentary vote in the Cape through occupying premises owned by local authorities.

The ability of blacks to purchase property in urban areas was, in turn, severely circumscribed. Blacks could only buy property already owned by blacks unless the local authority approved otherwise.

But while the net effect of the 1937 amendment was to tighten influx control, as detailed above, it was also the first time that influx control legislation granted exemptions from such control to blacks who were born or lived permanently in urban areas. Such persons were exempted by Section 12 (1) (e) from the requirement to leave urban areas if they could not find employment within 14 days of either entering an urban area or at the end of a contract. Previous legislation had not recognised or attributed such exemptions to any category of residents.

The amendment recognised the difficulties faced by municipalities in the provision of housing and, besides the tougher influx control machinery already mentioned, attempted to deal with these problems in two other ways. Municipalities could now force all employers to provide accommodation for their black employees, where previously this was only applicable to employers employing more than 25 blacks. Secondly, the amendment introduced powers allowing municipalities to collect any rents or service charges payable by blacks directly from their employers, provided this did not exceed 25 per cent of their wages. Municipalities could also obtain a warrant of execution against movable property owned by rent defaulters.

These two provisions offered to municipalities a partial alleviation of crucial issues involved in the provision and financing of housing; who, besides the municipalities, was to be responsible for providing housing and of providing a secure mechanism whereby municipalities could obtain payment of rentals. Both were however only partial answers to the problems. Municipal beer monopolies and various developments during the 1950s, provided other partial answers.

In conclusion, the period between 1923 and 1937, by when a formidable set of influx control procedures had been enacted, illustrates the pressures on municipalities to favour the adoption of tougher curbs on movement to the cities. The close links between influx control, housing and finances in this process was firmly established, and

anticipates developments during the following decade. So too, were the close links between employment and housing controls in the implementation of influx control established during this period. The urgings by Transvaal municipalities for the delegation of responsibility for the registration of service contracts to them as a necessary and vital complement to their existing responsibilities over housing was to continue during the 1940s with greater vigour, and ultimately success.

E. Tentative Steps Towards a Centralised System of Influx Control in Urban Areas 1938-1948

The period between 1938 and 1948 are important years in urban black administration because it was during these years that municipal administrators and government officials firmly recognised that efficient implementation of influx control and labour allocation by the municipalities was vitally dependent on establishing more co-ordinated and centralised structures of labour control. Arguments in favour of the establishment of labour bureaux has been presented during the 1930s - by the Young-Barrett Committee for example - but it was the tremendous increase in the urban black population during this period which led municipal administrators to cogently argue for the country-wide establishment of labour bureaux or labour exchanges. These pleas were accepted by the Native Laws Commission of 1946-48 (the Fagan Report) whose report is notable for its arguments in favour of centralising labour control procedures. It is these developments which will be examined in this section.

The results of the first, and only census, held in 1938 in terms of Section 16 of the amended Natives (Urban Areas) Act, only reflected a total of 33 645 persons whom the municipalities regarded as "surplus" - none of whom were from the six largest municipalities. The accuracy of these figures has been doubted (Hellmann, 1949: 241) but whether accurate or not, the outbreak of the War in 1939 foreshadowed a further wave of influx into the urban areas, as wartime industrial expansion created more work opportunities. Between 1936 and 1946 the black population of Durban, Pretoria and Cape Town more than doubled while in Johannesburg it increased from 220 000 to 387 000.

These developments once again highlighted the difficulties municipalities faced in providing housing and in general labour control under such conditions. The new influx control machinery introduced by the 1937 amendment had allowed municipalities to enforce influx control with a degree of strictness not possible before. But this clampdown did not last for long as the United Party government attempted to ameliorate the pass laws.

In August 1941 an Inter-Departmental Committee on the Social, Health and Economic Conditions of Urban Natives was appointed under the chairmanship of D.L. Smit, secretary for Native Affairs. The committee was instructed to make suggestions for the improvement of the general conditions of urban blacks, other than through increasing wage levels.

The report, and the response by municipalities to its suggestions that the pass laws be modified, provides another illustration of the central concerns of urban black administration - influx control, housing and finances.

On the issue of housing, the report noted the difficulties faced by municipalities in providing housing in segregated locations. It estimated that approximately 33 per cent of the adult urban population still had to be housed "if the policy of segregation is to be carried out strictly". (Smit, 1942: para. 155) But this estimate excluded the need to rehouse existing residents of locations who lived in unsatisfactory housing. The crux of the housing problem was one of cost and ability to pay, or as the report put it:

"The real problem of rehousing of Natives is fundamentally an economic one, and as long as an economic wage is not being paid to them, it is necessary for the housing of this class to be subsidised." (Smit, 1942: para. 167)

While the question of what constituted an "economic wage" or indeed what was uneconomic about black wages is open to dispute, it nevertheless remained true that the losses on sub-economic housing were being carried by the State and the municipalities and not by industry. The report argued that municipalities ought to "contribute towards the expenditure

involved", on the basis that local authorities were an integral part of the State, but recognised that greater financial assistance from the Treasury would have to be provided to fund housing programmes, because of the magnitude of the housing required.

Like the Tuberculosis Commission of almost 30 years earlier, the Smit report illustrated the widespread reluctance of municipalities to incur and undertake financial expenditure funded by the general rates. The near uniformity of financial policies followed by the municipalities was shown on issues such as housing and the levying of charges against the Native Revenue Account.

To take housing first. Only 41 local authorities - 16 of them larger ones - had undertaken sub-economic housing schemes while the Report noted that there were 267 proclaimed locations. Although the Report noted that almost all of the finance which the Central Housing Board had available for sub-economic housing had been taken up, the reluctance of municipalities, particularly the smaller ones, to undertake sub-economic housing was fully realised by the committee.

"Thus it will be seen that only comparatively few have undertaken sub-economic housing schemes. As a result of questioning in some of the smaller places visited, it seemed clear that the general poverty existing in the urban areas not only of the Native section, but of the whole community, caused the local authorities to fear that if they embarked on housing schemes, even at sub-economic rates of interest, they would be called upon to contribute towards the running costs of the scheme and they felt unable to make this contribution. Witnesses indicated that if such housing schemes were undertaken, Natives would not be able to pay even sub-economic rents." (Smit, 1942: para. 173-74)

A variety of recommendations were made, including compelling local authorities to undertake housing schemes, but the report stressed that local authorities would have to continue to shoulder some of the losses involved in sub-economic housing schemes.

The refusal on the part of many municipalities to incur losses on the general rates for housing schemes was however only one aspect of financial policies towards location residents. The handling of the Native Revenue Account provides a better example of these financial policies. The Smit report, while providing some evidence of liberal attitudes towards the subsidisation of location residents, also found, it seems, more evidence to the contrary

"Frequently witnesses asserted that the principle of self-balancing Revenue Accounts was being followed by many municipalities. The Committee found that there was some basis for this, but in view of the general poverty discovered and the necessity in almost every case for improved services, such as health, sanitation and water, it urges local authorities in their own interests, to avoid the adoption of this principle." (emphasis in original) (Smit, 1942: para. 202)

"The Committee was struck by the fact that in almost every instance, the charge for control was being debited as a whole against the Native Revenue Account. In some cases high salaries are paid to managers of the Native Administration Department and location superintendents and the Native Revenue Account is called upon to bear the whole brunt of the services in so far as the Natives are concerned. It is felt that it would be more equitable if a fair proportion of such salaries were borne by the General Account of the local authority. These officers are usually required to deal with Native affairs in the whole urban area and it can safely be said that a considerable portion of their effort is on behalf of the community generally in the carrying out of policy and control." (emphasis in original) (Smit, 1942: para. 203)

The Smit report noted the pressures of urbanisation - the "growing tendency for Natives to bring their families to town with them" - thus accepting the inevitability of further inflows of blacks from the rural areas "The belief that the situation can be met by developing the Natives Reserves is illusory. There will always be the urge to obtain some cash to satisfy new needs and tastes .. and for this reason, if for

no other, labourers will continue to come in from the country." (Smit, 1942: para. 48)

Why then did the Report, having catalogued a) the enormous backlog in housing and the poor quality of much of the existing housing stock; b) the financial disabilities attached to providing sub-economic housing; and c) accepted the inevitability of further urbanisation, not recommend a tightening of influx control to overcome such difficulties? Instead it ignored the attitudes of municipal administrators and recommended the abolition of the pass laws and a moderation of the curfew. Against this however it proposed the retention of the registration of service contracts and advocated a renewed attempt at establishing labour exchanges because of their "palpable advantages".

The recommendation to "face the abolition of the pass laws" was justified in conventional liberal arguments - that the pass laws were expensive to maintain, led to a loss of manpower, provided fuel for black grievances and created technical offences which involved little or no moral opprobrium. Possibly, the committee felt that the measures suggested to overcome the housing shortage would allow for an energetic solution to the housing problem even if the lifting of the pass laws made migration from rural areas easier.

Bell has suggested, however, that even with the scrapping of the pass laws, the element of control remained. "While the Report has been consistently interpreted to have recommended the abolition of these laws, it did not discard the principle of control in which these regulations were rooted. It was the existing state of affairs to which the abolition of the Pass Laws was to be preferred." (emphasis in original) (Bell, 1978: 33-34)

Accordingly in May 1942 instructions were issued to the South African police that the pass laws were only to be enforced on suspicion of some other crime having occurred.

Not unexpectedly, municipal administrators on the Witwatersrand had - through the Association of Reef Managers and Superintendents - unequivocally rejected the prospects of a relaxation of the pass laws.

Their objections were threefold, but most importantly they feared an increase in housing commitments if the pass laws were relaxed. Their grounds for opposing any relaxation, spelt out in a letter to the Department of Native Affairs during 1941 in response to the Department inviting their views on the proposal, re-affirmed the importance of the financing of housing as a justification for influx control during this period.

"1) That the Pass Law as it at present exists provides some measure of assistance to local authorities in controlling the native population in relation to housing obligations.

"2) That it felt there should not at the present time be any relaxation of Pass Law restrictions, and that some form of identification is essential.

"3) That the resentment felt by the Natives in relation to the administration of the Pass Law is occasioned principally by the methods employed by the Police in demanding documents, and that it is suggested as a remedy that the Police be requested to exercise more diplomacy and tact in demanding the pass documents." (Association of Reef Managers and Superintendents, 15 May 1945: A15)\*

Before returning to a discussion of the views of Transvaal municipalities, especially their pleas for the introduction of a national

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\* The Association of Reef Managers and Superintendents represented administrators on the Witwatersrand between 1934 and 1943 when it changed its name to the Association of Administrators of Non-European Affairs. In 1953 it became the Institute of Administrators of Non-European Affairs of Southern Africa. I am grateful to Professor Rodney Davenport for kindly lending me his notes of the minutes of the Association's monthly meetings. All page references refer to the referencing system used by Professor Davenport in his notes. The minutes were housed in the Johannesburg Municipalities' Non-European Affairs Department, file 18/6.

system of labour exchanges, it is important to look at some of the findings of the Elliot commission appointed to examine the incidence of crime on the Witwatersrand soon after the relaxation of the pass laws. The commission, appointed in July 1942, while discounting any suggestion of a serious increase in crime in the preceeding years, commented critically on the relaxation of the pass laws announced earlier in the same year. This adverse criticism was not made on the grounds of any connection between the relaxation of the pass laws and the incidence of crime, but on two other factors - namely the close links between observing the pass laws and observing the need to register service contracts which the Smit report had not recommended be abolished and secondly, that unregulated migration to the towns would hinder efforts at ameliorating urban conditions.

The Commission quoted figures from which it argued that, in Johannesburg at least, the relaxation of the pass laws had led to a drop in the observance of the legal requirement to register service contracts and to obtain workseekers permits. The table is reproduced below:

Table 4  
Pass Law Prosecutions, Workseekers Permits and Service Contracts  
February - August 1942

	<u>February</u>	<u>March</u>	<u>April</u>	<u>June</u>	<u>July</u>	<u>August</u>
A. Prosecutions	4 437	4 653	4 569	482	568	319
B. Daily Average <sup>+</sup>						
Reception Depot	881	801	605	368	331	290
C. Permits granted						
to workseekers,	12 970	11 992	10 145	6 768	9 444	8 707
including renewals <sup>++</sup>						
D. Registrations						
other than mines	10 143	10 455	9 855	8 218	8 050	9 319

+ For previous two years the average was 612 persons.

++ For previous two years the average was 12 382 persons.

Source: Elliott, 1942: para. 26

The Commission argued:

"It will be observed that there has been a considerable drop in respect of (b) and (c) subsequent to the date of relaxation, and a fair inference is that, as time goes on, natives will more and more tend to disregard the various provisions of the regulations in question." (Elliott, 1942: para.26)

The committee had thus pinpointed the enormous difficulties in any attempts at relaxing influx control while insisting on the continued registration of service contracts and the issuing of workseekers permits. Although the registration of service contracts was not necessarily a form of influx control, its continued observation depended very closely on influx controls which provided a means of ensuring compliance with the requirement to register service contracts.

Furthermore, the committee, which had three senior municipal administrators as members (G. Ballenden, J.R. Brent and J. Baker), agreed with the long-standing argument put forward by the Transvaal municipalities that the registration of service contracts ought to be a municipal responsibility. This was the "vital control" needed by municipalities if they were to effectively control blacks within municipal boundaries, by ending divided responsibility over aspects of influx control.

The Elliot Commission thus underlined the administrative difficulties attached to any attempt at relaxing the pass laws if a commitment to "effective control" over blacks in urban areas was to be retained. The suspension of the pass laws continued until 1946 when they were ordered back into operation.

Meanwhile, faced with an unprecedented influx of blacks to urban areas, the clamour by Transvaal municipalities for a more co-ordinated and centralised system of influx control continued. These officials had already argued that a "co-ordinating body should be in existence to administer a uniform policy for the whole Reef" which would entail the introduction of labour exchanges. (Association of Reef Managers and Superintendents, 19 June 1941: B7)

In 1946 - as some Transvaal municipalities were preparing to take

over the registration of service contracts - two senior municipal officials once again proposed the establishment of labour exchanges as essential to efficient influx control. Earlier attempts at establishing labour exchanges had been both sporadic and unsuccessful particularly when it came to distributing labour between urban centres. Their arguments are worth examining in detail in view of later developments.

J.R. Brent, from Pretoria, who had advocated a system of labour exchanges for both blacks and whites in evidence before the Native Economic Commission of 1930-1932 and to the Smit Committee, again argued for such a system in his address to the Institute of Race Relations. Brent proposed that labour exchanges should also be concerned with training, but it was the advantages to influx control administration and the distribution of labour that weighed uppermost in his mind. He proposed a network of exchanges in both urban and rural areas which "would act in close collaboration with the urban training depots and labour exchanges by the constant exchange of information relating to the state of the labour market and conditions in towns." (Brent, 1946: 34) These exchanges would be complemented by a central exchange in each province which would be solely concerned with influx control. These central exchanges "would be a clearing house and distributor of surplus Native labour throughout its province and inter-provincially." (Brent, 1946: 36)

Brent proposed that the labour bureaux be given exclusive rights over the allocation and supply of labour through forbidding employers to employ any black not supplied by the bureau. This monopoly was proposed by Brent for two reasons - firstly because it would be possible to place blacks in employment for which they had had previous training or work experience and secondly "because they (blacks) would not be allowed haphazardly to flock in uncontrolled numbers into the nearest town to seek work". (Brent, 1946: 35)

These municipal labour exchanges, Brent continued, should have five sections - "in order of sequence" - a) an influx control office, b) a registration office, c) a reception depot, d) a training depot, and e) an employment office.

"These are all complementary to each other, and constitute the only efficient and comprehensive way to tackle the problem of Native labour in urban areas to the maximum benefit of employer and employee." (Brent, 1946: 35)

Brent's suggestions were echoed by those put forward by L.I. Venables, from Johannesburg. Venables urged the Minister of Native Affairs to promulgate regulations under Section 38 (2)(j) of the Natives (Urban Areas) Consolidation Act of 1945 ensuring:

- a) the establishment of labour exchanges in every town with a population greater than 5 000, whether or not the local authority administered the pass laws;
- b) machinery to co-ordinate labour exchanges and distribution of Native labour throughout the Union;
- c) compulsory registration by every employer of any contract, including women, with a charge for a certificate of registration; and that
- d) the labour exchanges make weekly returns to the national labour office of the labour position in their areas.

Venables furthermore urged the Department of Native Affairs to provide accommodation under Section 38 of the Natives Trust and Land Act of 1936 for blacks who were surplus to the labour requirements of specified urban areas. He also urged the re-introduction of the labour census on a four yearly basis which had not been held since the first census in 1938. (Association of Reef Managers and Superintendents, 8-9 January 1946: C37)

These suggestions by Venables were the basis of the official response by the Association of Administrators of Non-European Affairs to the Department of Native Affairs over the proposed delegation of the registration of contracts to municipalities. The Association pledged itself to do "everything in our power to assist in establishing a rational system of administration, embracing rural as well as urban areas." (Association of Administrators of Non-European Affairs, January 1946: C39) There was also strong support within the Association for the Government to investigate the possibility and desirability of laying down minimum wage rates for rural labour to prevent rural blacks moving to the

towns in search of higher paid employment opportunities.

The Department of Native Affairs had already accepted many of these recommendations and was prepared to delegate the registration of service contracts to Transvaal municipalities, subject to three conditions. Firstly, each local authority had to accept a proclamation under Section 10 of the Natives (Urban Areas) Consolidation Act to restrict the entry of blacks into municipal areas; secondly, each local authority had to provide adequate reception depot accommodation and to ensure that all blacks passed through these depots before being allotted to employers and that thirdly, each local authority had to establish a labour exchange. (Association of Administrators of Non-European Affairs, 18 July 1946: D9)

By 1947 virtually the entire Witwatersrand was technically closed to further influx as the municipalities had either been proclaimed in terms of Section 10 or they had accepted responsibility for the registration of service contracts. Pretoria was the first major city to be proclaimed under Section 10 through Proclamation 138 of 1944 (Government Gazette, 14 July 1944: 54) and in April 1946 it took over the registration of service contracts. In March 1947, Johannesburg, Brakpan, Springs, Nigel, Roodepoort-Maraisburg, Randfontein and Germiston were similarly proclaimed. (Government Gazette, 14 March 1947: 807)

Proclamation in terms of Section 10 meant that no blacks could enter municipal areas unless they met the following conditions:

- a) that they had been engaged in employment and were proceeding to take up such employment;
- b) that municipal officials were satisfied that a bona-fide temporary visit was being undertaken; or
- c) that the local authority was prepared, after considering labour conditions in its area, to allow entry.

Exclusive municipal control over the two most important components of influx control now meant that the Transvaal municipalities could refuse entry and workseekers permits on the grounds of an over-supply of labour. An example of how important this undivided control was in the pursuit of tightening influx control is shown by the actions of Pretoria - the first major Transvaal municipality to exercise such exclusive

control - on gaining this power.

Prior to October 1945 - when the 1944 proclamation came into operation - the Native Commissioner had issued an average of 10 800 workseeker permits per month even though the monthly labour turnover of Pretoria's 38 000 workforce was only about 1 700. Thus nearly 9 000 persons had been allowed entry into Pretoria each month over and above the labour turnover. On gaining exclusive control of these important influx control components, the municipality reduced the number of workseekers permits by about 9 000 to a maximum of 2 000 per month which it regarded as being sufficient to meet the labour requirements of Pretoria. It furthermore became municipal policy to protect the interests of blacks already resident in Pretoria's townships from an uncontrolled influx from outside workseekers by giving preference to local residents in the allocation of employment opportunities. Workseekers permits were only issued to outsiders if local residents could not satisfy the demand for employment openings.

As S.F. Kingsley, an official in Pretoria's Non-European Affairs Department, argued a further crucial benefit which municipal control of the registration of service contracts brought was more efficient implementation of the other influx control provisions in the Natives (Urban Areas) Consolidation Act:

"Alleenlik wanneer die munisipaliteite self Artikel 23 administreer, is dit moontlik om Art. 11 (Invoering van naturelle in stadse gebiede waarin die registrasiesstelsel toegepas word), Art. 12 (Beheer oor die binnekoms van vreemde naturelle) en Art. 14 (Verwydering van naturelle wat 'n stadsgebied onwettig binnegekom het) met enige mate van sukses toe te pas." (Kingsley, 1950: 7)

Reef municipalities welcomed these new powers to control influx but urged that the Department of Native Affairs allow their efficiency to be tested before introducing a regional system of influx control. A sub-committee of the Association of Administrators of Non-European Affairs, appointed in June 1947 to consider the establishment of a regional influx control authority, produced a report which was nothing short of an

indictment of previous attempts by the State and municipalities to implement influx control.

The sub-committee found that the Union Government, the Police and local authorities had failed to implement influx control effectively and that an adequate force of inspectors was needed to trace illegal residents. Besides recommending that all local authorities on the Witwatersrand take over the registration of service contracts and that labour exchanges be established, it recommended that it be "accepted as a cardinal principle of policy" that the interests of urban blacks be protected by refusing entry to blacks from rural areas into towns where unemployment existed, which Pretoria had already adopted. It urged the immediate establishment by the Union Government of a national labour information office in Johannesburg to co-ordinate and publish information about labour requirements and surpluses throughout the country, and that minimum wage rates be laid down for blacks working in urban and rural areas in an attempt to stop influx to the towns because of the attractions of higher wages. (Association of Administrators of Non-European Affairs, 14 August 1947: E5)

These recommendations came on the eve of the report of the Native Laws Commission which the United Party government had appointed in 1946 in an attempt to chart future urban policy. The appointment of the commission followed the unprecedented influx of blacks into the towns as a result of the war-time industrial conditions and possibly also as a result of the easing of influx control during this period. The demands of the war effort severely affected the provision of housing to such an extent that "building activity was practically frozen". (Fagan, 1948: para. 3) The result was over-crowding in municipal locations with the consequent development of squatting and shanty towns in peri-urban areas over which municipalities had no control, which only served to increase the attractiveness of these areas to black residents.

It is against this background of uncontrolled influx that the Fagan Commission was appointed. Its report, while in many respects a liberal and enlightened one, also however, in its recommendations regarding labour exchanges and centrally controlled labour regulations, adopted many of the viewpoints of municipal administrators, sketched earlier in

this chapter. Indeed these recommendations on labour bureaux anticipated the changes which the National Party government was to introduce in 1952.

The Fagan Report certainly provided a ringing denunciation of the Stallardist doctrine of temporary black sojourners which it labelled an "untenable proposition" and accurately observed that it "...lies near the root of many provisions of the legislation relating to natives in urban areas..." (Fagan, 1948: para. 28) Instead, the commissioners argued for a policy which would encourage and facilitate the stabilisation of an urban black labour force without finding it necessary to recommend the abolition of migratory labour. The evidence presented to the Commission on the harmful effects of migratory labour on agricultural production in the reserves, on productivity of migrant labourers in urban based industries and to migrant labourers and their families left in the reserves, was quoted with obvious approval yet the Commission could not recommend the compulsory ending of migratory labour. Instead the stabilisation of urban black labour could only be achieved by an energetic housing programme in urban areas which would allow families to settle permanently without fear of future removal or expulsion.

These recommendations followed from the Commission's premise that influx into urban areas was an economic phenomenon which could not be stopped, or reversed, but merely guided. To some extent this argument was contradicted by the statement that the post-war conditions were the result of a "disturbed equilibrium" in the process of urban migration (Fagan, 1948: para. 67), which suggests that a set of peculiar circumstances were the cause of the influx rather than it being a natural occurrence.

As mentioned earlier, the main importance of the Fagan Commission is to be found in its recommendations that the responsibility for regulating urban migration be removed from the municipalities and vested instead with the central government. It recommended that a country-wide grid of labour bureaux be established under either the control of the Department of Native Affairs or the Department of Labour as an urgent necessity to control migration to the cities. The crucial issue of whether use of the labour bureaux ought to be made compulsory for both black workers and

white employers - as urged by municipal administrators - drew an ambivalent response from the Commission. On the one hand they wished to avoid the impression that the bureaux would be an intensified form of pass law machinery and hence preferred to see voluntary use of the bureaux, but also recognised that compulsion for employers and black employees would be "useful" in ensuring that other compulsory pass law provisions and the payment of taxes were obeyed. (Fagan, 1948: para.44)

It was however in the final recommendation on the issue of labour bureaux that the Fagan Commission, despite its earlier liberal recommendations, anticipated the legislation introduced a few years later by the Nationalist government. In essence the report was prepared to recommend that entry into urban areas be restricted solely to those who had been recruited and channelled via the labour bureaux.

"While we suggest that the use of labour bureaux should not be compulsory and that they should as far as possible be unconnected with matters to which compulsion is attached, such as passes and taxes, the existence of the organisation may, where compulsion is found to be necessary, be useful as a means of helping to ensure that such compulsion will be exercised in the best, the least onerous and the most purposeful manner. Where, for instance, a proclamation issued by virtue of Section 10 of Act No. 25 of 1945 closes an urban area against the entry of Natives except in accordance with conditions prescribed in the proclamation, a further condition may be added exemption to Natives recommended for admission by the labour bureau." (emphasis added) (Fagan, 1946: para. 44)

If this recommendation is read against the measures introduced by the proclamations of 1944 and 1947, quoted earlier, then entry into urban areas would have been effectively closed to workseekers, unless recruited by the bureaux. The Fagan Report had thus accepted the long-held criticisms of municipal administrators that an essential pre-condition for a more efficient system of influx control was the introduction of a centralised and national system of labour bureaux. It must however be noted that while the 1950s legislation on labour bureaux was not very different to these recommendations, the underlying assumption of the

Fagan proposals and the Nationalist legislation was markedly different. The Fagan report accepted the permanence of urban black residents and continued urbanisation (what was at issue was the regulation of it) while the National Party legislation was premised on the Stallardist doctrine of temporary sojourners.

#### F. Conclusion

This discussion has chiefly concerned municipal attitudes and pressures for a persistent tightening of influx control. By 1948 many municipalities in the Transvaal - where influx was the greatest and most politically sensitive - had only recently gained control over the registration of service contracts which they had been agitating for since the mid-1930s. As has been pointed out, the two most important factors allowing them to implement influx control more effectively were the delegation of service contract registration and the series of proclamations under Section 10 of the Natives (Urban Areas) Consolidation Act of 1945. The benefits this brought to Pretoria have been illustrated, as one example of what was occurring across the Reef from 1947, as administrators from as far apart as Ermelo, Pretoria and Vereeniging reported in June 1947. It should be pointed out however that Johannesburg only took over the registration of service contracts in 1953 - why it should have taken them over at a much later stage than other Transvaal municipalities is not clear. Thus it is important to recognise the importance of these developments during the mid to late 1940s as marking the beginning of a concerted programme of influx control implementation. The tightening of influx control in 1937, while marking an earlier phase, did not continue for long and is overshadowed by these later developments.

Furthermore, the realisation that a more co-ordinated system of labour control was needed had been legitimised by the report of the Native Laws Commission. It accepted the fairly long-held views of prominent municipal administrators, such as Brent and Venables, that this was the next step in the development of influx control. To this extent the grid of labour bureaux set up in the early 1950s was not a radically new departure from what had been proposed as future policy before the National Party victory in 1948.

To conclude, it is necessary to look at the role of the municipalities in the development of influx control during this period. It is clear that the municipalities were not simply structures implementing state policy in a passive and unconcerned manner while agricultural, mining and industrial interests fought out a battle to ensure sufficient labour supplies for themselves.

On the contrary, the municipalities were vitally concerned with any future course State policy over influx control might take, primarily because of the housing commitments it could involve. The influence and interest of municipalities in influx policies derived from the financial disadvantages municipalities were expected to shoulder in the provision of sub-economic housing for blacks. Yet it is during this period that the roots of the conflict between many United Party municipalities and the Department of Native Affairs during the 1950s, which is the major focus of the next chapter, begin to emerge despite the uniform response by Reef municipalities to the necessity of labour bureaux. The Witwatersrand-based Association of Administrators of Non-European Affairs nearly split in late 1946 when the East Rand municipalities wanted to establish their own organisation. The precise reasons for wanting to break away are not clear, but appear to have been linked to a determination to press more conservative demands upon the Department of Native Affairs. The municipalities concerned - Heidelberg, Alberton, Brakpan, Boksburg, Nigel, Vereeniging and Springs - eventually formed an East Rand branch of the association.

That the reasons for wishing to establish a separate body were politically motivated was shown by the determination of A.S. Marais of Boksburg to press for the establishment of labour bureaux before the Fagan Commission had reported. He was over-ruled by W.J.P. Carr from Johannesburg on this issue; it is possible that Carr and other more liberal administrators saw the Fagan Commission as about to produce a liberal report for future policy which should be awaited, whereas Marais - an outspoken conservative supporter of the National Party in the following two decades - did not wish to await its findings for that very reason. Both men continued to differ on racial policy during the next 20 years, reflecting the different wings of the Institute of Administrators of Non-European Affairs.

## II THE CONSOLIDATION OF INFLUX CONTROL: STATE POLICIES BETWEEN 1948 AND 1960

The first decade after the election victory of the National Party in 1948 are possibly the most important years in the post-war period of urban black administration. The decade saw a consistent progression of state policies designed to arrest the influx into urban areas and to stabilise these areas - the provision of housing on an extensive basis and the spreading of the costs of housing between state, municipality, industry and the urban black resident more evenly than before. These developments will be explored in three sections; firstly the legislation passed during this period to arrest the inflow of blacks and justifications for such legislation; secondly the changes to housing and financial policies which complemented the influx control legislation and, thirdly, the conflict between the state and the Department of Native Affairs, on the one hand, and the larger (United Party controlled) municipalities, on the other hand, over the aspects of the new policy directions.

### A. Labour Allocation and Influx Control

In direct contrast to the recommendation of the Fagan Commission that urban blacks be accepted as permanent urban residents, on which the United Party had fought the 1948 election, the racial policies of the National Party were formulated by the Sauer Report, with its hard-line Stallardist attitude towards blacks in urban (white) areas. The National Party committed itself to entrenching the migrant labour system, which the Fagan Commission had so strongly condemned without being able to urge its ending. The extensive legislative programme of the 1950s and 1960s were foreshadowed in a statement of party policy from an election pamphlet during the 1948 campaign.

"The party realises the danger of the drift of the Natives to the urban areas and undertakes to maintain the European character of the urban areas...All Natives must be placed in separate residential areas. Concentration in the urban areas must be curbed, and the Natives in the urban areas must be

regarded as visitors who can never be entitled to any political or equal social rights with Europeans in European areas. The number of detribalised natives must be frozen. Thereafter the influx of the Natives in the urban areas and their regular departure will be taken under control by the State on a country-wide basis and co-operation with the local authorities. The Native reserves must be placed under effective efflux control and the urban areas under influx control. All superfluous Natives in the urban areas must be sent back to the rural areas or the Native reserves from which they migrated...In future Natives from rural areas and reserves would be allowed to enter European areas as temporary workers and to return to their homes regularly on the expiration of their service contracts." (Hansard, 1950: 4797-98)

The primary mechanism for ensuring a more even distribution of black labour was the labour bureaux system, which will be examined shortly. However, two important elements in this policy programme were the need to stabilise both the urban areas, after the influx during and after the Second World War, and the reserves, as Verwoerd recognised in his first policy speech to the Senate after his appointment in 1951 as Minister of Native Affairs.

"It is quite clear that the situation now to be handled is that of stabilising the present population and providing for their needs, before attacking further problems of population distribution." (Senate Hansard, 1951: 2231)

"The principle object that we are trying to aim at is to settle down the present reserve population and its offspring there and to gradually move any surplus Native population from European areas to their own regions by providing a livelihood for them there." (Senate Hansard, 1951: 2890)

This stabilising of the population in the reserves was to be achieved by encouraging the establishment of labour intensive industries near the reserves and the development of agriculture in the reserves. The appointment of the Tomlinson Commission was intended to give effect to

the latter aim, which was however never achieved to any meaningful extent as official planners were to admit more than twenty years later. (See: Development Studies Southern Africa, 1980)

The National Party government soon began to take active steps to slow down the inflow of blacks to the Witwatersrand, the major metropolitan area drawing in labour. The 1947 proclamation, mentioned earlier, was repealed in late 1949 and replaced by more restrictive clauses governing entry to the entire Witwatersrand region. (Government Gazette, 1949)

The first major comprehensive restrictions, though, were introduced by the Natives Laws Amendment Act of 1952. Firstly, the Act introduced labour bureaux throughout the country; the proclamation issued on 31 October 1952 in terms of the Act created a grid of district, local and regional labour bureaux under the control of a central bureau in the Department of Native Affairs. While earlier proponents of labour bureaux had tended to equivocate over whether their use should be compulsory or voluntary for employers of black labour, the new legislation opted for the latter. Blacks were to register as workseekers at the bureaux and could not be employed in proclaimed (urban) areas unless they had been registered as a workseeker. Employers, in turn, had to report all vacancies to the bureaux. So, in theory, labour bureau officials in proclaimed areas would be able to correlate demand for labour with the supply, if all workseekers registered and if employers reported all vacancies. Permission to enter urban areas could then be refused to workseekers if an over-supply of urban labour existed. If the supply of labour in an urban area exceeded the demand and if the registered workseeker was not qualified under Section 10 (1) (a) or (b) of the Natives (Urban Areas) Consolidation Act, he could be refused permission to stay in the proclaimed area and endorsed out. (Institute of Administrators of Non-European Affairs (IANA), 1953: 22)

If the legislation was implemented as intended, as Dr Eiselen, secretary for Native Affairs, explained to municipal administrators in 1953, it would mean that:

a) persons who arrived in urban areas to seek work without having had recourse to the district labour bureau would be refused entry and

shortages of labour would be filled from the district labour bureau;

b) the issuing of workseekers permits to outsiders would become redundant as bureau officials ought to know of every vacancy; and

c) all redundant persons and persons found illegally in prescribed areas would be sent to the district labour bureau for placing in employment in non-proclaimed areas. (IANA, 1953: 24)

The second major component of the Act was to repeal the original version of Section 10 of the Natives (Urban Areas) Consolidation Act, with its optional invoking of influx restrictions: it was replaced by new clauses which prevented residence of longer than 72 hours in proclaimed areas unless the person qualified in terms of the newly amended Section 10 (1) (a), (b) or (c) qualifications. These qualifications could only be gained on the basis of birth in urban areas, length of employment or residence in such areas or on the basis of a family relationship to such persons - see Appendix A for details.

Justifications for these far reaching new measures covered a variety of themes. It is however clear that the major rationale was to restrict the townward drift of blacks as strictly as possible to ensure the farming sector - the backbone of the National Party support - with sufficient labour. Concern by farming unions over the draining of rural labour supplies was forcefully expressed by the South African Agricultural Union in 1944 to the previous government, but rejected. This theme was now taken up with more vigour by the new government. E.G. Jansen, the Minister of Native Affairs, in a speech to Parliament in 1950, linked the introduction of labour bureaux to the need to prevent the drain of labour from rural white areas. But he warned that farmers, for their part, would have to improve conditions of service to retain labour.

"We expect that when the bureaux are in full operation, the distribution of available Native labour will be much better arranged than in the past. From all parts of the country I receive letters from people who complain about the lack of Native farm labour...they (the farmers) cannot, however, afford to pay the high wages which are paid in the cities...The high wage determinations in, and the attractions of the city, have

caused the disruption of farm labour throughout the country...So far, however, no effective solution of that problem has been found. The creation of labour bureaux will undoubtedly help, but it should be realised that there cannot be any compulsion." (Hansard, 1950: 4708)

Jansen's reference to compulsion in the use of labour bureaux probably refers to the backdown the previous year by the government over plans to make use of labour bureaux compulsory. (South African Institute of Race Relations, 1948-49: 32) Their use was however made compulsory for black workseekers through the 1952 amendment.

Nationalist parliamentarians representing farming constituencies were outspoken on the need to keep blacks out of the cities and on the farms. One parliamentarian argued that even the first few years of National Party rule had seen a significant difference in the availability of labour for farmers.

"The hon. member is the last man and his party (United Party) are the last people to talk of a shortage of farm labour. They are the cause of labourers leaving the farms and going to the urban areas. It is as a result of this policy of theirs that the farms will eventually be entirely without labour...The Minister and his party are carrying out a policy which will supply the farmer with sufficient labour for purposes of production. But we must first remedy the harm which resulted from their policy, under their government. This is not something which can happen in a month or in a year. These things happen gradually. I am also a farmer and I employ a great deal of labour. Today I have more labourers than I had two or three years ago. Labour is flowing to my farm, and I have no trouble to get it. I have all the labour I require." (Hansard, 1951: 7868-69)

Even allowing for a degree of hyperbole, Klopper's statement would seem to reflect the greater success municipalities were having in controlling influx. The example of Pretoria, after the 1944 proclamation, has already been mentioned and this could only have been

improved with the amendments in 1947 and 1949. Municipal officials were, however, later to argue that the proclamations were defective because black miners were exempted from the provisions of Section 10, providing a loophole which was not plugged until the amended Section 10 in 1952 was made applicable to all blacks in urban areas, including mineworkers. (IANA, 1954: 181)

However, the most explicit example of the power of agricultural interests in formulating National Party policies towards labour distribution was provided by another National Party parliamentarian in the debate on the Native Laws Amendment Act of 1952. These were the representations, mentioned above, by the South African Agricultural Union in 1944 which, to succeed, had to be complemented by a firm distinction between blacks living in urban and rural areas which the Section 10 qualifications did. As explained by the MP, who represented Fauresmith, the SAAU plan involved:

"There the head-committee of the South African Agricultural Union proposed that measures be taken to make it possible to cope with this position. They very clearly suggested that the division of labour as Natives were concerned should take place on the following basis: A permanent section of urban Native labour was to be brought into being and also a permanent section of Native farm labour for the platteland. That was the basis of the policy...On the one hand there had to be the city Natives who could be employed in the city, in the industries and in other employment in the cities, but on the other hand there had to be a permanent labour corps of Natives available for the work in the platteland. The Natives on the platteland were then also to be divided into two sections, namely those who were themselves engaged in farming as in the reserves, and the others who were in the service of the farming community on the platteland. That was recommended to him (P. van der Bijl, the former minister of Native Affairs) by the Agricultural Union in 1944 as a long term policy." (Hansard, 1952: 632)

The Section 10 qualifications created by the amendment were to divide blacks into "city Natives" and "platteland Natives", and to trap

blacks on the farms, which became non-proclaimed areas. The attainment of urban residential rights was to be restricted to as few persons as possible and migratory labour would be used to supply any labour needed in proclaimed areas where a shortage existed. H.F. Verwoerd, appointed Minister of Native Affairs in 1951, stressed this point when piloting the amendment through Parliament:

"It is self-evident that the man who was in the city for the shortest period, the man who has the least experience, the man who is the least useful as a worker - that is to say, the newest recruit in the field of labour - must be the first to be put out if there is unemployment...The first person to whom permission will be refused to look for work again after he has become unemployed and if there is a surplus of labour in the vicinity will be the person...who has just arrived there or who has perhaps been in the city only a year or two...But if unemployment in the city assumes such enormous proportions that, even when the groups mentioned are no longer there, there is still unemployment, then to protect the more permanent residents, those who have been there three or four years will be the next to be refused permission to seek work. The extent of the supply of labour will be the limiting factor, and the guillotine will fall at different stages, beginning with those who have been in the city for the shortest period." (Hansard, 1952: 1310-11)

The Section 10 qualifications involved, in Verwoerd's words, "giving certain definite classes guarantees, security and stability" (Hansard, 1952: 1311) in the urban areas but these persons were to be restricted to an absolute minimum. This was the reason why the length of residence and employment needed to qualify for Section 10 (1) (b) was set at 10 and 15 years. However, because it was an open ended qualification, it did not do this and subsequent amendments were designed to further restrict the attainment of such qualifications.

Section 10 qualifications were thus designed to entrench and preserve the interests of blacks who were already resident in urban areas, as municipal administrators had long been urging should be done.

The relatively privileged position of blacks who now possess these qualifications, compared to those who do not, is not purely a consequence of the introduction of the qualifications; rather their introduction was designed to consolidate the interests of urban blacks while at the same time providing a means of regulating further inflows to urban areas.

The privileged position of urban black residents in the employment queue was facilitated by the declared policy of the Department of Native Affairs to only allow entry of blacks to the urban areas if the demand for employment exceeded the supply from the urban townships. (Van Heerden, 1954: 59)

This packet of legislation represented the single most important development in the refinement of influx control since 1923 and heralded systematic application of it by the municipalities particularly against black males. We have seen how the labour bureaux system and the provisions of Section 10 were designed to achieve two goals in particular: the canalising of labour from areas of labour supply to labour demand, especially the farming sector, and to prevent the movement of blacks to the urban areas on a scale similar to that which occurred during the preceding decade.

Significant progress was reported by the Department of Native Affairs on the first goal within a short period of the introduction of the bureaux. In a review of legislation to the Senate in 1955, Verwoerd could boast of the success of the scheme. About 300 district bureaux and 200 local labour bureaux had been established by then.

"The gradual and systematic action of the labour bureaux system against the illegal entry of employment-seekers into prescribed areas, brings with it the fact that a considerable number of them are channelled into the non-prescribed areas, chiefly in agriculture. From the Witwatersrand and Vereeniging in 1953 there were altogether 17 839 placings of Natives in agriculture, while in 1955 the figure came to rest at 25 331, an extremely important figure for agriculture to take cognizance of...For Pretoria the monthly figure was about 600; from Cape Town, about 100 monthly placings...From Port Elizabeth about 270 per month." (Senate Hansard, 1956: 3874)

This suggests that the alleviation of the labour supply problems of agriculture was achieved in an important respect by the removal of unemployed persons from the urban areas as claimed by the Department of Native Affairs. (Department of Native Affairs, 1959: 40)

Two further important developments in the refinement of the influx control system during the 1950s were the introduction of a consolidated reference book for blacks and its gradual extension to black women later in the decade, bringing them more tightly under the influx web.

The Natives (Abolition of Passes and Co-ordination of Documents) Act, 67 of 1952, introduced a consolidated reference book in the place of the multitude of passes which blacks had to carry. The consolidated document was an important adjunct to both the labour bureaux system and the revised Section 10 qualifications introduced during the same year in facilitating the identification and control of blacks. Officials in both the Department of Native Affairs and in the municipalities recognised this and it was warmly welcomed by the latter. (IANA, 1954: 186)

The migration of black women to the cities had long been a point of concern to municipal administrators, as shown in the previous chapter. The greatest inflow of black women to urban areas took place during the 1930s and 1940s and while some municipalities, notably Bloemfontein, had insisted on the issuing of permits to women to enter the locations, most municipalities had not done so.

The election victory of the National Party led to the clampdown foreshadowed in their election manifesto. In April 1950, the Department of Native Affairs indicated their intention to extend the pass laws to black women. (Hansard, 1952; 737) The first step in this process was the revised provisions of Section 10 which were applicable to all blacks but practical difficulties - mainly identification problems it seems - prevented this being of use to municipalities in controlling the entry of women.

A departmental circular issued in October 1953 reiterated the determination of the Department to see Section 10 used to restrict the

entry of black women where the provisions of Section 29 (the powers of removal of idle persons etc.) were not suitable for this purpose. The circular pointed out that the influx procedures were being applied with extreme strictness "because there is already a surplus of labour in the urban areas." (IANA, 1957: 161)

Despite the seriousness with which the Department of Native Affairs viewed the issue, municipalities, on the whole, took only tentative steps to bring black women under the ambit of the influx measures. For example, some local authorities were, as late as 1957, arguing that no legislation or regulations made the registration of service contracts applicable to women which accordingly prevented efficient control over their entry and employment. A senior administrator went so far as to label the 1949 registration regulations a "dead letter" since it did not affect women. (IANA, 1957: 159) An early example of the difficulties and confusion over this issue is illustrated in an exchange between a municipal official - who was sympathetic to Government policy - and a head office representative at the 1954 IANA conference.

Dr Jurgens (Springs): "I asked just now about influx control on Native females. There is at present no control and we find on the Reef towns you get a terrific number of them coming into the urban area...and then they bring in their children from the rural areas...I raised a hornet's nest around my ears a couple of months ago when I asked my Council to ask the Minister to initiate the registration of Native females, to bring in identification cards for Native females into our municipal area. They nearly roasted me. But notice Mr President, I was told very baldheadedly by them that it is none of my concern, that it is a matter for the Government...We feel we cannot apply influx control if the Native females are allowed to come and go as they like into the urban areas.

Mr Heald: The position is that insofar as Section 10 dealing with control is concerned, it is applicable to all Natives...As regards the application of Section 10 control to females, the question is whether the municipalities are prepared to accept it as a matter of policy and implement it by providing the necessary staff.

Dr Jurgens: I must disagree. It is not only in my town that there is this objection to the Native female being included in this registration. If it is going to be brought in, it has to be brought in throughout the Union...Either you have to bring in the policy in toto, or leave it alone.

Mr Heald: The provision is on the Statute Book and there is nothing more that can be done. Unless some special machinery is introduced the Section 10 machinery is applicable throughout the whole Union. And, as I say, practically every local authority is using that machinery as far as the control of males is concerned, but in one or two places they are taking steps to deal with it as far as women are concerned. As far as reference books are concerned, the question whether we will carry on immediately the total registration has been effected, insofar as men are concerned, is a matter that will have to be decided in the near future..." (IANA, 1954: 38)

In 1956 the Department of Native Affairs announced that women were to carry the consolidated reference book - a decision which led to widespread discontent throughout the country - although this was phased in at different times in different municipalities. This decision meant that black women were now getting firmly locked into the system of influx control although it would take until the 1964 amendments to Section 10 to complete the process. Municipal administrators, in 1957, recognised that influx control procedures against women had been applied "very half-heartedly and with great diversity" in most urban areas. The blame, though, was placed directly at the feet of the Department of Native Affairs: "The main reason for this is the lack of a formulated policy, identification documents, proof of marriage and indirect pressure by the European employer." (IANA, 1958: 115) They urged a series of measures to limit the entry of women to urban areas, but the most important single action curtailing entry was only to be placed on the Statute Book in 1964, as described in the next chapter.

To conclude this section on the development of influx control during the first decade of National Party rule, it is instructive to tie the various legislative threads together to show the all-encompassing nature

of influx control mechanisms which municipal officials could draw on. Two statements by Eiselen show this and also serve as an introduction to the policy developments affecting housing during this period.

At the second annual conference of the Institute of Administrators of Non-European Affairs in 1953, Eiselen reviewed the actions taken since the gaining of power by the National Party and concluded with respect to influx control:

"Instromingsbeheer kan bes bewerkstellig word deur kragtige optrede op behuisingsgebied ingevolge die beginsels aan u gestel, volgehoue ondersteuning van arbeidsbeheer deur die buros en die volledige deurvoering van die bewysboek. Benewens voorgaande kan u deur middel van u lokasiepermitte, dienskontrakte en behuisingslisensies die ophoping van oortollige bevolking met al sy nadelige gevolge in u gebied die hoof bied." (IANA, 1954: 23)

The above quote vividly presents the formidable interlocking web of influx control measures - reference books, labour bureaux, service contracts and housing permits - which could be used at different points in the chain of controls to detect illegal residents in urban areas. A similar point was made in the annual report of the Department of Native Affairs for the year 1952-53, this time with direct reference to the links between housing and labour controls.

"Influx control, by itself, is useless because no control is possible in any urban area if the labour supply and demand in the area concerned are not known. Labour bureaux now meet the need since it is compulsory for every workseeker to register at the labour bureau for employment and for every employer to notify the labour bureau of vacancies...A further direct result of the introduction of labour bureaux is that it is now possible to link up Native housing with Native labour. If housing is strictly limited to accommodation for employees and their dependents in urban areas, it will become possible to relieve the housing problem." (emphasis added) (Department of Native Affairs, 1955: 25)

The link up between housing and labour controls had been, as we have seen, an issue of major importance to municipal officials in the Transvaal ever since the mid-1930s. The introduction of the bureau system, even more so than the delegation of the responsibility for the registration of service contracts to municipalities, was the most crucial event in facilitating the linking of housing and labour controls. It is now necessary to examine briefly the housing issues during the 1950s.

#### B. Housing and Finance: Economic Rent and Self Sufficiency

The National Party government inherited a housing crisis in black urban areas of enormous magnitude. The backlog was estimated at 154 185 family housing units in March 1947 with a further shortage of 106 877 single person units. By December 1951 it had risen to an estimated 200 000 family units. (Language, 1952: 75)

The backlog was caused by three factors - the movement to the cities during the war years and immediately afterwards; the distribution of the losses on sub-economic housing between State and municipalities which discouraged municipalities from building such schemes and lastly the virtual halt in new housing programmes during the war.

The means of overcoming the first two issues were relatively easy - tighter influx control to reduce the demand for housing and secondly, at the urging of municipalities, to redistribute the costs of housing through making employers and urban black residents shoulder a greater share of the costs. The influx control mechanisms developed during the 1950s were dealt with in the previous section and do not need repeating here. Suffice to note that, as remarked in the discussion of developments during the 1940s, municipalities had interests of their own in favouring influx control. E.A.E. Haveman, manager of the Non-European Affairs division of the Durban City Council, made this point very forcefully in 1950.

"We thus reach the stage where local authorities are concerned (in practice at any rate) not about the pros and cons of a black proletariat taking the place of the migrant peasant, but about the possibility that the black proletariat will grow too

rapidly - or, to put it more correctly, about the fact that it has grown so rapidly that the local authority cannot cope with its housing and other needs. Influx control, though ostensibly a mechanism for regulating labour supplies, is more usually resorted to as a means of reducing or slowing down the demand for housing." (emphasis added) (Haveman, 1951: 6-7)

Municipal reluctance to continually provide new housing stock was the direct result of the financial disabilities municipalities incurred in providing housing even when financed by the State at sub-economic rates of interest. Municipalities had to bear a 1,25 per cent loss on sub-economic housing schemes, as did the State, but it was argued by a leading municipal official that this rose to between 2 and 4 per cent in practice. (Language, 1952: 82)

The fundamental financial issue attached to housing was thus one of the redistribution of these losses and responsibility for funding. This question was resolved during the early 1950s in three ways:

- the building of cheaper houses by a combination of the use of black artisans in black group areas; research into cheaper housing methods by the National Building Research Institute and the development of site and service schemes;

- the gradual conversion of sub-economic housing schemes into economic schemes which placed more responsibility for meeting the cost of housing on the urban black residents; and

- the introduction of employer levies, through the Bantu Services Levy Act of 1952.\*

Within a year of their election victory, the National Party had announced the basis of its future housing policy, with the above three issues and the influx control option, figuring prominently. (Department of Native Affairs, 1951: iv) Late in 1949, the Department of Native Affairs

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\* It should be noted that municipalities had not used their powers under the Natives (Urban Areas) Consolidation Act to force employers to house workers employed by them. Language, of Brakpan, argued that these powers had not been invoked because "the enforcement of this legislation would directly conflict with the accepted principle of residential segregation between Europeans and Natives in urban areas." (Language, 1950: 32)

announced that employers would have to contribute levies towards the costs of housing and providing services but, after an outcry from employers, this idea was temporarily shelved. In 1952, however, the Bantu Services Levy Act was placed on the statute book with the capital derived from employer contributions being utilised to fund the costs of bringing services to black group areas. Employers remained opposed to the idea however. The advantages which the services levy funds would mean in terms of administrative control over the urban black population were fully appreciated by official planners and presented as a justification for the levy. As Eiselen explained:

"...it was felt that after you have the land, you must have the services, so as to be able to bring to that area not only the 10 per cent or 5 per cent of the people requiring houses but to bring there, if possible, the whole 100 per cent, so as to obtain control over the floating Bantu population round our cities. You will agree that for the last ten years there has been no such control...The idea is that by bringing into serviced areas the entire Bantu population required by the towns, and legitimately employed in the towns, we will for the first time be able to exercise effective control over the Bantu population in the various urban areas." (IANA, 1954: 29)

The most important development, though, was the decision to convert sub-economic housing schemes to economic schemes. The Department of Native Affairs announced in July 1954 that a sub-economic income limit of £15 per month joint family income applicable in all major urban areas would come into force. Municipal reaction to the announcement varied. That there were families who could afford economic housing was not queried by the municipalities but the point at issue became one of how many could, and what would happen to those who could not afford such housing.

Municipal representatives from Johannesburg argued, for example, that the £15 limit was too arbitrary and ought to be increased to £20 because

"the bulk of our urban toilers are in a sub-economic position, and the substantial portion of that bulk are not sub-economic but are sub-sub-economic. In other words, their income is so low that in some cases they are not in a position to pay any rent at all." (IANA, 1954: 60)

In Pretoria's black township of Atteridgeville - "the Parktown of the Urban Bantu" - only 22 per cent of families were earning an income of over £15 per month. (IANA, 1957: 11) Johannesburg had a similar percentage earning above that limit, as did Durban.

These criticisms did not succeed in deterring the Department of Native Affairs from their goal of converting sub-economic housing to economic on as extensive a scale as possible. The policy directive was backed up by the threat of not allowing municipalities to recover losses on sub-economic housing occupied by tenants falling into the economic category from the Native Revenue Account or from beer profits if the policy was not complied with before 30 June 1954. (IANA, 1954: 66)

A consistent justification presented by State officials for this change in housing policy was that the continuation of sub-economic loans would have reached such proportions that the treasury would have hesitated to provide the necessary capital for sub-economic housing. Thus in July 1957 it was calculated that the State's share of the losses on sub-economic housing funds granted between 1948 and 1956 would amount to a £20 million loss over the 40 year repayment period. If the rates of Treasury funding in 1955-56 for economic housing had been provided at sub-economic levels, the £20 million loss would have risen to about £40 million. (Bührmann, 1957: 198)

Judged against the background of the policy goals, by the end of the 1950s the policy had been a great success. The importance of sub-economic housing loans had declined to an almost negligible amount by the 1958-59 financial year, and many housing schemes originally constructed from sub-economic funds had been converted to an economic basis.

The following table shows the extent to which economic funding had replaced sub-economic funds in the construction of housing during the 1950s.

Table 5  
Funding of Urban Black Housing Schemes 1950-59 \*

<u>Year</u>	<u>Economic Funds</u>	<u>Sub-Economic Funds</u>	<u>No. of Houses Built</u>
1950-51	R1 484 434	R4 328 254	5 274
1951-52	647 928	2 883 912	4 012
1952-53	1 576 462	3 688 030	7 270
1953-54	3 407 550	3 767 606	8 133
1954-55	4 987 450	1 338 930	10 559
1955-56	8 603 494	419 964	12 835
1956-57	8 962 010	223 324	19 683
1957-58	8 574 336	535 628	15 497
1958-59	<u>10 170 080</u>	<u>263 894</u>	<u>16 697</u>
	<u>R48 416 744</u>	<u>R17 369 542</u>	<u>99 860</u>

\* Excludes: a) funds raised by local authorities outside central treasury sources.

b) Native Services Levy Funds.

Source: Nel, 1961: 125

Complementary to the above figures, the State's share in carrying sub-economic losses had also declined drastically by the end of the decade.

Table 6  
State Losses on Sub-Economic Loans for Black Housing 1954-1960

<u>Year</u>	<u>Loss</u>
1954-55	R457 100
1955-56	R501 528
1956-57	R458 960
1957-58	R379 694
1958-59	R265 612
1959-60	R260 898

Source: Nel, 1961: 122

Even though by the end of the decade the granting of housing loans was almost entirely at an economic rate, many municipalities remained unconvinced of the general applicability of the policy. They did however accept the principle that families earning an "economic" income ought to pay an economic rent. The problems caused by the policy, were articulated

by the IANA president for 1958-59, S.A. Rogers from Cape Town, an Opposition controlled municipality.

Rogers noted that the collection of rentals from those families earning less than the £180 economic level per year and occupying houses built from economic funds would cause difficulties to municipalities. He posed the question: who ought to be responsible for making up any shortfall?

"If only dwellings out of loans at economic rates of interest are to be erected, how is the shortfall in the rental to be made up? Should the ratepayers who do not employ any Bantu be called upon to subsidise those employers whose wage rates are not high enough to enable their employees to meet the economic rent? I am not suggesting that the policy of granting loans for Bantu housing should revert to a sub-economic basis because this would only mean that the subsidisation would be transferred from the ratepayers of the local authority concerned to the taxpayers of the country as a whole. In my humble opinion it is the duty of the employer to make up the shortfall in the rental. If they do not do so the local authority will have to remit portion of the rent or else the Bantu family will be driven to augmenting its income by other means." (IANA, 1959: 37)

Similarly, Durban's S.B. Bourquin warned in a report to the city council in 1958 that insistence by the Department of Native Affairs on economic housing schemes could leave the municipality carrying losses through the non-occupation of houses.

"It is reasonable to expect that people will rather default with rent payments, than starve or go naked. The collection of arrear rents would become a futile, or at best, an invidious task, resulting in the forcible ejection of working families and severely straining the harmonious relationship between the people and the authorities...Ability to pay will have to be an essential qualification for admission to the housing scheme, and in the absence of eligible applicants in sufficient

numbers, many houses might eventually stand empty. It would be inevitable that losses incurred in this direction would sooner or later have to be borne by the ratepayers of the city. (Bourquin, 1958: 3)

Rogers' suggestion that employers should shoulder the housing costs came at a time when employers were agitating for the reduction or scrapping of their existing contributions to housing through the service levy on the basis that it had served its purpose. (IANA, 1959: 37) The Institute of Administrators had already considered asking the Department of Bantu Administration and Development to pass legislation making employers responsible for the payment of rent, as they were in Southern Rhodesia. But this was not pursued, for reasons not clear. (IANA, 1959: 38)

This issue is another indicator of the lengthy argument between the State, municipalities and employers over who was to bear the costs of housing in urban areas. It illustrates that even by the late 1950s when the costs had been almost completely redistributed, with the State probably having had the greatest reduction, at the expense of industry and the urban black resident, municipalities still found it a burden they wished to be without. This is an appropriate point to briefly discuss the financial policies towards the Native Revenue Account during the 1950s as it complements the housing problems discussed above. Data on this issue is not available in any great detail from the debates at IANA conferences but nevertheless general points can be made.

In an important respect State policy towards the Native Revenue Account complemented that of the housing policy - namely a move towards placing the finances and costs of urban black administration on an economic or financially self-sufficient basis. In other words, restricting expenditure to that income the municipality could derive from the urban black community.

It is useful to begin this discussion by noting the sources of income accruing to the Native Revenue Account. The Native Revenue Account was broken down into five separate sub-accounts:

- a) the General Native Revenue Account;

- b) the Sorghum Beer Account which consisted of two sub-accounts;
- c) the Services Levy fund;
- d) the School levy fund; and
- e) the Trading Account (where municipalities traded in goods other than beer).

The sources of income were: registration fees, fines, service levies, beer profits, rents and other fees paid by residents for services provided by the municipalities. The most important of these, for different reasons, were the registration fees designed to cover the costs of influx control and the operations of the labour bureaux system (Mathewson, 1957: 110); the services levy which could be used for capital projects in establishing a township; and beer profits, two-thirds of which could be used to offset losses on housing and the remaining one-third for the provision of social and welfare services.

The crux of the financial question still remained one of subsidisation - whether the municipality regarded the sources of income as sufficient or whether they were prepared to meet the deficits so incurred from the general rates. State policy was strongly inclined towards a policy of ensuring the financial self-sufficiency of the Native Revenue Accounts or, in other words, trying to prevent the need for subsidisation by the municipalities. The Department of Native Affairs, in its report for the period 1954-57, argued that such a policy could be applied by all municipalities.

"Some of the larger local authorities still subsidise their Native Revenue Accounts to a considerable extent, although one of them has now reached the stage where revenue covers expenditure, without taking into account profits on kaffir beer. This proves that there is no reason why the other local authorities cannot do the same." (emphasis added) (Department of Native Affairs, 1959: 38)

As indicated by the above statement, it was the larger municipalities who, in general, were prepared to carry losses on the Native Revenue Account. Two possible reasons suggest themselves: that they had the resources to carry deficits and secondly that, as they were

more likely to be controlled by the United Party, they were more prepared than their Nationalist counterparts to disagree with the premises of State policy and so subsidise the black residential areas. For example, the Johannesburg City Council's general rates annually met the "considerable deficits" of the Native Revenue Account while, on the other hand, Vereeniging's account had been self balancing since 1951. (IANA, 1954: 121) On a country-wide basis, expenditure on the black group areas by the municipalities exceeded revenue as the following figures show:

Table 7

Income, Expenditure and Subsidy of the Native Revenue Accounts 1950-57

<u>Year</u>	<u>Expenditure</u>	<u>Revenue</u>	<u>Subsidy</u>	<u>No. of Urban Areas</u>
1950-51	£ 4 538 860	-*	£ 435 000	274
1951-52	£ 5 025 000	-	£ 350 000	292
1952-53	£ 5 300 000	-	£ 550 000	295
1953-54	-	-	-	-
1954-55	£ 7 682 391	£ 7 444 395	-	305
1955-56	£ 8 751 472	£ 9 344 590	-	317
1956-57	£ 10 227 914	£ 9 344 590	-	317

\*: indicates no data given in annual reports of Department of Native Affairs to update table.

Source: Derived from: Annual Reports of Department of Native Affairs for period 1950-1957.

What is noticeable from the above table is not that expenditure exceeded income, but rather that expenditure only exceeded income by a relatively small amount. This suggests that municipalities, in general, pursued financial policies designed to prevent the need for subsidisation. This point was made by E.M. Penrose, assistant treasurer of the Johannesburg City Council, in a paper on the financial implications of the Native Revenue Account which he presented to the 1956 IANA conference.

"The underlying motive of the statutory Account is to prevent the financial exploitation of the native sections of urban communities. In this it has been largely successful. It might be said, however, to have had a secondary effect, namely an understandable tendency to limit expenditure to the prescribed sources of revenue." (IANA, 1956: 51)

Penrose argued that the sources of income accruing to the Native Revenue Account were not sufficiently progressive and "seem likely to become increasingly inadequate" especially in the larger towns. His statement, supported by other municipal officials at the conference in discussion on his paper, came at a time when the ethics of relying on beer profits as a major source of income were being reconsidered by the Department of Native Affairs.

Though the municipal monopoly of beer brewing was extended outside Natal after 1937 it was only in 1952 that beer profits could be used to offset losses on housing for blacks. Previously the profits could only be used to provide social, welfare and recreational facilities with the result that beer profits were often not fully utilised. (IANA, 1953: 42) The amendment in 1952 increased the importance of beer profits to municipalities which had adopted a monopoly - 19 by 1952 and mainly the larger ones. Profits on beer sales ranged from a "dead loss" to 135 per cent. (IANA, 1954: 122) In Johannesburg, annual profits by the mid-1950s were nearly £400 000 and total sales exceeded "by a considerable margin" the income from rents. (IANA, 1956: 55) Benoni, in turn, was making a profit of £725 680 on beer sales by the 1959-60 financial year.

But during the mid-1950s official policies towards beer profits were in a state of flux and being reconsidered on ethical grounds - a rather surprising development given the tendencies in State policies towards the housing and financing of the urban townships during this period. A Departmental circular stressed these ethical problems:

"It is the policy of the Department to restrict profits on kaffir beer to a minimum or to see that such profits vanish completely. The only reason for allowing local authorities to sell kaffir beer was to combat the evils incidental to uncontrolled brewing and not to make a profit. It is illogical and immoral to extract from a person who is supposed to be too poor to contribute a maximum amount of 2s. per month for the erection of schools, that amount or more, from profits resulting from his consumption of kaffir beer." (IANA, 1956: 55)

The Department of Native Affairs obviously reconsidered the idea, presumably because of municipal criticism which the circular evoked - ethical problems notwithstanding. (IANA, 1956: 57-84)

To conclude this discussion of the financial policies pursued by municipalities during the 1950s it is important to note that it was during this period that the notion of a financially self-sufficient Native Revenue Account gained momentum. It became firmly entrenched in both policy emphasis and in municipal practise. This attitude towards the financing of urban black administration and the provision of facilities was to be entrenched even more firmly with the introduction of administration boards in the early 1970s.

### C. Municipal Officials Reaction to State Policies: Fagan versus Sauer

It remains to conclude this chapter with a discussion of the reaction of municipalities to these policies, particularly to influx control. It has already been shown how, during the 1940s, municipal officials were in broad agreement over the need to introduce labour bureaux. Yet an important hallmark of the 1950s was the conflict between the larger, United Party controlled, municipalities and the Department of Native Affairs over aspects of policy. This conflict will be explained in some depth. It will be argued that while there was a large degree of unanimity between all municipal officials and the Department of Native Affairs on the need for influx control measures, the explanation of the conflict is to be found in the differing attitudes towards policies which ought to be applicable to already urbanised blacks. To a large extent this reflected the differences between a Faganist and Sauerist (Stallardist) approach as formulated by the two parties in the late 1940s. This argument must be substantiated.

An important starting point for this discussion is the attitude of municipal officials to what can be called the labour allocation component of influx control. As shown in earlier discussion, this formed a major justification for the tightening of influx control through the 1952 amendments. These justifications were not lost on municipal officials serving either National Party or United Party controlled municipalities. For the purposes of this discussion it is more interesting to quote, as

an example, a prominent municipal official in the employ of a United Party controlled municipality than it is to quote a Nationalist example.

At the IANA conference held in 1953 J.E. Mathewson, manager of Non-European Affairs of the Benoni City Council, argued that it was of national importance to ensure an even distribution of labour between farming, mining and urban based industrial interests.

"One of the most vital questions in urban areas is that of labour, and for that reason I would like to comment on it first. There are three main categories of employers of Native labour; agriculture and mining...and secondary industry...It is important that in viewing the Native labour problem, particularly in the large urban areas, sight should not be lost of the requirements of the mining and agricultural competitors in the Native labour field...farm labour from his point of view is heavy manual work, and as a result it does not appeal to him once he has tasted life and conditions in an urban area... Likewise, the mine labourer...sees his urban colleague living under attractive family conditions, enjoying many privileges and amenities ..It is of national importance that the country's Native labour should be equitably distributed amongst all three of these industries...I submit that if these three great employers of South Africa have to compete for their labour on an equal basis, the result will seriously affect the economic structure of this country with disastrous consequences; and recovery from such a state of affairs will be prolonged and difficult. I shall not attempt to suggest a solution to the problem in so far as it affects the farming and mining industry, but as it is the urban Administrator's concern to ensure adequate Native labour to urban secondary industry and commerce, ways and means must be found which would have the effect of leaving Native reserves clear for competition as between the other two industries." (emphasis added) (IANA, 1953: 37-38)

The stress on restrictions of movement of rural and reserve residents to achieve an even distribution of labour is implicit in the

above statement. In Nationalist versions on the need to allocate labour, such a stress became explicit. (Prinsloo, 1950: 56) More evidence to support the argument that officials in the employ of United Party municipalities welcomed the influx control measures of the 1950s will be offered shortly. However, while Mathewson's statement illustrates this support, his attitude to the assumptions of State policy towards the permanence of urban black residents differed markedly from the support he gave influx control measures. In the same address, Mathewson urged the Department of Native Affairs to abandon its temporary sojourner policy and to accept the permanence of urban black communities.

"The time has come when every effort should be made to stabilise the existing Native labour forces as permanently settled communities in the larger urban areas. This stabilising process will require co-operative handling on the part of industrialists, who should be persuaded of the advantage in employing Native labourers who are already permanently resident in an urban area, as against that of recruiting and introducing labour from outside. Local authorities should recognise the benefits which would flow from a permanently established labour force within the compass of the available employment in their areas and provide for it the necessary accommodation, whilst the State should accept responsibility for the provision in urban areas of such amenities as are outside the scope of local authorities." (IANA, 1953: 38-39)

This expression of Faganist ideology was supported by representatives from other Opposition controlled municipalities. W.J.P. Carr, Johannesburg's manager of Non-European Affairs, attacked the provisions of the revised Section 10, passed the year before charging that they prevented the development of a stable and permanent community.

"The implications under the new Section 10 of the Act are so far-reaching that I think it is impossible for this ever to be achieved: how it is possible to have a measure of stability and security in an urban area under these conditions is something which is difficult to realise." (IANA, 1953: 44)

And D.N. Bang, from Pietermaritzburg, linked stability in urban black areas with the introduction of freehold rights.

"I consider that the best way to enlist the co-operation of the responsible element of the Bantu, is that legislation should lean towards the fact that we have a permanently established Native population in urban areas, so permanent that there is no possibility of them being moved elsewhere, and work towards granting facilities for the ownership of fixed property."  
(IANA, 1953: 50)

Such statements were of course contrary to aspects and general tendencies of National Party policies towards urban black residents and serve as an illustration of what I would call the Faganist approach which the United Party and the municipalities controlled by it, were committed to. Even though State legislation was formulated on the lines of the Sauer commission recommendations, it was at the municipal level that Opposition controlled municipalities were able to contest aspects of State policy because of the delegated powers municipalities were given in the implementation of the policy. It was this discretion and what I have called the Faganist approach of the United Party controlled municipalities which led to the most important conflict of the 1950s between these municipalities and the Department of Native Affairs which came to a head in 1954. Early signals of this impending clash can be detected at resentment over Johannesburg's delay in taking over the registration of service contracts while, in contrast, Pretoria had eagerly accepted the powers. This resentment was articulated by Dr Albert Hertzog during debate on the Native Laws Amendment Bill of 1952 which introduced the amended Section 10 provisions.

"When the registration system was transferred to the city councils,...we saw a tremendous difference between the cities. We saw that difference between Johannesburg...and Pretoria...In Johannesburg they obeyed their master's voice, the voice of the capitalist employer. Those employers wanted resevoirs of unemployed Natives there." (Hansard, 1952: 1299)

The charge that United Party controlled municipalities were more

interested in satisfying the labour needs of industrialists than in implementing State policy was to be a recurrent theme of criticism by National Party spokesman of the United Party controlled municipalities during the next two decades. It was, however, the site and service scheme plans which sparked the major conflict in 1954. At the centre of the conflict was the Johannesburg City Council who reacted negatively to aspects of the site and service scheme which the Department of Native Affairs introduced in the early 1950s as a means of overcoming the housing shortage in urban areas. The Department wished to use the site and service scheme to remove 57 000 persons from the suburbs of Sophiatown, Martindale, Newclare and Pageview to new residential areas at Meadowlands and Diepkloof - in the process alienating freehold rights which some families held in the four suburbs and which would not be granted to them in the areas they were to be moved to. This alienation of freehold rights coupled with doubts of the municipality about the practicality of the scheme (IANA, 1954: 43-44) were used by the municipality as reasons to refuse to accede to the scheme.

Faced with this opposition, the Department of Native Affairs reacted by creating a new statutory authority, the Resettlement Board, to implement the scheme, so removing control of the 57 000 persons to be moved. The Board was to consist of nine or ten persons appointed by the Minister of Native Affairs and was given extensive powers over the Johannesburg City Council to ensure the implementation of the removals. The appointment of the Resettlement Board is important in explaining the introduction of administration boards two decades later: firstly, because it served as a model for the structure and powers of the boards -- appointed by the Minister; vested with local authority powers; given powers over municipalities, if these were needed to implement policy, and most importantly because the Resettlement Board was seen as having been a success. Secondly, it showed that the Department of Native Affairs was prepared to remove responsibility for the implementation of policy from municipalities and to centralise it more tightly under the Department's aegis to ensure more efficient administration of policy if this was deemed necessary.

Verwoerd's remarks during debate on the Natives Resettlement Bill in Parliament were to set the tone for relations between some of the

municipalities and the Department of Native Affairs for the rest of the decade and during the 1960s - as the Van Rensburg Committee of inquiry was to show in the mid-60s.

"If there is a local authority which tries to obstruct that policy, the government is not exercising dictatorship when it makes the national policy compulsory, applicable even in that city...Therefore when it may become necessary to compel a city council which is not prepared to implement the policy of apartheid, to do so, I shall do so..." (Hansard, 1954: 4111)

Two years later, Verwoerd again publically criticised Johannesburg, and other unmentioned Opposition controlled municipalities, for deviating from policy, with the important exception of Benoni, which he singled out as obeying policy even though it was United Party controlled. Johannesburg and these other municipalities, he said, had opposed the site and service housing scheme "with almost vitriolic hatred" and had contested policy over the Services Levy Act, ethnic grouping and the locations-in-the-sky legislation. The task of the municipalities was, "to put it bluntly", the implementation of policy on an agency basis for the Department.

"They (State policy) are not just casual ideas touching an odd point here and there, but is a programme extending its fingers deeply and affecting the circumstances in the lives of people...It is to be accepted that the various directives are not just random ideas but part of a comprehensive all-embracing programme, then you will understand why deviations cause confusion irrespective of whether the deviations are caused by expecting concessions from me or by Local Authorities wishing to pursue their own direction...Concessions may at times superficially appear to be reasonable but one has to bear the results in mind...If one deviates from the policy laid down in the Urban Areas Act that this is not allowed, then one can expect the logical consequences, to be a general deviation on a broad basis. The Government is not prepared to allow this. (IANA, 1956: 108)

Relations between the Johannesburg City Council and the Department of Native Affairs remained strained; the latter suspicious that policy was being undermined because the city was controlled by the United Party. In 1958, the Department took the unusual step of appointing an Inter-departmental committee under F.E. Mentz, newly appointed Deputy Minister of Bantu Administration and Development, to ensure that state policy was implemented by the municipality. A particular focus of the committee was to check whether municipal administration of the pass laws was effective and inspectors were stationed in the municipal labour bureaux to this end. The committee continued in existence for a number of years and although it smoothed relations between the Department and the municipality, evidence from the Van Rensburg Committee of the mid-60s shows that the degree of municipal autonomy was still resented by the Department.

The introduction of the Resettlement Board was the result of the major conflict of this period and only brief aspects of the conflict and of the functioning of the Board have been drawn out. It is of more importance to illustrate the tightening of influx control in the late 1950s in reaction to unintended loopholes in legislation and the municipal reaction to these changes.

Five years after the introduction of the revised Section 10 qualifications in 1952, major amendments were made to Section 10 with the aim of restricting still further the class of persons who could qualify for urban residence and movement between urban areas. These amendments were the result of a court case which started in Ermelo in 1955: at issue was whether a person who had been born in a proclaimed area, but who had subsequently left it, could return after a period of absence and claim the qualifications because of birth or length of employment or residence. The Appeal Court ruled that such a person could obtain Section 10 qualifications in the area of his birth and it was the prospect of municipalities being obliged to provide accommodation for persons who had not worked in their area of jurisdiction since birth that the amendment was introduced in Parliament. Verwoerd argued:

"Must every town in South Africa simply welcome back Natives who flock back to the town in their old age, even if the

locations of these towns then have to be used to accommodate all those who flock back in this way!...That is why we make provision in this Clause to check that automatic influx back into the city." (Hansard, 1957: 4385)

The amendment put it beyond doubt that Section 10 qualifications were forfeited if the holder left the proclaimed area in which they had been granted and could, furthermore, not be granted to persons who returned to the proclaimed area in which they were born without having to wait 10 or 15 years to qualify under Section 10 (1) (b). Thus Section 10 (1) (a) qualifications were in future only to be granted to persons if they had "since birth, resided continuously" in a proclaimed area while previously it had read "was born and permanently resides". Similarly, Section 10 (1) (b) was amended to prevent qualifiers retaining their qualifications if they left the proclaimed area. In essence, the amendments meant that Section 10 qualifications to a particular proclaimed area could not be held by persons who did not work or continuously reside in that area. It served, too, to restrict even further the mobility of blacks -in this case urban blacks - so trapping such persons in one proclaimed area.

The IANA congress the following year (1958) developed into a wide-ranging examination of State policies in the decade since 1948. The debate is important because it reveals the divergent emphases placed by municipal officials upon the different findings of the Fagan and Sauer reports of a decade earlier, and which continued to shape their reactions to policy issues.

The debate was started by A.S. Marais, manager of Boksburg's Non-European Affairs Department and a strong supporter of government policies. His speech - "Native labourer problems from a local authority official's point of view" - contained a strong attack on those municipal officials and industrialists who encouraged the development of a stabilised urban workforce.

He asserted that some of his colleagues "slavishly follow the policy of encouraging every Native employed in their area to become urbanised, to welcome him with his family and to provide him with accommodation in

their Bantu Townships" so circumventing the intention of labour control measures. Instead, he proposed strict limits to the discretionary powers Section 10 (1) (d) gave municipal officials, in order to restrict the entry of women and children.

"Apart from Government policy, it is in the light of the social, including the economic problems that arise from the too rapid urbanisation of the Bantu, essential that these problems be limited to the existing settled Bantu population. Such limitations are possible only when every local authority with a uniform policy, limits the urbanisation of Bantu families that comply with the stability test as set out in Section 10 (1) (a), (b), (c) of the Natives (Urban Areas) Consolidation Act. In other words, no Bantu women or child must be allowed to take up residence in the area of any authority, except during a bona-fide visit for a limited time, unless she and her dependent children are joining her husband, parent or guardian who possess the qualifications as set out in the above mentioned legislation." (emphasis added) (IANA, 1958: 114)

Marais' fundamental reason for advancing such arguments was his belief that the "success or failure" of government policy would be decided in the "cities and towns of the Union". Under these conditions, the importance of local authority administration became crucial: "the local authorities with their relevant officials, in terms of existing legislation are in a position to bring about the success or failure of Government policy by the application of their own policy." For their part, industrialists, Marais declared, should accept that the family accommodation of their workers in urban areas did not promote the stability "which the country's economy as well as he himself demands". Rather, compound accommodation as developed by the mines ought to be emulated.

"He cannot expect, on the one hand, an adequate local source of labour to be built up and then prefer the migratory labourer from outside the urban area on the other hand. He will have to face the fact that the annual Bantu labour turnover in our cities and towns varies from seventy to over a hundred per

cent. A large portion of the turnover is attached to the so-called stable local established Bantu communities...The critic who rejects, for humanitarian reasons, the separation between the Bantu in the urban area and his wife in the reserve must still learn his lesson from the Gold Mining Industry in South Africa...The method of employment and accommodation of Natives by the gold mines does not deserve to be assailed and criticised. On the contrary, it is by virtue of human rights that we can learn, with gratitude, our lesson from the gold mines. With this tested method of the gold mining industry as an example, we have no other choice than to persist with the principle of uniform action on the part of urban local authorities against the too rapid urbanisation of the Bantu." (IANA, 1958: 119)

Marais' statements drew an angry response from officials from United Party controlled municipalities but was supported by representatives from Nationalist municipalities. For example, both J.E. Mathewson (Benoni) and S. Bourquin (Durban) proffered the classic Faganist statement about the inevitability of urbanisation ("You can regulate it but you can't stop it" - Bourquin). And with regard to Marais' plea that the entry of women and children be more strictly controlled, Bourquin, in a rather contradictory argument, recognised that economic pressure in the reserves was an important factor causing urbanisation but then also blamed the State's failure to move faster on the issuing of reference books to women as having hampered municipal control over the entry of women. ("Again why blame local authorities for shortcomings on the part of the State").

Bourquin also fulminated against Marais' suggestion that the discretion of municipal officials ought to be replaced by a "more legally prescribed" approach - a response which was probably shared by Carr and Mathewson.

"We (IANA) might as well become an "Institute of Rubber Stamps". What differentiates an Administrator from a junior clerk, the fact that he has discretion, the fact that he has to think for himself, the fact that he has to direct, manage and administrate. If you remove those points then you may as well

staff your departments with automats, grade three clerks...who will just go ahead and comply with state policy as laid down in the book. Now that is not my idea of administration. It is a right which we must jealously guard...which we must keep at all costs." (IANA, 1958: 151)

The final example of what I have called the Faganist approach of Opposition controlled municipalities is provided by W.J.P. Carr. His address to the Institute of Race Relations in January 1961 shows the extent to which these municipalities were in agreement with the necessity for maintaining influx control while accepting the permanent residence of blacks in urban areas. He argued that for as long as municipalities had an obligation to house persons employed in their areas, "then there is an implied right to control the influx of such would-be-entrants." (Carr, 1961: 2) Carr also justified influx control because of the protection it afforded the permanently urbanised worker from competition for employment and the maintenance of wage levels - a justification which administrators were arguing in the 1940s.

The "vastly improved conditions" in the townships since the Second World War were "due in part to the limitation on the size of the population which has made it possible for the authorities to cope with the housing needs of the people as well as the provision of the essential amenities of life".

"I am aware that the whole position is an artificial one and that conditions in Johannesburg are probably more favourable for the ordinary Native family than anywhere else in South Africa at the moment, and that the people living and working in the city who manage to comply with the narrow and restrictive provisions of the law are a favoured class who enjoy a standard of living superior to that enjoyed by their compatriots outside the city. It is for this reason that Johannesburg is the Mecca of every workseeker in the country and this is doubtless too the reason why these men will resort to literally any means of gaining entry into the town, but until conditions elsewhere are at least as attractive as the minimum standards available in Johannesburg, influx control, with all its difficulties, does

in my opinion benefit the population now resident in the cities and must continue if there is not to be a general depressing effect on wages and standards which will tend to place cities on a par with standards seen outside these areas." (Carr, 1961: 10-11)

Implicit in the above statement is an argument that the facilities provided by the municipality were "more favourable" than in other cities, because of the liberal attitude of the municipality in not going along with the official notion of financial self-sufficiency for the Native Revenue Account. Johannesburg's acceptance of a permanently resident black population coupled with the recognition of the need to maintain controls on urbanisation was the essence of Faganist philosophy favoured by United Party municipalities. This, it is argued, must be seen as the explanation of the conflict between various Opposition controlled municipalities and the Department of Native Affairs during the 1950s.

The persistent conflict raised fundamental questions about the continuing use of municipalities as agents of the Department of Bantu Administration and Development. For, if United Party oriented municipalities in the larger metropolitan areas were seen as unreliable and untrustworthy, was direct state control not an obvious way of ending the conflict, as the creation of the Resettlement Board had done? This question, was being asked during the mid-1950s but Verwoerd, in his speech to IANA's 1956 conference, rejected it.

"In saying this, the question may be posed, as it often is, why then are these Municipal Administrators not Government officials? Why are they Municipal officials if such functions are entrusted to them by license and they have certain statutory duties to perform? Oft times the question is posed more pertinently that that, viz; why doesn't the State -through its Native Affairs Department, undertake the management of all Native Affairs in the various towns? Why are the Municipal Officials concerned not Government officials? Or to put it more forcibly why doesn't the State place the functions of all the urban local authorities under its own control?" (IANA, 1956: 99)

Yet Verwoerd rejected such suggestions, for reasons which do not emerge clearly from his speech; instead he forcefully asserted the policy making role of his Department while municipalities were to implement policy, whether they agreed with it or not. Perhaps he expected his long and thorough exposition of the duties of municipalities and municipal administrators, who after all were licensed by his Department, to be sufficient to persuade them to unquestioningly implement policy with which they disagreed.

Although Verwoerd rejected such suggestions, the continuing conflict in the late 1950s (the appointment of the Mentz committee was an indication) again saw these questions being debated within the National Party and presumably within the Department of Bantu Administration and Development. The 1960 Parliamentary session saw Durban criticised for its unwillingness to co-operate over the development of Umlazi and the removals from Cato Manor: "...as is typical of the attitude which all United Party controlled City Councils have adopted whenever we want to remove black spots." (Hansard, 1960: 7170)

Later in the debate, the issue of ending municipal administration and centralising it under the Department of Bantu Administration and Development was pertinently raised by F.S. Steyn, MP for Kempton Park.

"Experience has taught us that certain of our town councils are not prepared or are not fitted to convey the authentic views of the Native masses who are living under their jurisdiction, to the Central Government, and I believe that the time has come when the Central Government will have to be most cautious in using town councils merely as its agent in administering the Natives in the peri-urban areas. The necessary powers should, as far as possible be exercised by the Central Government and only delegated to town councils as a favour and an exception, when such a town council has shown that is fitted to exercise that delegated power." (Hansard, 1960: 7180-81)

While these comments drew no direct response from the Minister, Daan de Wet Nel, they do suggest that such an option was being increasingly considered during this period as a means of gaining tighter control over

the implementation of policy in the metropolitan areas.

#### D. Conclusion

The importance of the 1950s in post-War legislation is due to the various developments affecting housing, influx control and the stormy relationship between Opposition-controlled municipalities and the Department of Native Affairs during the decade in response to aspects of these new policies. The importance of the legislation affecting housing and influx control is established through the answers it attempted to give to the problems which had been a recurring issue in urban administration since the 1920s, at least, while at the same time allowing the municipalities to restrict future demand for housing, which could be provided on easier financial terms than in the past. The conflict between the United Party oriented municipalities - generally the larger urban metropolitan areas - and the Department of Native Affairs anticipates further developments in the 1960s against the background of an urban areas policy which was to take on a much greater ideological sharpness as a result of the unfolding of the homelands policy which had started to emerge by the end of the 1950s after the report of the Tomlinson Commission. It is to the developments during the early 1960s that we now turn.

### III RECONSIDERING MUNICIPAL CONTROL, 1960-1967

During the 1960s, National Party policy towards urban blacks took on a number of new dimensions as a result of the gradual unfolding of the homelands policy. The consequences for urban black residents included a much tougher Government attitude towards Section 10, whose provisions were seen as at variance with the notion of temporary sojourners and as providing political rights in urban areas, while it is during this period that the use of frontier commuter labour begins to be developed with its consequences for urban blacks in certain metropolitan areas. These aspects will be examined in turn after which attention will be paid to the report of the Interdepartmental Committee of Inquiry into Control Measures which provided the justification for removing municipal administration of legislation on behalf of the Department of Bantu Administration and Development.

#### A. New Emphases in State Policy During the Early 1960s

##### i) Urban Blacks and Homeland Links

The passage of the Promotion of Bantu Self-Government Bill through Parliament in 1959 marks the start of the attempt by the National Party to give substance to the notion of a separate political future for blacks in different ethnic homelands whether resident in these homelands or not. Official ideology, which had during the 1950s emphasised the temporary nature of the residence of blacks in urban areas, now began to link the future of urban blacks to ethnic homelands created during the 1960s. An exposition of this attitude was spelled out by the Minister of Bantu Administration and Development, Daan De Wet Nel, during debate on the Bill in Parliament in 1959:

"But there is another important principle embodied in this legislation, and that is for the first time official links are being instituted between the Bantu territories and the Natives in the cities. For the first time! I admit at once that here we are facing a very great problem...But that does not detract from the fact that there are also large numbers of our own Natives in the cities, and that is a very important problem.

The question which is frequently asked is this: What is to be their future?...The fact of the matter is that links will now be created between the Bantu areas and the people in the cities." (Hansard, 1959: 6020-21)

The cardinal link created by this legislation, and ultimately by the Bantu Homelands Citizenship Act of 1970, between blacks resident in urban areas and an ethnic homeland was enforced citizenship of one of the homelands for all blacks on the basis of language, regardless of whether they were born in the homeland or not. Thus M.C. Botha could state:

"The presence of the Bantu in the white urban areas is for a limited purpose and of a casual nature. The Bantu in the white urban areas cannot be dissected from their national relatives in the homelands, not even if they were born here in the white area. The Bantu in the white urban areas and those in the Bantu homelands, are linked together into one nation by bonds of language - perhaps the most important tie - descent, kinship, tradition, tribal relations, customs and pride, material interests and many other matters. The national consciousness of the Bantu is more deeply rooted than many people realise and are prepared to accept." (Senate Hansard: 1967: 2830)

This emphasis on the homeland links of urban black residents led to a renewed examination of legislation and the conditions and nature of their residence in urban areas. Of particular importance was the interpretation of Section 10 qualifications and the need to extend migratory labour as a means of meeting the labour needs of urban based industries. This re-examination of the conditions of residence of urban blacks was stressed by M.C. Botha to the 1962 conference of IANA, when he held out the possibility of changes in legislation to establish the point:

"...Bantu administration must be seen within the dynamics of an evolutionary administration...within the context of homeland conceptions. .entailing the implication that (the) Bantu's presence with the Whites is on a loose or temporary basis...This often involves the revision of prevailing

standards, procedures and techniques because new requirements, fresh perceptions and modernised forms of application come to the fore. Thus it has happened that we can consider afresh the presence of the Bantu in the White area, in conjunction with the development of the Homelands in respect of economic, physical and constitutional developments there." (emphasis added) (IANA, 1962: 85)

As remarked above, the most important consequences of the above statement involved the nature of the qualifications created by Section 10 (1) (a), (b) and (c); secondly whether or not Section 10 should be amended or scrapped and thirdly the emphasis on migrant labour, and more especially frontier commuters, as a means of labour supply to urban areas. These three aspects were important and crucial components of policy considerations leading up to the introduction of administration boards in the early 1970s. An indication of how those aspects interlock can be seen in the following statement by M.C. Botha, taken from his address to the 1962 IANA conference on "Present and Future Trends in Bantu Administration", which also illustrates the preoccupations of policy-makers during the 1960s and 1970s.

"Labour shortages which occur as a result of expansion and a natural increased demand, should wherever possible, be met on the strict basis of migratory labour. Such labour can be accommodated on a single basis, whilst their families remain in the homelands. In this way they will retain their ties in their homelands without involving the provision of further family housing in the White urban areas. Urban Bantu residential areas should house the maximum number of labourers and the minimum number of unengaged dependants and disabled persons. In the above connection it must be pointed out that the entrenched provisions (sic) of Section 10 of Act No. 25 of 1945, in respect inter alia of Bantu who have lived in an urban area since birth, are often abused and that the basic principle that the Bantu's presence in the White sector can be justified only by the need for his labour is thereby thwarted. It should however, be noted that there are also other implications that arise from this provision of the law. The most important of

these, is the phenomenon of a continuous growth of the urban Bantu population as a result of natural increase, irrespective of whether or not the labour requirements of a particular urban area justifies such a large urban Bantu residential area. Further, the admission into urban areas of Bantu women whose husbands qualify, is virtually unavoidable, whilst a squatter community providing an urban area with labour can compel the local authority to provide an urban Bantu residential area because of the fact that in the ranks of such a squatter community there are bound to be Bantu who qualify for such accommodation. In the light of this situation, the time has now apparently arrived for the revision of the legal position." (emphasis added) (IANA, 1962: 89)

But Botha went on to argue that influx control during the period 1951 to 1961 (effectively since the introduction of the revised Section 10 and the establishment of labour bureaux) had been successful in restricting the movement of blacks to urban areas. According to Botha, the rate of increase in the urban black population had dropped by 0,75% per annum "...which tends to show that the measures directed at controlling the influx to urban areas have born fruit, especially when regard is had to the fact that the rate at which the Bantu population as a whole increased had been higher during this period than in the former years." (IANA, 1962: 86) Complementary to this, the number of blacks living on white farms had increased during the same period and Botha concluded that blacks "who previously came from farms to urban areas are at present being compelled by the various control measures to return to the rural areas or to remain there". (IANA, 1962: 87) Notwithstanding the success of the labour bureaux system and Section 10 in slowing down the rate of increase in the urban population, the Department of Bantu Administration and Development was committed to intensifying restrictions on mobility, and residential qualifications in urban areas for both men and women

The goal was to become one of tightening influx control to the point of denying entry of additional blacks (both males and females) to urban areas. For example, in 1967, Botha argued that influx control had worked

"as well as it was physically possible for it to do and that the time has now almost arrived where influx control need not allow a single additional Bantu into the white areas because the birth machine is already supplying an ever-increasing number." (Hansard, 1967: 744)

With this as a brief introduction to official attitudes to influx control during the early 1960s, it is necessary to turn to two aspects of influx control to show how these attitudes were transformed into policy and legislation. The two aspects are Section 10 qualifications and migratory labour.

#### ii) Redefining Section 10 qualifications

The rationale for introducing the 72 hour restriction and the different qualifications for urban residence were examined in the previous chapter. Suffice to repeat that whereas Verwoerd's explanation of the attainment of these qualifications had stressed the need to give "certain definite classes, guarantees, security and stability" in urban areas, from the late 1950s official attitudes towards these qualifications had distinctly changed.

Official spokesman referred to them rather as "exemptions from influx control" and began to argue that Section 10 created qualifications which conflicted with the official policy that blacks were only temporary residents in white areas for purposes of selling their labour, as Botha had argued in his address to the 1962 IANA conference quoted above.

These attitudes figured prominently in the debate on the Bantu Laws Amendment Bill of 1964 which introduced important new measures relating, inter alia, to Section 10 qualifiers. Section 10 qualifiers were now specifically subject to removal from prescribed areas under the 'idle and disorderly' clause (Section 29) and the definitions of idle and disorderly were drastically widened to achieve this. The previous wording of Section 29 had not specifically excluded Section 10 qualifiers from removal under Section 29, presumably the express inclusion of Section 10 qualifiers was to establish the issue beyond doubt. The crux of this major change in the status of Section 10 qualifiers was explained by M.C. Botha when piloting the Bill through Parliament.

"All these Bantu (Section 10 (1) (a), (b) and (c)) are not affected at all as long as they are not there illegally, as long as they are not work-shy, as long as they are not undesirable, and as long as they are not superfluous."  
 (emphasis added) (Hansard, 1964: 1862)

The new provisions introduced by the amendment which could secure the removal of a person, including Section 10 qualifiers, included: being removed if such a person refused employment offered by the labour bureau on three occasions; if such a person lost their employment twice within six months through their own fault; and if they had been dismissed on three occasions within a short period owing to misbehaviour. A range of new measures designed to remove persons for political reasons were laid down. The effect of this amendment was thus that the temporary sojourner principle was now fully translated into law, in that all urban black residents were subject to the possibility of removal if they were deemed idle, undesirable or redundant.

Despite the significance of the 1964 amendment to the status of persons possessing Section 10 qualifications, the precise political and legal nature of these qualifications remained a source of contention within National Party ranks. Even though conservative municipal administrators reluctantly accepted that, in effect, they entailed permanent residence in urban areas outside the homelands (Kotzé, 1964: 25), National Party spokesmen denied they had political connotations of "entrenched civil rights" and "citizenship rights" enjoyed by blacks in urban areas outside the homelands. Amendments to legislation to make this clear were threatened by senior National Party spokesmen but never carried out, possibly because throughout the 1960s the scrapping of Section 10 was seen as imminent.

The other important aspect of the Bantu Laws Amendment Bill of 1964 relates to the entry of women to prescribed areas. As discussed in the last chapter, this was a point of major concern to municipal officials because the entry of black women to urban areas increased the housing commitments of municipalities. Section 10 (1) (c) - the clause which governed the entry of women and children to prescribed areas - was amended by the requirement of "lawful entry" of such persons. The amendment was introduced to restrict still further the possibility of

entry of women and children. The attitude of the Government to the need to restrict the right of qualified men to introduce wives and children was expressed by G.F. Froneman, a member of the Bantu Affairs Commission, during debate on the Bill:

"I want to ask him (member of the Opposition): Does he want every Bantu in the city who is qualified in terms of the ten-year or 15-year provision to have the right, if he wants to marry a woman in the Bantu areas, to bring that woman in in terms of the policy of the United Party, yes or no?...for the sake of the undisturbed family life of the Bantu,...If that is the case, I can give him the assurance that there will no longer be anything such as a Bantu area and a White area, because then everything will be simply Bantu area. That will be the result of such a policy." (Hansard, 1964: 3215-16)

The importance of the debate over Section 10 qualifications during this period lies in the attempt by the Department of Bantu Administration and Development to reconcile these qualifications with the belief that blacks were only in the urban areas to sell their labour, and hence temporarily. While the Bantu Laws Amendment Act certainly reconciled these two aspects, through making Section 10 qualifiers subject to removal from prescribed areas, this did not see the end of antagonism towards these qualifications.

Botha's remarks on Section 10 qualifications during the Senate debate on the Bantu Laws Amendment Bill - with specific reference to mobility of holders of such qualifications - foreshadowed new measures which would make mobility of such persons virtually impossible, specifically in the Witwatersrand region. Declared Botha:

"The implication of that Section 10 privilege is specifically to give the Bantu no freedom of movement possibilities, for they remain anchored to these places where they were born...It is therefore wrong to go and interpret these privileges of Section 10 as being privileges that gives freedom of movement." (emphasis added) (Senate Hansard, 1964: 3313-14)

Botha's statement was supported by his Minister, Daan de Wet Nel, when rejecting United Party arguments that the Witwatersrand be declared one influx control area, so allowing mobility between prescribed areas. The suggestion was raised by the United Party MP for Benoni:

"Where does this policy bring us from the practical angle? Industry as a whole wants to build up as stable a labour force as possible. What earthly reason is there for stopping a man living in Benoni from working in Boksburg or Springs or Brakpan?...The Chambers of Industries and the Chambers of Commerce all agree that the Reef be one influx control area."  
(Hansard, 1964: 6168)

This plea for greater mobility between prescribed areas was rejected by De Wet Nel primarily on the grounds that it would lead to the possibility of obtaining Section 10 qualifications in two prescribed areas.

"The hon. members want to make it one large area, with the deliberate object that the benefits conferred by Section 10 (1) (a) and (b) of the Group Areas Act (sic) will then be doubly applicable...The hon. members opposite want to have the position where a Bantu can have his birth qualifications in one area and his long residence qualifications in another area, because then he qualifies for the whole large metropolitan area. We do not want that...Does the hon. member want one municipality to provide housing on a large scale, with the people going to and fro to work in other areas?..." (Hansard, 1964: 6172)

Within two or three years, this aspect of orthodox National Party objections to Section 10 qualifications was to be replaced by a realisation that allowing greater mobility between prescribed areas would not be without its advantages, namely that it could allow more efficient usage of urban based labour so reducing the need to utilise contract labour. These arguments were advanced by the Van Rensburg Committee report and appear to be the first official realisation of the advantages of allowing greater mobility in urban areas. De Wet Nel's reference to

municipal housing commitments seems to indicate that certain municipalities feared that if mobility was allowed, they would be faced with providing housing for persons who worked in other prescribed areas but that it would be the latter municipalities who would reap the financial reward of the employers's service levy without having incurred any housing costs. IANA had at some time during this period come out against allowing greater mobility and it is possible that this was the reason for it

In the following year freedom of movement for Section 10 (1) (a) or (b) qualifiers between prescribed areas on the Witwatersrand was made conditional upon such persons being regarded as Section 10 (1) (d) cases in the areas to which they moved. A circular from the Chief Commissioner to local authorities on the Reef made this clear and pointed out that such persons, as Section 10 (1) (d) persons, could then not take up other employment in the prescribed area without the permission of the Chief Commissioner and not from the municipal labour bureau who handled Section 10 (1) (a) and (b) labour.

"U aandag word dringend daarop gevestig dat as magtiging vir die toegang van die applikant in die nuwe voorgeskrewe gebied toegestaan sou word die Bantoe hom dan op 'n voorwardelike basis ingevolge die bepalings van Artikel 10 (1) (d)...in die nuwe voorgeskrewe gebied sal bevind. Gevolglik kan die Bantoe by be-eindiging van sy dienste nie in ander werk geplaas word of terugkeer na sy vorige voorgeskrewe gebied of na enige ander voorgeskrewe gebied gaan om werk te aanvaar nie alvorens goedkeuring deur hierdie kantoor verleen is." (IANA, 1968f: 6)

It is not clear from the circular whether or not the person would have sacrificed his Section 10 (1) (a) or (b) qualifications in the urban area he had previously worked in, but fear of this happening would certainly have prevented any movement. But, in any case, such a person would not easily have obtained access to family housing in the area he moved to which would also have discouraged movement. This circular was to figure prominently in the late 1960s in municipal reaction to the response of the Department of Bantu Administration and Development to the report of the Van Rensburg committee. Presumably before this circular,

movement between prescribed areas on the Reef was conditional upon agreement between neighbouring labour bureaux and not of the Chief Commissioner.

Thus, not only did Section 10 restrict movement from non-prescribed areas to prescribed areas - as it was originally intended to do - but it was now used to prevent movement between prescribed areas. Elements of this latter aspect were of course, contained in legislation through the 1957 amendment to Section 10 discussed in the previous chapter. That amendment did not specifically prevent administrative arrangements between neighbouring labour bureaux which would allow movement for employment purposes (and not necessarily involving rehousing) but this was ruled out by the 1965 circular.

By the mid-1960s therefore the Department of Bantu Administration and Development had succeeded in making significant inroads into the legal status of Section 10 (1) (a) and (b) qualifying persons to the extent that a senior official in the Department could argue that the immediate scrapping of Section 10 (c) would be contemplated with no adverse consequences for influx control. Section 10, as Dr P.S.F.J. Van Rensburg correctly noted, embodied two aspects, which he called its protectionist and control aspects. Both elements had either been made redundant or neutralised by legislation since 1952. Van Rensburg's motivations are quoted at length.

"Daardie artikel is 'n tweesnydende swaard. Aan die een kant gee hy regte d.w.s. die man wat gebore is, ens, het dan sekere regte. Aan die ander kant gee hy beheer. Die ander man wat daar nie kwalifiseer nie, mag nie dit en dat doen nie...Het ons nie alreeds 'n ander Wetlike masjinerie geskep waardeur ons sê watter omstandighede 'n Bantoe binne 'n beheerde gebied...mag ingaan en onder wat omstandighede hy daar mag werk nie? Ons het alreeds spesifiek voorgeskryf. Dit bly dan onveranderd. Ons het dit nie net voorgeskryf vir die werker nie, ons het dit ook voorgeskryf vir die besoeker. Miskien is dit dan net die afhanklike wat daar bygevoeg kan word. Met ander woorde, die beheer-aspek van Artikel 10 is tans alreeds oorbodig en onnodig...Dan kom ons by die beskermende of die

reggewende deel van Artikel 10. Nou, dit het ook alreeds verval, want wie beskerm Artikel 10 nou eintlik op die oomblik? U sal vir my sê dit beskerm die man wat daar gebore is en deurlopend daar gebly het. Hy beskerm hom net solank as hy beantwoord aan die arbeidsmark, want die moment wat hy oortollig word, die moment wat hy 'n werkskuwe, 'n probleem-tipe word, dan het ons alreeds weer Wetsmasjinerie om met hom te handel en hy verbeur alreeds weer daardie regte wat hy gehad het. Met ander woorde, ook daardie sogenaamde reg wat Artikel 10 gee, het alreeds verval." (emphasis added) (IANA, 1966: 71)

The 1964 amendment discussed earlier had eroded what Van Rensburg called the protectionist element of Section 10 while the other legislation that could be used to control influx included Section 10bis of the Natives (Urban Areas) Consolidation Act and elements of the 1965 labour regulations. (Government Gazette, 1965) The advantage of Section 10, though, for influx control purposes, was that it allowed a quick check on identification and residence rights via the reference book rather than via labour bureaux records which other legislation would have had to depend on unless such records were also entered into the reference book.

The second important aspect of conservative criticism of Section 10 involved access to family housing in prescribed areas or more specifically, the extent to which housing could be used as an instrument of influx control; in other words, who ought to qualify for family housing. This issue was important because the future growth of the urban black population was closely linked to the extent to which men who possessed Section 10 (1) (a) or (b) qualifications were able to have their wives join them in prescribed areas and hence undermine attempts to buttress the use of migrant labour.

Two articles by prominent conservative municipal administrators from the Transvaal, which appeared in the SABRA journal in 1964 and 1966 respectively, illustrate these concerns which were soon taken up by the Department along the lines suggested by them.

C.H. Kotzé, of the Transvaal Peri-Urban Areas Board, argued that

the provisions of Section 10 prior to the amendments of 1952 did not contain any provisions which municipalities could link with access to housing. The amendments introduced in 1952 could however be used in this way and a few municipalities - he did not mention which - had taken advantage of this to control access to family housing in this way. The location regulations of these municipalities made access to family housing dependent on the attainment of Section 10 (1) (a) or (b) qualifications. (Kotzé, 1964)

It was however A.S. Marais, manager of Boksburg's Non-European Affairs Department who - as usual - most forcefully stated the case and chastised municipalities on the Witwatersrand for failing to limit access to family housing. According to Marais, there were 400 000 males in registered employment in the Pretoria-Witwatersrand-Vereeniging region by the mid-1960s. Of these an estimated 16 per cent, or 64 000, possessed Section 10 (1) (a) or (b) qualifications yet an estimated 200 000 of them had access to family housing. Thus some 130 000 persons were housed in family conditions when they did not possess these Section 10 qualifications but most importantly the children of these persons would be eligible for Section 10 (1) (a) qualifications because of birth in urban areas. Marais estimated that about 300 000 males would, after 10 years, accordingly be of workseeking age, having been born to these parents. He blamed both Section 10's provisions and political opposition from some of his fellow colleagues for this state of affairs:

"Artikel 10 van die Bantoe (Stadsgebiede) Konsolidasie Wet neutraliseer uiteindelik toestromingsbeheer ten opsigte van Bantoe gesinne in die Blanke stadsgebiede, en die Bantoe kan na aanleiding van die bepaling van die artikel met sy gesin domicilium in die Blanke gebied verkry. Na skatting het ongeveer 16 persent van die geregistreeerde manlike arbeiders tot dusver ingevolge Artikel 10 gekwalifiseer vir domicilium in blanke stadsgebiede in die genoemde grootstedelike kompleks. Daar behoort dus 64 000 en nie 200 000 gesinne nie, in die gebied onder bespreking te wees. Die fout lê nie soseer by Artikel 10 nie, maar by die toepassing van die nodige maatreëls om doeltreffendheid ingevolge hierdie beleidskonsekwente artikel ten minste te bereik. Die toepassing van dié maatreëls

word dikwels slaphandig toegepas, en vir politieke redes soms glad nie werklik toegepas nie, en bring mee dat die gevestigde stedelike bevolkings steeds groter word tot die mate waar stedelike Bantoewoongebiede op 'n vergelykende basis met reg beskryf kan word as Bantoetuislande in Blanke stadsgebiede." (Marais, 1966: 39-40)

This concern by conservative administrators that the allocation of family housing was undermining influx control was mirrored by similar concerns within the Department of Bantu Administration and Development. The result was a general circular issued in October 1966, indicating to municipalities the Section 10 qualifications needed by blacks for access to family housing or to get on a waiting list for such housing. Amongst the conditions specified by the Department were:

- (i) Only Section 10 (1) (a) and (b) males could be put on a waiting list for housing;
- (ii) No women, irrespective of whether they possessed Section 10 (1) (a) or (b) qualifications, could put their name on the waiting list;
- (iii) Men in (i) above had, at the time of application, to be legally married to a woman who normally lived in the prescribed area with him; and
- (iv) With minor exceptions no Section 10 (1) (d) person could qualify for family housing. (IANA, 1966: 79)

These conditions were announced by F B. du Randt - a senior head office official - who made it clear that they were introduced because of their capacity to aid influx control. These conditions were later to be superseded by the 1968 township regulations which contained similar conditions but presumably, because they were prescribed by regulation and not via a circular were mandatory hence ensuring uniform application by all municipalities.

This discussion again reveals how closely tied the pursuance of influx control is to housing, and particularly the availability of housing. These concerns were taken up by the Van Rensburg Committee whose findings were identical to the above.

iii) Promoting Mechanisation and Surplus Labourers

Another new policy emphasis during this period was to see a concerted attempt by the Department of Bantu Administration and Development at trying to reduce the numbers of blacks employed in white urban areas. Throughout the 1960s, Departmental spokesman and National Party public representatives consistently argued that extensive "over-employment" of black labour was taking place in urban industries because of low productivity of black workers. For example, M.C. Botha told the 1962 IANA conference that it could be said without "fear of contradiction" that a 10 per cent reduction in the urban labour force could be achieved without any adverse economic effects. Such a reduction would have displaced an estimated 280 000 persons. (Van Rensburg, 1967: 47)

Botha and other spokesmen on this theme - notably Dr P.F.S.J. Van Rensburg, deputy-secretary in charge of black labour in the Department - constantly urged employers during this period to mechanise and so replace unskilled black labour. Explanations for this policy emphasis involve two aspects

Firstly, it can be seen as an extension of the ideological basis of influx control; in that influx control during the 1950s had aimed at stemming the movement of blacks to the cities, while during the 1960s these interests were often expressed in attempts to reverse this movement and reduce the numbers of blacks in white areas. This explanation is essentially an ideological one formulated, for example, by Dr Van Rensburg in terms of the dangers to white political interests through dependence on black labour.

"Indien aanvaar word dat die Blanke se volkshuishouding nie sonder Bantoe arbeid kan voortbestaan nie, dan moet ook aanvaar word dat die Westerse lewenswyse in Suid-Afrika 'n onseker toekoms regemoet gaan. 'n Gemeenskap wie se ekonomie in die vorm of van kapitaal of van arbeid dus van ander gemeenskappe afhanklik is, loop gevaar om uiteindelik onderwerp te word aan sy kapitaal-of arbeidsbronne. Ekonomiese selfstandigheid is

dus nie beperk tot kapitaalselstandigheid maar berus eweseer ook op arbeids-onafhanklikheid." (Van Rensburg, 1964: 40)

The second explanation stresses the changes the South African economy was undergoing during this period with increasing mechanisation and technological change. Departmental spokesmen were certainly aware of these changes and wished to promote mechanisation as much as possible. For example, M.C. Botha's successor as deputy minister of Bantu Administration and Development, Blaar Coetzee, used a National Development and Management Foundation seminar in June 1966 to illustrate the extent of mechanisation which had already taken place in private manufacturing industries on different areas on the Witwatersrand.

Table 8

Black/White Ratio in Manufacturing Industries on the Witwatersrand Region

Area	All Races	Whites	Coloured		Ratio of Black to White
			and Asians	Blacks	
East Rand	100	29,4	1,3	69,3	2,4:1
West Rand	100	20,1	1,5	78,4	3,9:1
Central WWR	100	31,4	8,6	60,0	1,9:1
Vanderbijlpark	100	49,5	0,2	50,3	1,0:1

Source: Coetzee, 1966: 8

Coetzee concluded that the above figures were "indicative not only of the extent to which manufacturing industries in the different areas rely on Bantu labour, but also of the desirability of decentralising some of them to the border areas. The figures in respect of Vanderbijlpark area, are proof of what can be achieved by means of mechanisation and the discreet use of bantu labour." (emphasis added) (Coetzee, 1966: 8)

It is against this background that the border industry programme and the restrictions on black employment contained in the Physical Planning Act of 1967 must be seen. Quotas on the employment of blacks in urban areas had been held out as an option since at least 1961 and were contained in the provisions of the Bantu Laws Amendment Bill of 1963 but later withdrawn. They were found in the draft Bill to create Bantu Labour Boards, drawn up on the basis of the Van Rensburg report, and in the first draft of the Bantu Affairs Administration Board Bill in 1968 but were excluded from the final draft of the bill.

The importance of the 1964 amendment bringing Section 10 (1) (a) and (b) persons under the "idle and disorderly clause" becomes more significant when viewed against this background. For to the extent that the stress on promoting labour saving devices succeeded and new employment opportunities in urban areas were restricted, "surplus" or unemployed blacks would have been created who could then be removed, irrespective of what Section 10 qualifications they held. M.C. Botha acknowledged as much in his address to a SABRA conference in 1963 - the year before the amendment - held to discuss the replacement and reduction of blacks in white areas:

"Daar sal toegegee word dat arbeidsgeskikte Bantoe wat uit die Blanke gebiede in Bantoetuislande hervestig word, daar in die tuisland werk behoort te kry. Bantoe wat uit die blanke gebiede hervestig word, behoort ook te kom uit die geledere van surplusarbeiders, wat oortollig geraak het vanweë vervanging deur ander kwalifiserende arbeiders - soos byvoorbeeld Kleurlinge in die Wes-Kaapland - of vanweë arbeidsbesparende tegnieke en beter bedryfrasionalisasie." (emphasis added) (Botha, 1964:14)

The logic of the 1964 amendment is thus clear: it represents the extent to which influx control during this period was designed to adapt to expectations of large-scale redundancies through the promotion of mechanisation in urban based industries besides being designed to translate the temporary sojourner policy into law.

#### iv) The Emergence of Frontier Commuters

The origins of the frontier commuter system must be sought in the report of the Tomlinson Commission which recommended the establishment of more than 100 villages and towns in the homelands. (Tomlinson, 1955:150) The Commission recognised that migrant labour could form the basis for many of the proposed towns to which future urbanisation of blacks could be channelled instead of to existing towns in "white" South Africa. These proposals were accepted by the Government and by 1963 the Department of

Bantu Administration and Development was involved in the planning of 53 such towns involving a minimum of 81 000 houses. (Moolman, 1964: 53) A further 20 were under consideration at that stage. The occupants of these new towns were to be resettled from townships in "white" South Africa.

"When the scheme is complete, the 81 000 houses should normally house half a million people. Where will these people come from? Surely the majority will come from White areas! It will be the resettlement of the urban Bantu in Bantu areas and without much fuss. I think we may justifiably draw the world's attention to this." (Moolman, 1964: 57)

The most important of these early examples of border towns were Umlazi near Durban, Garankuwa near Pretoria and Mdantsane near East London. As Moolman recognised, no such solutions could easily be used for the other major metropolitan areas of Cape Town, Johannesburg, Port Elizabeth and Bloemfontein. It could however be used to supply the labour needs of many medium and smaller sized towns and virtually all of the black townships in Natal could be removed in this way. (Moolman, 1964: 55-56)

It must be noted that the development of these border towns with the resettlement of already urbanised persons from white urban areas, served as a major vehicle in the neutralisation of Section 10. Not only were persons who already held such qualifications moved, but such removals prevented the further attainment of these qualifications on the basis of birth or length of residence or employment in prescribed areas.

The severe and precarious conditions of residence in townships in "white" South Africa were expressly linked with the opportunities to own land in these new towns. Indeed, the former was seen as absolutely essential to the success of the scheme.

"...if you want to divert a trend in population movement you must make the desired direction attractive and easy, and hamper the undesired direction by making it less attractive and more difficult. Hence all the influx control measures, the no-

ownership clauses and the absolute ban on foreign Bantu."  
(Moolman, 1964: 62)

Official planners expected these less onerous conditions of residence to prove sufficient to lead to voluntary resettling on a large scale in these new towns by persons living in urban white areas. That it understandably did not do so seems to have been the reason for the ban on the further provision of family housing in urban areas in "white" South Africa in 1967. M.C. Botha's remarks to the 1962 IANA congress anticipate the curtailment of urban townships because of this voluntary resettling:

"...it is anticipated that in the case of urban areas within convenient proximity of Bantu towns in the Bantu homelands, Bantu will move from the urban residential areas to the Bantu towns in question, where they can acquire full title to land as well as any such civic rights as they may aspire to. In other words, if the Bantu towns are near, and sufficiently attractive, we have every reason to believe that urban Bantu will gradually transfer themselves to such towns, particularly by way of establishing their families there while they themselves remain, as breadwinners, in the urban areas on a daily, weekly or monthly basis, as the case may be. The results of this anticipated development will be:- a) that it will be possible for the existing urban Bantu residential areas concerned to be curtailed instead of extended..." (IANA, 1962: 91)

Municipalities were warned in the same address by Botha to guard against undertaking any new developments in the urban townships which "in the circumstances must be regarded as excessive or too luxurious." (IANA, 1962: 91)

It was, however, the housing freeze announced in 1967 which provided the biggest stimulus to the resettlement of urban blacks in homeland towns such as Mdantsane. Its effects were to be most pronounced in those towns near homeland boundaries. Brief aspects of the frontier commuter system and its development under administration boards during the 1970s will be examined in a later chapter.

Having briefly discussed these new policy developments during the early 1960s - which must all be seen against the unfolding of the homeland policy - it is now necessary to examine the report of the Interdepartmental Committee of Inquiry into Control Measures which is an important landmark in the unfolding of future policy directions leading eventually to the introduction of administration boards.

B. The Van Rensburg Report - A Justification for Ending Municipal Control

i) General Framework

Because the report of the Interdepartmental Committee of Inquiry into Control Measures has never been published, it is necessary to summarise the findings and recommendations in some detail.

The committee was appointed on 22 May 1965 under the chairmanship of Dr P.S.F.J. Van Rensburg, whose attitudes to influx control have already been noted. The other members of the committee were Brigadier F.J.A. Rossouw, representing the South African Police; Brigadier F.J. Coetzee, representing the Department of Prisons and Mr J.P.J. Coetzee, a deputy secretary in the Department of Justice. Mr (later Dr) P.J. van der Merwe, then a research officer in the Department of Bantu Administration and Development, and later to play a major role in the formulation of the Riekert Commission Report, was appointed secretary to the committee.

The committee was instructed to investigate and report on, amongst other aspects; the procedures relating to the admission of blacks to prescribed areas; the tracing of blacks illegally employed or resident in prescribed areas; the judicial procedures relating to persons illegally resident in prescribed areas; and to the involvement of black authorities in the supply of labour to the urban areas. The committee was thus to investigate and appraise virtually all aspects of State policy towards urban blacks in the decade and a half since the National Party had introduced the major new legislative measures discussed in the previous chapter.

Two aspects, in particular, informed the approach of the committee, influencing its recommendations. Firstly, it accepted, without discussion, that the presence of blacks in urban areas could only be justified because of the employment opportunities available in white areas. The committee quoted Verwoerd's address to the IANA congress in 1956 on this issue and then argued that the solutions to the problems of influx control, illegal residence and employment, and "workshyness" had to be found in the homelands "...en dat die Bantoe-owerhede in die tuislande aktief daarby betrek moet word." (Van Rensburg, 1967: para. 4)

Secondly, the committee noted that the proportion of the black population living in white urban areas was continuing to increase, even though the rate of increase had declined during the 1950s. Since 1936, the proportion of the black population living in either white rural areas or the reserves had declined with a commensurate increase in the urban population. The following table, quoted in the report, illustrates this.

Table 9  
Percentage Distribution of Black Population

<u>Year</u>	<u>Total</u>	<u>White Areas</u>		<u>Black Areas</u>
		<u>Urban</u>	<u>Rural</u>	
1936	100	18,9	36,2	44,9
1946	100	24,3	34,0	41,7
1951	100	27,9	33,4	38,7
1960	100	31,8	30,3	37,9

Source: Van Rensburg, 1967: para. 36

On the basis of the above table, the committee argued that this emphasised that the homelands were still discharging population onto the white areas, and particularly the urban areas. The growth in the urban black population not only created housing problems but, more importantly "...genoodsaak ook 'n steeds omvattender administratiewe masjien om beheer te kan uitoeffen." (Van Rensburg, 1967: para. 40)

These two aspects, the one demographic and the other more manifestly ideological, served as the points of departure for the findings and recommendations of the committee. These findings and recommendations will now be discussed.

i) Strengthening Homeland Links: Influx Control and Urban Representation

It has already been noted that one of the new policy emphases of the 1960s saw the urban black community as an integral part of the various ethnic homelands. These links were closely scrutinised by the committee and found to be wanting. Contrary to public declarations by official spokesmen during this period, the committee noted - with slight alarm - that the reality of a separate political future for urban black residents in a homeland was very far from being accepted by these residents. With the possible exception of the Transkei, the committee said it could find no evidence that urban blacks saw themselves as being subordinate to traditional authorities in the homelands. If anything, the contrary was happening.

"Trouens, die bantoes in die Blanke sektor sterk in toenemende mate hierdie stamgesag af, vanweë 'n kloof wat tussen die twee groepe Bantoes bestaan en geleidelik vergroot." (Van Rensburg, 1967: para. 166)

The committee argued that the administrative arrangements within the Department of Bantu Administration and Development contributed to this situation, but, more importantly, argued that the creation of any further advisory boards or Urban Bantu Councils or the delegation of further powers to these structures would exacerbate the problem. Furthermore, members were using the councils as a platform for condemning policy matters and the granting of further powers "...sal net die posisie vererger deurdat hulle in toenemende mate pleitbesorgers van "veronregdes" sal word en in 'n groeiende mate die beheermatreëls as onderdrukkend en diskriminerend sal bestempel, met die gevolglike vertroebeling van verhoudings." (Van Rensburg, 1967: 169)

The committee accordingly recommended the abolition of the Urban Bantu Councils and their replacement by a system of homeland representatives in urban areas, "...om die kloof tussen Bantoes in die Blankegebied en dié in die tuisland te oorbrug...". This proposed extension of the authority of homeland governments to urban areas in white South Africa was recommended not only because the committee wished

to give more substance to the notion of these links but was, more importantly, proposed because of perceived advantages for influx control purposes. The homeland authorities were only "spectators" to the whole labour bureau process and the implementation of influx control was in "white" hands. This, the committee argued, needed to be rectified if more efficient influx control was to be attained.

"Vir sover beheermatreëls dus 'n aangeleentheid is wat suiwer en alleen deur die Blankegesag daargestel en toegepas word sonder dat die Bantoe, op wie dit van toepassing is, ingeskakel is by 'n Bantoesgesag wat die oogmerke van beheer begryp en praktiesbevorder, sal die Bantoe alles in sy vermoë doen om dit te omseil." (Van Rensburg, 1967: para. 170)

And further

"Die samewerking van Bantoe-owerhede sowel binne as buite Suid-Afrika om die wette van die Blanke Regering te gehoorsaam in ruil vir die vooreg om in die Blanke deel van die land te werk, moet dus as 'n voorwarde vir sukses beskou word." (emphasis added) (Van Rensburg, 1967: para. 340 (3))

To achieve the incorporation of the homeland governments in the influx control and labour regulation process, the committee recommended the extension of labour bureau system into the homelands where bureaux should be established at every tribal and regional authority, funded by contributions by employers of black labour. Illegal entrants and "surplus" labourers in urban areas should be referred back to these homeland labour bureaux.

### iii) Legal Obstacles to Influx Control

It has already been noted that a marked hardening of official attitudes towards Section 10s provisions can be traced during the early 1960s. The amendments to Section 29 introduced during 1964 are a case in point. These concerns were taken up by the committee whose report provided the definitive expression of these hardline attitudes.

The committee recommended that Section 10 be amended to do away with residential qualifications attained on the basis of birth, length of residence or employment in urban areas because, it argued, these provisions undermined the whole basis of separate development. (Van Rensburg, 1967: para. 343 (4)) Efficient influx control was hindered by Section 10 - it argued - because of numerous factors: it was "almost impossible" to prevent wives and children from joining their husbands if the husbands possessed Section 10 (1) (a) or (b) qualifications; it encouraged the attainment of these qualifications through malpractices; the 72 hour provision was difficult to enforce and "endless" representations from legal specialists and "leftists" hampered administration. Thus the committee concluded:

"As beheerinstrument het artikel 10 eintlik net die teenoorgestelde uitwerking as wat ingevolge landsbeleid beoog word. In plaas daarvan om Bantoes uit die stede te hou, poog Bantoes om op groot skaal verblyfsregte daar te kry." (Van Rensburg, 1967: para. 179)

The crux of these criticisms was that Section 10 endowed residential qualifications which were not solely dependant on continued employment in prescribed areas; this meant that unemployed or redundant persons could only be removed from urban areas if they were found by the courts to be idle or undesirable. But Section 29's provisions were held by the committee to be unsatisfactory in achieving the desired objectives of policy. Not only were local authorities not actively pursuing removals but administrative difficulties caused by court decisions complicated administration.

In particular, the committee noted the implications of an Appeal Court decision which, they argued, meant that Section 29's provisions could not be invoked against a person who was employed in an urban area without the permission of a labour bureau, amongst other implications. (Van Rensburg, 1967: para. 186-87) On this basis, Section 29 did not provide a satisfactory means of acting against blacks who sought employment in prescribed areas without recourse to the prescribed channels and concluded:

"Aangesien ledigheid die grootste euwel is waarmee die inspektoraat van plaaslike besture in die voorgeskrewe gebiede te kampe het, is dit ontmoedigend dat wetswysigings nie die gewenste stukrag aan die administratiewe masjien verleen soos daardeur beoog word nie." (emphasis in the original) (Van Rensburg, 1967: para. 189)

This condemnation of Section 29's effectiveness, it must be noted, came only a few years after the 1964 amendments which had considerably strengthened the powers of Section 29 to deal with persons deemed idle and undesirable. The other major criticism of Section 10 concerned the extent to which it bottled up labour in urban areas in watertight compartments in prescribed areas, so necessitating the introduction of contract labour while unemployed persons were to be found in neighbouring prescribed areas. Evidence by employer organisations to the committee had stressed the lack of mobility and the difficulties encountered as a result of the 1965 circular, noted earlier in this chapter.

"As gevolg van hierdie beperking is werksoekers nie uitruilbaar nie en sal elke voorgeskrewe gebied afsonderlike werksoekers vanaf die tuisland aanvra, terwyl daar in 'n nabygeleë voorgeskrewe gebied wel werksoekers mag wees. Elke voorgeskrewe gebied werk dan min of meer in 'n waterdigte kompartement en sal liefst sien dat daar 'n groot aantal werklose Bantoes rondstap as om hulle vir 'n ander gebied aan te bied." (Van Rensburg, 1967: para. 181)

This "entrenchment" of Section 10 promoted idleness. Instead of proposing the withdrawal of the 1965 circular as a means of increasing mobility of urban blacks, the committee took the extreme step of proposing that urban residence be made solely conditional on continued employment. It also recommended that workseekers be allowed to move between magisterial districts and municipal areas on the basis of supply and demand within labour categories, i.e. within the building industry, to overcome the problem. It did not mention whether this would have been made dependent on the loss of Section 10 (1) (a) or (b) qualifications but presumably the proposal to amend Section 10 would have made any comment along these lines unnecessary.

These were the major comments and findings of the committee on the legal machinery governing influx control. These arguments were to figure prominently in the response of the Department of Bantu Administration and Development - as expressed in the proposal to introduce labour boards and later administration boards - which will be discussed in the following chapter.

iv) Labour Recruitment and Control in the Homelands

The committee's discussion of recruitment procedures in the homelands must be seen as closely complementing its discussion on the need to strengthen links between homeland governments and urban black dwellers.

The major theme which pervaded the committee's discussion in this section was of the need for more comprehensive control over the recruitment and allocation of labour from the homelands. At the time of writing, the homeland governments played no part in the recruitment, allocation and canalisation of workseekers. Instead this was undertaken by the labour bureaux under the control of the Bantu Commissioners. This system, the committee argued, increased the choosiness of workseekers to the detriment of recruitment of labour to agriculture and mining, which were unpopular choices amongst workseekers.

"As gevolg van die groot aanvraag vir Bantowerkers uit die voorgeskrewe gebiede het daar 'n toestand van biejery om die beskikbare werksoekers by die verskillende arbeidsburos ontstaan. Dit het ook onder die aandag gekom dat Bantoeckerke aan werksoekers meedeel dat hulle nie werk in die landbou- of mynbousektor moet aanvaar nie, omdat daar baie werk in die stedelike gebiede is en hulle maar net 'n bietjie moet wag totdat die volgende rekwisie vir arbeid kom. As gevolg van hierdie bovermelde praktyke, het daar 'n geweldige kieskurigheid by Bantowerkers ontstaan. Baie is selfs bereid om vir weke of maande sonder werk te sit eerder as om werk in die landbou- of mynbousektor te aanvaar." (Van Rensburg, 1967: para. 197-98)

The quote above implies the cardinal principle upon which the labour bureau system rested: namely severe State imposed restrictions upon the ability of blacks to choose employment opportunities. Voluntary abstention from the labour market was seen as undesirable and had to be combatted.

The committee noted a further consequence of existing labour allocation machinery which undermined the essence of control; a tendency to promote the use of "personal initiative" in homeland workseekers which led them to by-pass the bureaux and seek work in the urban areas illegally. This was the result of a "loss of confidence" in the existing procedures.

To overcome these shortcomings, the committee proposed that recruitment from the homelands be permitted only from labour bureaux established under the control of the homeland governments. (Van Rensburg, 1967: para. 345 (2) (i)) According to the committee, their proposal to establish such bureaux under control of the Bantu authorities was unanimously accepted by such authorities during the committee's deliberations with them.

"Sonder enige uitsondering het hulle almal te kenne gegee dat hulle baie graag self 'n aandeel wou hê in verband met die mobilisering en aanbieding van Bantoe-arbeid. Hulle het ook beklemtoon dat werksoekers wat in voorgeskrewe gebiede beland het sonder die nodige vergunning, nie vervolg moet word nie maar na hulle teruggestuur moet word." (Van Rensburg, 1967: para. 202)

This suggestion was acted upon within a year of the completion of the report and became known as efflux control.

Finally the committee recommended that employment contracts for contract labourers from the homelands ought to include a provision for their repatriation at the end of the contract; that a proportion of their wages be withheld subject to payment in the homelands at the end of the contract and that employers be made responsible for ensuring that contract workers returned to the homeland at the end of each contract.

v) Influx Control in Non-Prescribed Areas

The unpopularity of farm labour amongst workseekers in the homelands was noted above; this unpopularity pervaded the committee's discussion of the farm labour question.

Influx control procedures were also applicable in white rural areas, though they were not as comprehensive as those in force in urban areas. Farmers were obliged to register the employment of new employees within 14 days of date of employment but workseekers did not have to seek the approval of the district labour bureaux when seeking work. The committee estimated that the service contracts of as many as 25 per cent of farm labourers were not registered with the district labour bureaux, for which it blamed the "individualism" of farmers. This also reflected on the efficiency of the bureaux system in non-prescribed areas.

"Dit wil voorkom of distriksarbeidsburo's nie 'n saambindende faktor in die Blanke platteland is vir sover dit Bantoe-arbeid betref nie. Daar word 'n groot indiwidualisme by werkgewers ondervind deurdat werkgewers dikwels op hul eie na tuislande gaan om arbeid te gaan werf. Hulle omseil nie net die arbeidsburoregulasies nie maar is ook geneig om op 'n koöperatiewe grondslag hul arbeid te bekom en aan te wend nie." (Van Rensburg, 1967: para. 206)

This reluctance to register the service contracts of farm workers gave rise to numerous malpractices - the recruitment of child and female labour without permission and the renegeing of agreed upon conditions by the farmer once he had recruited workers. It was not however the failure of farmers to register their workers which was of greatest concern to the committee, but rather the need to refine the influx control system to ensure more adequate farm labour supplies for the farming sector. It noted that it was at the insistence of the organised agriculture that a policy of separating farm labour from urban labour was introduced, as described in the previous chapter. However, even though the bureau system had been of major importance in ensuring better labour supplies during the 1950s, the committee heard evidence from farmers that they were suffering from a labour shortage. In effect, the labour shortage

was blamed on two factors - inefficient influx control in urban areas and the competition of urban employers caused by higher wages payable in urban areas.

"Die geweldige nywerheidsuitbreiding, gepaardgaan met hoë lone het in die afgelope dekade Bantoes in die tuislande in groot getalle gelok ten koste van die boerdery en mynbou... Boonop is daar 'n algemene neiging by jong Bantoes om hul weg vanag plase na die stede te vind...Dikwels kla boere dan ook dat hulle net met die ou Bantoes op die plase sit. Baie keer is die boer se enigste houvas op jong Bantoes om die ouers met afsetting te dreig indien die jong Bantoe nie terugkeer nie, al is dit dan net bepaalde tydperke elke jaar. Die neiging van Bantoes vanaf sowel die tuislande as boereplase om na die stede te gaan, veroorsaak 'n lugleegte op plase wat op sy beurt weer deur vreemde Bantoes gevul word."(Van Rensburg, 1967: para. 215-17)

Farmers were also blamed for the shortage because the poor housing conditions on farms made employment unattractive. "Sommige boere kan nie die noodsaaklikheid van 'n beter tipe Bantoehuis insien nie, aangesien hulle van sienswyse is dat die Bantoe die gelukkigste is in sy selfgeboude hut." (Van Rensburg, 1967: para. 218)

The recommendations of the committee to overcome the shortage of labour and ensure the better registration of workers by the farming sector were intricately bound up with its recommendations for influx control in prescribed areas. These will be discussed together after a brief discussion of influx control in urban areas, to which we now turn.

#### vi) Influx Control in Prescribed Areas

The most important aspect of the committee's report was its critique of influx control in urban areas. As the committee acknowledged, a commitment to restricting rural-urban mobility and to ensuring the efficient functioning of the labour bureaux system rested entirely on the capability and commitment of the municipalities in enforcing influx control in urban areas.

In the previous chapter the conflict during the 1950s between the Department of Bantu Administration and Development and various municipalities over aspects of the new policy directions were discussed. It was shown that by the end of the decade, suggestions had been made that responsibility for implementing influx control ought to be removed from the municipalities which provided the starting point to the committee's discussion on influx control. It declared:

"Dit is vanselfsprekend dat indien 'n plaaslike bestuur wat vir die administrasie van die plaaslike arbeidsburo verantwoordelik is nie die sienwyse toegedaan is dat 'n Bantoe in die Blankegebied terwille van sy arbeid is nie, so 'n plaaslike bestuur noodwendig op 'n beleid van integrasie in sy gebied sal afstuur. As hierdie gesindheid bestaan, kan eintlik verwag word dat daar ook ander probleme in verband met die distribusie van die arbeid in daardie voorgeskrewe gebied sal ontstaan. Daar sal byvoorbeeld nie veel moeite gedoen word om leegglêers aan te keer nie of om inkruipers in die lokasies en agterplase aan die man te bring nie. Daar sal ook nie veel druk op kieskeurige werksoekers uitgeoefen word nie met die gevolg dat daar groot getalle werksoekers gereeld sonder werk in die gebied sal rondstap. Dit is bekend dat Johannesburg enige jare gelede 'n werksoekerskorps van twee-en-twintig duisend as heeltemal normaal beskou vir sy daaglikse omset. Onder druk van die Departement het hierdie getal nou glo gedaal na ongeveer sewe duisend werkloos per dag. Voeg hierby die feit dat stadsrade dikwels die belange van plaaslike werkgewers bo beleid stel en dan kan dit begryp word dat munisipale amptenare dikwels onder druk verkeer om ook plaaslike belang bo nasionale belang te stel." (Van Rensburg, 1967: para. 219-222)

This statement encapsulates the concern of the Department of Bantu Administration and Development that some municipalities - specifically Johannesburg - were more interested in satisfying the local interests of industrialists than in enforcing influx control. Industrial interests were seen as requiring a large labour pool in urban areas from which to draw labour while some categories of industrialists preferred to employ

labour from the homelands rather than to employ available local labour. Reasons advanced for this preference for homeland labour included cheaper wages; that they were more amenable to discipline; and were less choosy about employment involving physical labour, i.e. domestic servants, construction and manual labour. Both these aspects were directly contrary to policy; with consequences which were unacceptable:

"Die gevolg van die voorgaande is dat werkgewers nie genoop voel om die plaaslike arbeidsbronne ten volle te benut nie, dat hulle werksoekers vanuit die tuislande onwettig aanmoedig en in diens neem en dan later druk op die Departement van Bantoe-administrasie en-ontwikkeling uitoefen om kondonasies toe te staan." (Van Rensburg, 1967: para. 229)

The criticisms were elaborated on by the committee. For example police inspections at a few large employers in Johannesburg had found that 16 per cent of the labour force was illegally employed while the figure for the building industry in Johannesburg was estimated at 5 000 persons. Randburg and Sasolburg were specifically mentioned as having ignored the regulations with regard to the employment of domestic servants. With further reference to Johannesburg it was noted that during 1964 about 26 000 of the 34 974 requisitions for contract labour dealt with persons who were already in urban areas "...nieteenstande die feit dat daar op elke rekwisisie gesertifiseer is dat die betrokke Bantoe nie onwettig in die gebied was ten tye van die aansoek nie." (Van Rensburg, 1967: para. 226)

These criticisms were pointing directly to the extent to which, in general, municipalities were seen by the Department as not implementing influx control as properly as they intended it to be performed. This realisation - which dates back to the 1950s - raised two issues: ought the Department to remove responsibility from the municipalities for implementing policy and secondly, what were the consequences for the functioning of the labour bureaux system.

Both these fundamental points were grasped by the committee. To take the latter first:

"Die sukses waarmee baie Bantoes vir maande en selfs jare onwettig in voorgeskrewe gebiede kan vetoef en werk, ondergrawe die doeltreffendheid van die arbeidsburo - en beheerstel en maak dit gebiedend noodsaaklik dat metodes in werking gestel word om behoorlike kontrole en beheer uit te oefen oor die onwettige binnekoms, verblyf en indiensneming van Bantoes in die voorgeskrewe gebiede." (emphasis added) (Van Rensburg, 1967: para. 227)

The committee was thus facing the inevitable conclusion that the entire labour bureaux system was in jeopardy because of deficiencies in influx control, the result of municipal inefficiency or indifference to policy directives.

The issue of whether or not municipalities ought to remain responsible for implementing policy drew no direct recommendation but the committee certainly raised alternatives to the existing system.

"...die administrasie beheer word deur óf die Departement van Bantoe-administrasie en-ontwikkeling óf die plaaslike bestuur óf 'n benoemde liggaam wat 'n arbeidsraad soos voorsien in hoofstuk 4 van Wet No. 18 van 1936 mag wees. Waar van 'n agent gebruik gemaak word, moet hy vertrou word en vir al die werksaamhede verantwoordelik wees soos byvoorbeeld die aansoeke vir bewysboeke en dies meer." (Van Rensburg, 1967: para. 347)

The thrust of the recommendation was not favourable to continued municipal control; it was to be acted upon by the Department which produced a draft bill within a year of the committee's report, removing responsibility for labour matters from municipalities. This will however be discussed in the next chapter.

The role of employers in abetting contraventions of influx regulations was an important component of the committee's discussion of influx control. The extent of employer evasion of these regulations has already been briefly mentioned but deserves more detailed treatment. Employers, it was argued, were perfectly aware of the regulations. Contraventions were caused not through ignorance but because employers

considered the contravention of the legal requirements as being of little importance, partly because penalties were not severe enough.

"Getuienis dui oorweldigend daarop dat Blanke werkgewers geensins saamerk om die onwettige binnekoms van Bantoes in voorgeskrewe gebiede die hoof te bied nie. Inderwaarheid wil dit voorkom asof die meeste Blankes onwettige indiensenemings as onbenullig beskou. Die komitee is dan ook oortuig daarvan dat hierdie houding van Blanke werkgewers nie in 'n geringe mate verantwoordelik is vir die instroming van Bantoes nie." (Van Rensburg, 1967: para. 316)

The ease with which employers could engage and continue to employ a person illegally resident in a prescribed area, escaping the attention of the inspectorate, meant that influx could not be stopped nor enforced. The inspectorate of most of the larger municipalities was understaffed. It was unpopular work and did not attract suitable candidates, all of which reduced the ability of the municipality to counter influx.

A series of wide-ranging recommendations designed to shift the focus of legal action from the black worker to the employer was proposed. The committee argued that the police and the municipal inspectorates ought to concentrate on action against employers rather than the black employees "...omdat optrede teen werkgewers gouer resultate in verband met beheer sal lewer as optrede teen Bantoe-oortreders". (Van Rensburg, 1967: para. 355 (2)) Only "dramatic action" would however succeed in preventing employers from employing persons without the approval of the labour bureau: admission of guilt fines of R10 were ineffective.

"Die enigste effektiewe prosedure sou wees om hulle te verplig om voor die hof te verskyn en om deur tussenkoms van die Departement van Justisie 'n beroep op die howe te doen om swaar vonnisse op te lê. Onder andere kan die howe versoek word om die werkgewer kragtens Artikel 14(4) van Wet No. 25 van 1945 te gelas om die koste van die Bantoe en sy gesin se verwydering te betaal." (Van Rensburg, 1967: para. 318)

It was also proposed that employers ought to be subject to annual

registration; at the same time providing details of blacks in employment and of persons who lived on land under an employer's control. These details would have to be produced on demand when asked for by authorised officials.

Finally, the committee turned its attention to housing as a barometer of the success of influx control. Its discussion was pervaded with the notion that blacks were only in white South Africa to sell their labour - thus housing ought to only be provided to persons who were employed by whites and on a single basis as far as possible.

However in Pretoria - the only example mentioned - while at least a third of registered workers were housed on a family basis, many of them were not fully employed in the urban area.

"Uit hierdie gegewens blyk dit dus dat gesinsarbeid in stedelike gebiede maklik so hoog as 50 persent van die totale arbeidsmag kan beloop en dat 'n aansienlike groep in Pretoria - sowat 14 persent - wat wel huise beset nie as voltydse werknemers in die stedelike gebiede geregistreer is nie. Benewens die feit dat Bantoewoonbuurtes herberg bied aan groot getalle Bantoes wat nie hulle arbeid aan die Blanke ekonomie afstaan nie, vorm hierdie Bantoewoonbuurtes ook ekonomiese groeipunte vir die Bantoes..." (Van Rensburg, 1967: para. 238-39)

Contrary to policy, urban areas were thus providing a home to persons who were "redundant" to the "white" economy and often housed in family conditions. This finding drew various recommendations. Firstly, the committee recommended that "attractive" facilities and privileges - better housing and higher pensions - be provided in the homelands to attract "non-productive" persons occupying housing in urban areas to the homelands. But most importantly a ban on the provision of further family housing in urban areas "where it was practical" was recommended. At the same time, a campaign to combat illegal backyard accommodation and squatting was urged because such illegal accommodation would increase as a result of a housing freeze, unless energetically combatted.

The committee stressed that housing could, and should, be used as an

influx control weapon. However it noted that the availability of housing was not being used to proper effect to control influx - it was not a sine qua non for entry - because of doubts over the legal status of regulation 27 of Chapter VIII of the Bantu Labour Regulations of 1965. The availability of approved housing should be an "absolute precondition" for the granting of permission to allow new entrants to prescribed areas and the doubts over the legality of Regulation 27 should be cleared up, the committee urged.

These findings and recommendations will be placed in context in the discussion of the importance of the Van Rensburg report at the end of this chapter. It remains to summarise a few of the remaining issues to conclude this summary of the report's findings.

#### vii) Passes, Police and Prisons

Legislation apart, influx control revolves around the reference book. For it is the reference book which provides the necessary identification and documentation of an individual's rights to be in a prescribed area. The role of the reference book came under searching scrutiny from the committee: but a basic dilemma over the role of the reference book is apparent throughout its discussion. The problem was one of whether the reference book ought to testify to citizenship of a homeland or whether it was an instrument of influx control testifying to the nature of residence rights in urban areas.

The committee acknowledged the dominant role of the reference book in influx control and that, because it was a symbol of influx control, it was discredited and resented.

"Insteede dat die beeld wat oor die bewysboek opgebou is dié van bewys van lidmaatskap van 'n volkseenheid is, het dit die simbool van beheer en obstruksie geword. As gevolg van hierdie beeld van die bewysboek is die Bantoe wat sekere vooregte wil bereik enersyds teen die bewysboek gekant, en andersyds is hy in 'n wedloop met die gereg gewikkel om al die hindernisse wat die bewysboek meebring, te omseil...Die komitee wil dus benadruk dat tensy die klem van beheerinstrument na 'n bewys

van lidmaatskap van 'n volksgemeenskap verskuif word, daar voortgegaan sal word om die bewysboek in 'n ongunstige lig te sien." (emphasis added) (Van Rensburg, 1967: para. 251-54)

The committee accordingly suggested that the reference book ought to be given the appearance of a passport for the separate ethnic groups ("...die bewysboek die voorkoms van 'n passpoort vir elke afsonderlike volkseenhied moet kry...") and that entries in reference books be restricted to details of movement, labour and approved residence.

These suggestions would not however have changed the essence of the reference books: for as long as it, or a replacement document, testified to rights of residence in a prescribed area and was subject to production on demand, the stigma attached to it as an instrument of control would remain.

These were not the only doubts raised by the committee about the functioning of the reference book. It argued that the whole system had been reduced to the level of "paper control" as a result of the large number of entries which could be made in a reference book. The emphasis on "paper control" negated the intention of the system, created loopholes, and diverted attention away from securing the permanent removal of influx control offenders from the prescribed area in which the offence was committed.

"Solank die inskrywings in bewysboeke in oënskynlik orde is, word die draer nie lastig geval nie. Onder hierdie "papier-beheer" slaag die leeglêer, die werklose, die misdadiger, die verbode persoon en ander ongeoorloofdes in die stede dikwels om hul vervalste identiteite, dokumente en inskrywings vir 'n tyd bo alle twyfel te hou." (Van Rensburg, 1967: para. 348 (5))

The utility of the reference book as an instrument of influx control was greatly hindered by forgeries, destruction of reference books and the widespread non-production of the books on demand. That these were manifestations of antipathy by blacks towards the reference books was fully realised by the committee. For example, the committee noted after a discussion of the use and abuse of temporary reference books -

particularly the advantages attached to use of them when compared to the permanent document - that:

"Getuienis dui daarop dat onreëlmatighede van tyd tot tyd opduik en tensy die aangeleentheid deurlopend bestudeer word, kan die bewys boek se waarde as beheerinstrument baie verswak word." (emphasis added) (Van Rensburg, 1967: para. 268)

The above aspects, while causing administrative complications, hampered police and legal action against possible offenders of influx control laws. Even though some 250 000 persons contravened various aspects of the gamut of influx control legislation, the committee argued that these figures were not a true reflection of the real extent of the contravention of influx laws.

The enforcement of influx control laws was regarded as "absolutely essential" by the police to ensure the removal of persons who did not work, to prevent crime and to maintain law and order. But the pursuing of these tasks was a "fruitless goal".

"...dit tans min doel dien om Bantoes wat onwettiglik stedelike gebiede binnekom te arresteer. Die vonisse is as 'n reël nie swaar nie en hulle word in plaaslike gevangnisse gehou en weer in die gebied losgelaat. Dit beteken dat daar net 'n kringloop van arrestasie - verskyning voor die hof -loslating uit die gevangenis en herarrestasie plaasvind. Selfs verwydering laat min, want hulle keer net weer terug. Die polise se bedrywighede beoog dus slegs om te verhoed dat die toestroming van Bantoes nie 'n vloed word en deur 'n vlag van misdaad gevolg word nie." (Van Rensburg, 1967: para. 354 (2))

Court proceedings were almost totally futile, it argued, and did not succeed in breaking the cycle of illegal entry to prescribed areas. Furthermore, the influx legislation and court sentences were regarded with "absolute contempt" by blacks who accepted them as a risk which they necessarily took if they wanted to work in prescribed areas. A court appearance provided experience and knowledge which could later be used to avoid police on release.

Despite these problems, the police and municipalities annually referred some 250 000 persons to the courts on charges of contravening aspects of the influx control legislation.

An indication of the number of persons convicted on these charges was provided by the report: of a group of 108 899 male parolees who had been sentenced to four months imprisonment for the year ending 30 June 1966, 42 per cent were influx control offenders.

It has already been mentioned that the committee argued that more success would be achieved in stemming influx control if action were taken against employers rather than against blacks found illegally in prescribed areas. The important nature of these recommendations becomes more apparent when it is realised that very few prosecutions against employers were undertaken during this period. In the first six months of 1965 only 1 439 cases involving whites were brought before 26 Bantu Commissioners offices for sentencing compared to 105 836 cases involving blacks.

#### viii) The Task Ahead

The committee's concluding remarks that its recommendations were an inter-dependant whole illustrates its awareness of the magnitude and comprehensive nature of the task of clamping down still further on illegal entry to the towns. The report is notable for its frank appraisal of the problems of influx control implementation but this did not lead it to the conclusion that influx control was, by nature, difficult to enforce. Instead, the realisation that influx control had lapsed into a system of "paper control" of bureaucratic routine served only to spur the committee on to advocate still tougher and more systematic procedures on a wide range of issues. The removal of municipal control over labour regulation, to get around the alleged indifference of Opposition controlled municipalities, was a direct consequence of the report.

#### C. Conclusion

The importance of the Van Rensburg Committee in formulating future

Departmental policy cannot be stressed sufficiently even though not all of its recommendations were acted upon by the Department. On the basis of these recommendations the Department set about introducing new legislation and regulations during the last few years of the 1960s which culminated in the introduction of administration boards. These developments will be examined in the next chapter but for the sake of chronology, developments during 1967 are discussed here.

The first major step the Department took was to define those categories of persons who it regarded as "superfluous" to the labour process and hence as candidates for resettlement in the homelands. The Van Rensburg committee had argued that the urban areas were sheltering and accommodating persons who were not employed or were self-employed outside of the "white" economy. The definition of these redundant persons came with the distribution of General Circular No. 25 of 1967 (Mare, 1980: 75-87) to municipalities which informed them of the Department's determination to proceed with the resettlement in homelands of redundant persons. The circular identified three categories of persons who were to be resettled: firstly, the aged, unfit, widows, women with dependant children and families who did not qualify for family housing in urban areas; secondly, blacks on farms who were either aged, or disabled or who were affected by the application of Chapter Four of the Bantu Trust and Land Act of 1936, or were squatters from mission stations and black spots which were being cleared and finally, professional blacks such as doctors, lawyers, and traders. This last category were candidates for resettlement because they were "not regarded as essential to the labour market".

The Department instructed municipalities to make quarterly returns of the numbers of persons who could be resettled in the homelands and within a year of the distribution of the circular, Departmental calculations provided for the removal of an enormous 100 000 families from urban areas. These estimates were presumably based on returns by municipalities. Within the next few years over 100 000 persons were removed from urban areas on these grounds but this will be more fully discussed in the next chapter. The application of Chapter Four of the Bantu Trust and Land Act to 13 districts in Northern Natal alone was expected to see the removal of over 100 000 persons. (IANA, 1968: 30-31)

It is now necessary to chart the developments in the years 1968 to 1971, when the administration board bill was passed by Parliament so providing the highlight of the implementation of the Van Rensburg Committee report.

#### IV. THE INTRODUCTION OF ADMINISTRATION BOARDS: 1968-1971

This chapter will discuss the major changes which the Department of Bantu Administration and Development began to implement on the basis of the findings of the Van Rensburg Committee. Important new developments in legislation, and in regulations designed to tighten influx control were made during this period; this culminated in the vesting of responsibility for urban black administration in especially created administration boards. The chapter begins by examining the changes in policy and regulations - to Section 10, influx control and housing - and then attention will be paid to the process of ending municipal control and the issues and problems raised during the search for new administrative structures in both urban and rural areas to implement these changes.

##### A. Policy Developments

###### i) Section 10

The recommendation of the Van Rensburg Committee that residential rights be based solely on continued employment in urban areas heralded the start of a concerted attempt by the Department of Bantu Administration and Development to remove Section 10 from the statute book. During 1968 and 1969, the Department proposed legislation which, in the first instance, scrapped Section 10 while the freezing of further qualifications was proposed in the second piece of draft legislation. These Bills - to introduce Bantu Labour Boards and the first draft of the Bantu Affairs Administration Board Bill - were the closest the Department came during this period to either expunging Section 10 from the Statute Book or preventing the attainment of Section 10 qualifications by persons on the grounds of birth in urban prescribed areas. But they had backed down by late 1969, on both counts, for reasons which will be shown.

These developments must be traced through, although the details of the two bills and how they affected Section 10 will be discussed later in the chapter. For the moment it is necessary to discuss the policy and attitudes of senior representatives of the Department of Bantu

Administration and Development towards Section 10 during this period.

The 1968 IANA congress - restricted to municipal officials and Departmental representatives and which excluded municipal councillors - was held against the background of the draft legislation to remove the administration of influx control and labour regulation from the municipalities and to vest it instead in new administrative structures, Bantu Labour Boards. During the congress long, sometimes heated, debate over Section 10 emerged, with the Department determined to get rid of Section 10, while municipal administrators were split into two camps on the issue.

M.C. Botha's opening address to the congress set the tone for a concerted Departmental attack on Section 10. He repeated the by then standard assertion that Section 10 only existed to give blacks already resident in urban areas preferential access to the labour market and an exemption from influx control. Botha was backed up by three senior representatives from his Department who indicated that if Section 10 could not be scrapped outright, then, at the very least, a freeze on the further acquisition of such qualifications should be instituted.

The address by one of the senior representatives - F.B. du Randt - provides a perfect example of the dilemmas and problems which the Department was facing as a result of the introduction of Section 10 qualifications in 1952, and what courses of action were open to them to overcome these problems. Du Randt's explanation of the origin of Section 10 and subsequent attempts by the Department to restrict its provisions is quoted at length because his statement summarizes the changed Departmental attitudes towards it, and the determination to either repeal or drastically amend it.

"Ek het op een stadium 'n studie probeer maak om vas te stel waar hierdie berugte, of beroemde artikel 10 nou eintlik vandaan gekom het, en ek het ook die debatte in die Volksraad gelees en die motivering daar was pragtig. Die groot gedagte was (a) om darem nou onnodige krapplekke te verwyder deur die toelating van die 72 uur en tweedens - om 'n taamlike stabiele gemeenskap daar te stel uit hoofde van artikel (a) en (b), en

ook in 'n mindere mate (c). Min het ons destyds geweet dat ons hierdie probleme gaan optel wat ons wel opgetel het in die proses sedert 1952. Ons het die artikel nou al, meen ek, op vier geleenthede sedertien gewysig, maar desondanks bly dit nou nog 'n steen des aanstoots en sal seker 'n steen des aanstoots bly omdat dit reelreg indruis met ons beleid soos ons hom verstaan...Trouens, ons werk al jare aan 'n aftakelingsproses. U kry dit, byvoorbeeld, in artikel 29 dat as 'n persoon verklaar word as 'n ledig, of 'n ongewenste persoon, dan kan sy kwalifikasie onder 10 (1) (a), (b) of (c) verbeur word. Ongelukkig, om dinge nog erger te maak - en ek sê dit nie by wyse van kritiek nie - het die howe snaakse uitsprake gegee, snaakse vertolkings gegee aan artikel 10, vertolkings wat ons beslis nie daarmee bedoel het nie en veral gaan dit oor artikel 10 (1) (c). Ons het hom probeer afwater oor die jare heen...maar desondanks word dit uitgelê by howe asof 'n vrou so 'n reg outomaties het die dag wanner sy met die man trou...Gevolglik bly daar nou vir ons geen ander weg oop aangesien die bestaan van artikel 10 reelreg strydig is met beleid, met die tydelikheid van die verblyf van die Bantoe. Daar bly dan nou vir ons geen ander weg oop nie as hom of heeltemal te heroep, of af te water. Gevolglik bly dit nou oor om te oorweeg wat ons beste strategie is." (emphasis added) (IANA, 1968: 111-12)

Du Randt proposed two courses of action: creating something more "positive" than Section 10 which would link every black person, whether born in a homeland or not, with an ethnic homeland, after which Section 10 could be scrapped, or secondly freezing further acquisitions of Section 10. The Department had earlier in 1968 circulated a draft bill - the Bantu Population Registration Bill - which, it felt, could serve as a forerunner to allow for the expunging of Section 10 from the statute book:

"...en dit dan tuisbring onder ons stedelike bevolking dat jou heild nie hier te vinde is nie, dat jou heil in jou tuisland is - daar kan jy jou politieke regte uitoefen - en dat as onself

in daardie verband kon verkoop, dan kon ons artikel 10 skrap.  
(IANA, 1968: 112)

Besides these symbolic aspects, the scheme had very real practical advantages for influx control. Du Randt appeared to compare the advantages which would follow after establishing homeland citizenship with the repatriation of unwanted foreign nationals from South Africa to their country of origin. In the eyes of the Department of Bantu Administration and Development, homeland citizenship would allow the internal repatriation of unwanted blacks from urban areas to the homelands.

"...dat elke Bantoe wat die Bantoetuisland verlaat in besit moet wees van 'n paspoort uitgereik deur sy land van herkoms. U sal nou die analogie sien tussen die stelsel, byvoorbeeld, met die Malawiers en die stelsel wat ons beoog vir ons eie tuisland. Eerstens word die man geïdentifiseer as 'n onderdaan van die Tswanavolksgroep, afgesien van waar hy gebore is. Dit beteken dat as hy nie meer in die blankesektor aanvaarbaar is nie, dan moet daardie Tswanavolksoowerheid hom aanvaar. Dan kan daar nie geargumenteer word wie se baby hy nou eintlik is nie."  
(emphasis added) (IANA, 1968: 113).

The Department had hoped to push the Bill through Parliament in 1969 but it was only in 1970 that the Bantu Homelands Citizenship Bill was passed by Parliament, establishing homeland citizenship for every black South African regardless of whether he was born in a homeland or not. In the meantime the Department had dropped plans to remove or freeze further attainment of Section 10 (1) (a), (b) or (c) qualifications on the basis of birth in urban areas but it still remained a policy objective.

Du Randt's second option was to freeze all further attainments of Section 10 from an unspecified future date - so that Section 10 would eventually disappear. He denied however that as soon as such an amendment was passed, that "the next day" a million blacks in urban areas would be arrested and sent to the homelands.

"Trouens, soos iemand vanoggend gesê het, ek voorsien dat dit ook sal gebeur dat daar eintlik niks sal gebeur nie, dat dieselfde swart gesigte nog op die volgende dag daar sal wees, maar ons het dan minstens die sielkundige deel van die oorlog gewen sodat niemand by ons aanspraak kan maak dat dit nou sy reg is om hier in Johannesburg of Pretoria te wees nie. "I am here only on sufferance"."(IANA, 1968: 113)

But immediately having said that, Du Randt proposed an amendment which would allow easier removal of unwanted blacks from urban areas.

"Ons sal dus in elk geval 'n aanpassing moet maak, iewers in ons lokasie-regulasies of as 'n wysiging van artikel 10, om voorsiening te maak daarvoor dat die mense wat dan nou die kwalifikasie het - 10 (1) (a), (b) of (c) - nog daar kan aanbly, maar hierdie keer volgens een of ander magtiging wat in elk geval ingetrek kan word." (emphasis added) (IANA, 1968: 113-114)

Bearing in mind that removal from a prescribed area in terms of Section 29 also affected persons who held Section 10 qualifications, although the Van Rensburg Committee had testified to the difficulties and obstacles faced in invoking Section 29, it seems that Du Randt might have been proposing that these removals by-pass the courts and be undertaken purely by regulation at an administrative level. If so, influx control would have entered a new era.

Even though Du Randt denied that wholesale removals of persons regarded as redundant to the economy would take place if Section 10 was repealed, substantial numbers of persons were being removed during this period on these grounds. Between 1968 and 1971 (inclusive), according to the annual reports of the Department of Bantu Administration and Development, 132 255 persons who were not productively employed in urban areas were removed to the homelands. It is not clear from the annual reports whether these persons possessed Section 10 qualifications, but the general tenor of the announcements seems to indicate that they did.

Du Randt's recommendation that plans to remove Section 10 be delayed

until the homeland citizenship issue was solved were supported by I.P. van Onselen, soon to become secretary of the department.(IANA, 1968: 117)

These Departmental proposals were met with mixed feelings from the municipal administrators. On the one hand, they found enthusiastic support from some administrators who, at times, were less patient and more determined than the Department to get rid of Section 10. On the other hand, the IANA Council, largely at the urging of W.J.P. Carr from Johannesburg, while recognising that ultimately any decision to amend Section 10 was a policy matter for the State to decide on, warned against hasty action summarily removing Section 10.

Carr, in a forthright statement, stressed that "the rights which are enjoyed by people in terms of Section 10 are very real ones and that they weigh heavily with the people who enjoy these rights."

"So therefore, I say to you that the abolition of the rights such people enjoy in Section 10 is a very serious thing indeed. A very serious thing indeed, if taken away from the people, can only result in deep disappointment and bitter distrust of all of us and I ask you to most earnestly consider this seriously before you do it."(IANA, 1968: 106)

Faced with more fundamental criticisms of the Bantu Labour Boards Bill - detailed later in the chapter - the Department withdrew the measure. The following year - 1969 - the first draft of the Bantu Affairs Administration Board Bill was circulated to the municipalities for comment; it contained a clause - Section 23(3) - freezing all further attainments of Section 10 (1) (a), (b) or (c) qualifications from whenever the Act would have commenced. In the meantime the Department was putting the finishing touches to the Bantu Homelands Citizenship Bill, creating compulsory citizenship of one of the various homelands for every black South African. In effect, the Department was implementing both of Du Randt's options.

However, by the end of 1969, although the Department had decided not to proceed with plans to freeze Section 10 it remained a policy objective. Dr P.G.J. Koornhof, deputy minister of Bantu Administration

and in charge of negotiations with the municipalities over the Administration Board Bill, affirmed this when he opened the 1969 IANA conference.

"Ek het my dusver beperk tot die werker. Wat van hulle gesinne, veral die wat nie geskik is vir die arbeidsmark nie? Solank ons natuurlik artikel 10 (1) (a), (b) of (c) op ons wetboek het, het ons 'n probleem in hierdie verband en dit spyt my om u mee te deel dat ons nog nie nou kan kom met wysigende wetgewing om hierdie kwalifikasies te beperk of te verwyder nie, dog dit sal seker ter gelegener tyd kom. Ons wil eers die positiewe doen om nie beskuldig te word as sou ons mense as t ware in die lug en sonder 'n tuiste laat nie." (IANA, 1969; 7)

The extent of the frustration which this backdown by the Department over Section 10 must have caused administrators, both in the Department and in the municipalities, who were committed to the idea of resettling unproductive persons in the homelands, can be gauged by estimates that there were 3,8 million "superfluous" blacks in urban areas during this period. This was the rather official sounding estimate provided by G.F. Froneman, deputy chairman of the Bantu Affairs Commission. (South African Institute of Race Relations, 1969: 150)

While this wrangling over proposed legislation affecting Section 10 continued throughout 1968 and 1969, it was at the administrative level that the most important medium term consequences for Section 10 were undertaken by the Department. This occurred as a result of changes in regulations which affected the ability of persons to qualify for Section 10 (1) (b) on the basis of length of service or residence in urban areas. The Bantu Labour Regulations (Bantu Areas) introduced with effect from 1 April 1968, (Government Gazette, 1968b) amongst other aspects, aimed at promoting the use of contract labour in urban areas through restrictions on the ability of such persons to qualify for urban residence. This was achieved by limiting the length of a contract to one year or 360 shifts. At the end of the contract period the employee had to return to the homeland and this enforced break from the urban areas was used to prevent further qualifications of Section 10 (1) (b).

A continual cycle of migrancy from the homelands to urban areas has been the consequence of this aspect of the regulations. Further details of the regulations will be discussed below in the section dealing with labour allocation.

To restate, it is possible to identify four inter-related aspects which explain the Department of Bantu Administration and Development's hostile attitude to Section 10. Firstly, the qualifications were seen as bestowing political rights on blacks outside the homelands (which in any substantial sense they did not); secondly, that it was a reaction and resentment against court decisions which upheld the rights of women to join their husbands in urban areas and qualify for Section 10 (1) (c) qualifications; thirdly, that it was to prevent the urbanisation of blacks in "white" South Africa while still allowing continued flows of single labour via the labour bureaux system and, fourthly, that the removal of Section 10 from the statute book would have made the removal of unwanted blacks from urban areas much easier. Even though the Department was unable to succeed in all these aims, the success of the 1968 labour regulations in preventing the attainment of Section 10 qualification by many hundreds of thousands of males must be seen as a major victory for the Department. Nevertheless, the commitment to repealing Section 10 was carried into the 1970s.

#### ii. Housing and Influx Control

The importance of housing as an instrument of influx control has already been discussed in some depth during the previous two chapters. The recommendations of the Van Rensburg Committee had been the most recent urgings in this regard and during 1968 and 1969 the Department set about utilising housing to its fullest possible extent as an agent of influx control. This was achieved through two actions in particular -the ban on the further provision of family housing in urban areas and secondly through regulations restricting access to housing in urban areas to certain narrow categories of persons.

To take the latter case first. It will be remembered that late in 1966 the Department of Bantu Administration and Development had issued a general circular to local authorities delineating the categories of

persons who could occupy housing or be placed on a waiting list. It was made quite clear at the time that these restrictive categories were a valuable aid to influx control.

However, in June 1968 the Department went a stage further and promulgated a set of regulations for the "control and supervision" of urban residential areas which, amongst other aspects, also delineated access to housing. (Government Gazette, 1968a)

Four categories of housing permits were recognised by the regulations - site permits, residential permits, certificates of occupation and lodgers permits. While it is not necessary to spell out all the conditions under which a person could qualify for housing under one of these categories, brief details of each will be given to show how influx control had become so closely allied to access to housing.

Site permits were permits granted by local authorities to persons enabling them to build a house on a site provided by the local authority in an area zoned for the ethnic group of the applicant. Such permits could only be issued to persons who, most importantly, were (i) males over the age of 21, (ii) were qualified under Section 10 (1) (a) or (b) to remain in the prescribed area and if his dependants were qualified under Section 10 (1) (a) or (b) to remain as well, and (iii) if the applicant was not a citizen of a foreign state. A site permit could be granted to a woman who had dependants to support, but was subject to the approval of the Minister. These permits were however conditional upon the local authority providing sites - thus if a local authority did not wish to make sites available, no permits could be granted.

Residential permits were the most important form of access to housing, involving the renting of housing from the local authority. These permits could be issued to persons who were, inter alia, (i) males over the age of 21, (ii) if they were qualified under Section 10 (1) (a) or (b) and their wife was domiciled in the prescribed area, and (iii) if the applicant was employed or performing a lawful occupation.

Persons who did not meet the stipulated conditions - adult women with dependants or males with dependants (presumably whose wife had died

or if he was divorced) - could, with the permission of the Chief Bantu Affairs Commissioner, be granted a permit.

The third possibility of access to housing was through the local authority selling the right of occupation of a house. These certificates of occupation could only be issued to males who met the conditions summarised immediately above. No mention was made of the conditions under which a woman with dependants could obtain rights to such housing, unlike the categories dealt with above.

Restrictive though the qualifications needed before a person could qualify for one of the above three categories were, the continued residence of a permit holder was also subject to stringent conditions. The permit could be revoked by the township superintendent on 30 days notice on one of no less than 15 counts but most importantly if the permit holder was (i) unemployed for more than 30 days (unless on grounds of illness), (ii) being in unauthorised employment for more than 30 days outside the prescribed area in which his housing permit was granted, (iii) lost the Section 10 (1) (a) or (b) qualification or (iv) was, in the opinion of the superintendent, no longer a "fit and proper person to reside in the Bantu residential area".

Women who had been granted these permits stood to lose them if they married; entered into a customary union or lived in a state of concubinage. In addition, holders of residential permits had to renew their permits every 30 days and these could be cancelled if the holders did not continue to meet the conditions under which they were granted.

If the permit, for whatever reason, was revoked the holder and his dependants had to leave the residential area unless given permission to remain. It was thus possible for a person who lost his housing permit - not necessarily because he had lost his Section 10 (1) (a) or (b) qualifications - to be ordered to leave the prescribed area. This is an example of how the township regulations could be used as an agent of influx control to deny continued residence in prescribed areas on grounds which had no real connection with influx control. The importance of gaining access to family housing was made all the more crucial since families who did not qualify for family housing were liable to be

resettled in homelands in terms of the 1967 circular referred to in the previous chapter.

Besides site and residential permits and certificates of occupation, the local authority could issue lodgers permits allowing families or individuals to share accommodation with families granted houses. Lodger permits could only be granted subject to virtually the same conditions applicable to the other categories of permit holders and were, likewise, renewable monthly. The effect of these housing regulations has been illustrated by the Black Sash in detailed comments. (Black Sash, 1971; Black Sash, 1974) These regulations ensured a country-wide uniformity where previously municipalities had been able to set their own conditions which had varied considerably, as shown by the comments by Kotzé and Marais quoted in the previous chapter.

It was also during this period that the Department of Bantu Administration and Development, in pursuing the policy of promoting frontier commuters and migrant labour as the basis of supplying labour to urban industries, clamped down on the provision of further family housing outside the homelands. Local authorities could not build more family houses without the prior permission of the Department which would only grant such permission if it was not possible to build the houses in a nearby homeland. (Smit and Booysen, 1977: 10) In a further refinement of this policy, the Department announced in 1969 that (i) blacks employed in a town near a homeland should be housed on a family basis in a township within the homeland from where they had to commute to work and (ii) where such distances were too great to allow daily commuting, then the persons employed should be housed on a single basis in the urban area while their families remained in the homelands. (Morris, 1981: 76) Thus policy, in certain instances, aimed at the removal of whole black residential areas to the homelands - such as Duncan Village in East London - or where this was not possible then to remove wives and dependants to the homelands.

Just as municipal administrators were divided in their response to the proposals of the Department over Section 10, so too were they divided on this issue. The majority certainly welcomed it: one of the most outspoken was A.S. Marais of Boksburg, a senior municipal official.

"Ons doelwit is vestiging van die misplaasde duisende gesinne in ons stadsgebiede - merk my woorde, vestiging nie hervestiging nie - vestiging van misplaasde gesinne in ons stadsgebiede; dat dit ons doelwit is en dat ons doelwit uiteindelik trekarbeid is en trekarbeid alleen ..Waarom sê ons nie hier nie, kyk dit is ons doelwit, trekarbeid, vestiging van misplaasde gesinne Bantoebevolkings in ons stede."(IANA, 1969: 106)

Marais was the most outspoken member of IANA with an uncompromising commitment towards this aspect of Departmental policy based on his experience in Boksburg. Boksburg, with 58% of its workforce consisting of contract labour by 1969, had one of the highest proportions of contract labour of the Witwatersrand towns. Marais' address to IANA in 1971 - after his retirement from municipal administration - was a hardline speech detailing his personal philosophy, reflected above, and lashing out at liberal "cliches" and criticisms of National Party policy. He was thanked by another prominent conservative municipal official, Dr P.J. Riekert of Potchefstroom in the following terms:

"U siening van die stelsel van trekarbeid getuig nie net van deeglike kennis van die praktyk nie, maar is die siening van 'n Christenmens en 'n patriot duidelik losgemaak van 'n sieklike sentimaliteit en filantropisme." (IANA, 1971: 18)

But other administrators were seriously concerned about the difficulties which the implementation of the policy would cause, especially in towns which were not close to homeland boundaries, or where gross overcrowding of existing housing already existed and would be severely aggravated by a ban on further housing. J.C. Taljaard, deputy director of Pretoria's Non-European Affairs Department, estimated that about 7 000 of the 22 000 family houses in Pretoria were already inhabited by more than one family, largely as a result of natural increase and not through influx from outside. (IANA, 1968: 43) Taljaard pleaded the difficulties such a policy would cause in Johannesburg but recognised that the situation was slightly different in Pretoria because of its proximity to a homeland. Nevertheless, he argued that the Department had not realised the full extent of the problems and difficulties the policy would cause to municipalities.

"Dit is dinge hierdie wat vir my tot groot onrus stem. Eerlik waar - en ek se weer, met al die erns tot my beskikking - dink ek dat ons hierdie probleem en die omvang van die probleem glad nie vasgestel het nie, en ek dink voordat ons iets kan doen, werklik waar in die ware sin van die woord kan aanpak en deurvoer, behoort ons vas te stel wat is die omvang van ons probleem."(IANA, 1968: 43)

In Soweto, "literally thousands" of houses were occupied by two or three families living in four roomed houses. This was not only the result of a general shortage of houses but was due to the housing regulations which prevented many thousands of families from gaining access to a house of their own. T.W.A. Koller, deputy director of Johannesburg's Non-European Affairs Department, came out strongly against the policy and warned of its consequences.

"...I want to assure you that a most serious position is developing in Soweto...This position is getting worse and worse. I have heard some talk from the floor...that there should not be anymore family accommodation allowed to be erected or built in the urban areas. This sort of talk frightens me to death because I see the position in Johannesburg deteriorating so rapidly, that in no time we are going to have one of the worst and greatest slums that this country has ever known if it is allowed to continue...you will never be able to accommodate these people in the Bantu homelands at the present rate at which they have been developed. You will never be able to do it." (IANA, 1968: 44)

The combined housing shortage of persons qualified to be in Soweto or Pretoria was an estimated 17 000 family houses in 1969. (IANA, 1969: 30) That these criticisms made some slight impression on senior Departmental representatives at the 1969 conference was indicated by the remarks of I.P. Van Onselen. He admitted that "no provision can be made for any satellite or dormitory town as far as Johannesburg is concerned in its relation to its nearest homeland", but these apparent second thoughts about the national applicability of the policy were not sufficient to cause changes to the policy.

Departmental approval of urban housing schemes was still granted in certain cases, but it remained a general principle that housing should first be provided in the homelands. Four years after the introduction of the policy, the president of IANA, J.C. de Villiers from Johannesburg, stressed that the provision of houses in the homelands had not been sufficient to make possible a significant movement of families from the urban areas to the homelands and he urged that housing should again be provided in urban areas to eliminate over-crowding. (IANA, 1972: 81) De Villiers' statement testified to the failure of the policy when judged against declared intentions; the decision in 1976 to once again approve large scale housing schemes in urban areas was the final admission of failure. This should not obscure the fact that many urban townships were removed to nearby homelands during this period and even after 1976; the further provision of housing is still frozen in certain townships.

To conclude: this discussion has shown how housing policies during this period were adapted to fit more closely with the designs of influx control. The dual aims of influx control - the traditional focus of preventing rural-urban migration and secondly the more recent aim of channeling urbanisation to homeland towns - were facilitated by the restrictive conditions governing access to housing in urban areas in "white" South Africa and through the general prohibition on the provisions of further family housing in such areas. It is now necessary to examine the developments in labour regulation during this period to show how they were likewise adapted to refine influx control.

### iii) Labour Regulation

The most important change to the system of labour regulation during this period was caused by the March 1968 proclamation (Government Gazette: 1968b) establishing a network of labour bureaux in the homelands - excluding the Transkei which already had a system of bureaux. One of the two major aspects of these regulations, the institution of one year contracts has already been mentioned and should be born in mind. In this section the establishment of labour bureaux in the homelands will be discussed.

\* The importance of extending the labour bureaux system into the

homelands had been stressed by the Van Resnburg Committee who saw this step as essential if the influx control net was to be tightened and more efficient recruitment of labour was to be obtained. The Department invoked powers of the Bantu Administration Act of 1927 to promulgate the Bantu Labour Regulations to create a network of bureaux in the homelands. These regulations which came into force on 1 April 1968, created tribal and territorial labour bureaux at the offices of each tribal and territorial authority established under the Bantu Authorities Act of 1951. All workseekers had to register at a tribal labour bureau where they would be classified by the labour officer into employment categories according "as far as possible" with the wishes and qualifications of the workseeker. But the regulations gave labour officers powers to allocate workseekers to categories of labour on the basis of the availability of labour in these categories. Thus a workseeker could be restricted to taking up employment in the less popular categories of farm and mine labour if labour was needed by these sectors. The evidence suggests that this classification of workers was designed to channel labour to unpopular categories of employment. Dr P.S.F.J. Van Rensburg, whose division in the Department drew up the regulations, explained the need for this classification in 1969:

"Een van die belangrikste redes vir werkloosheid en 'n hoë arbeidsomset is die kieskeurigheid van werkers. Eintlik is dit die gesindheid teenoor arbeid wat onrealisties is omdat dit op onkunde en vooroordeel gegrond is. Die rede waarom werksoekers in werkskatogorieë verdeel moet word, is juis om hulle te laat beseef dat die arbeidsmark so 'n indeeling vereis. As werksoekers hulself na wense kon indeel, sal daar gereeld 'n groot aantal werkloses enersyds en miskien nog 'n groter aantal vakatures andersyds bly bestaan." (emphasis added) (Van Rensburg, 1969: 2)

Not only was influx control and labour allocation facilitated by the physical extension of the labour bureaux system into the homelands, but also through forbidding workseekers from leaving the area of jurisdiction of the tribal labour bureau without its permission. In Departmental jargon this was seen as shifting the emphasis from influx control in urban areas to efflux control in the homelands. (Department of Bantu

Administration and Development, 1970: 14)

In an important related development, Section 9 of the regulations gave the Director of Bantu Labour powers to zone employment areas. This meant that workseekers from a particular homeland or section of a homeland could be restricted to employment opportunities in a specific region - so creating defined feeder zones for particular industrial areas. Whether these powers have ever been formally invoked is not known, but the Department did face pressure from some administration boards during the 1970s to adopt labour zoning as official policy. (Riekert, 1972; Van Der Merwe, 1977)

To minimise the disruption caused to employers through the introduction of mandatory one year contracts for employees from the homelands, the regulations contained a provision creating call-in cards. This system allowed employees to return to the same employer with the minimum of bureaucratic delay as the call-in card constituted a requisition from an employer.

The intention, and effect, of the regulations was to promote the use of contract labour from the homelands. Van Rensburg, who during the early 1960s had been an enthusiastic advocate of mechanisation as a means of reducing the use of black labour in the economy, was by the late 1960s arguing that the success of the policy of apartheid should not be judged by the numbers of blacks working in urban areas. With specific reference to the goals of the 1968 labour regulations in promoting contract labour, he argued a year after their introduction:

"Dit maak hoegenaamd nie saak hoeveel werksoekers deur die stamarbeidsburo's in die blanke gebied geplaas word nie, solank hulle in hul tuisland geanker bly." (emphasis in original) (Van Rensburg, 1969: 7)

Similarly, in 1971 he argued that: "Die aantal werkers wat tydelik of deurlopend buite hul tuisland is, moet nie as norm gebruik word wanneer die ontplooiing van 'n veelvolkige Suid-Afrika beoordeel word nie." (Van Rensburg, 1971: 131)

This significant switch in emphasis by Van Rensburg in judging the success of policy is explained by the anticipated success of the strategy of the 1968 regulations in preventing further attainments of Section 10 (1) (b) qualifications. More sophisticated definitions of success had begun to replace an earlier cruder stress on numbers and reversing the flow of blacks from urban areas to the homelands. It is also significant that formal references to encouraging labour saving devices had been dropped from the aims and objects of the proposed administration boards by 1970. Such aims had been included in the ill-fated labour boards bill and in the first draft of the administration board bill.

To conclude: the 1968 labour regulations thus ensured a continuing cycle of oscillating migrancy from the homelands to the urban areas for employees in the non-mining sector of the economy while also creating increased controls on the movement of persons out of the homelands. Thus a dual system of movement controls existed to check influx to urban areas in "white" South Africa with a new set of structures having been created in the homelands to extend control over workseekers. It is now necessary to turn to the change in influx control structures which the Department of Bantu Administration and Development wished to institute in urban areas to complement these regulations.

#### B. Bantu Labour boards - A Failed Attempt at Direct State Control of Influx

Important though the changes in legislation and regulations that took place during the 1960s were, perhaps the most important development of this period was the decision by the Department of Bantu Administration and Development to remove responsibility for influx control and labour regulations from the municipalities and to vest it with a new statutory, state appointed, body more directly under the control of the Department. The Van Rensburg Committee had already provided the rationale for such a step which the Department set about implementing through the proposed labour control boards.

The public announcement of these intentions came during a private member's motion in Parliament in February 1968. A senior National Party parliamentarian, G.P.C. Bezuidenhout, urged that legislation be

considered to provide "for the control and management of Bantu Administration by local authorities (to) be taken over by a board or boards under the Department of Bantu Administration and Development." (Hansard, 1968: 1231)

In reply, the deputy minister of Bantu Administration and Development, Dr P.G.J. Koornhof, announced the broad outlines of the provisions of the draft bill to create labour control boards. The debate is of importance for it provided the first public confirmation of what had long been the intention of the Department. A brief account of the issues raised during the debate by National Party parliamentarians will be given after which the provisions of the Bill and IANA's reaction to it will be discussed.

The motivations presented by the National Party speakers for the removal of municipal control over labour regulation were almost exclusively party political in nature; unlike the more sophisticated motivations, such as the need to allow greater mobility, which implicitly accepted that aspects of policy were at fault and not necessarily the implementation of it by selected municipalities. Criticisms of the United Party controlled municipalities of Johannesburg, Durban, Cape Town and Port Elizabeth dominated the debate; they were accused of a "wilful and malevolent" opposition to National Party policy since 1948 on issues such as the site and service housing schemes, ethnic grouping and locations-in-the-air. (Hansard, 1968: 1233-34) Another National Party speaker, J.C. Otto, spoke of an "unwillingness, and sometimes even the summary refusal" of these local authorities to control influx to the towns. (Hansard, 1968: 1251-52)

The Johannesburg City Council and its municipal administrators received the major share of this criticism. In particular a 1967 report, prepared in part by its Non-European Affairs Department, which had warned against too severely restricting influx to the city was extensively criticised because it contained aspects "diametrically opposed" to National Party policy.

"Where the Government accepts as principle that the numbers of Bantu in the urban areas must be decreased, this report adopts

as principle that the numbers should be increased...it also amounted to a plea...for work to be supplied for the Bantu who were born in the urban areas...here the principle is obviously being disregarded." (Hansard, 1968: 1252)

A.L. Raubenheimer estimated that between 150 000 to 200 000 persons were illegally resident in Soweto because:

"...the City Council of Johannesburg refuses to apply influx control consistently. On the contrary they are doing everything in their power to sabotage that policy. They come along in season and out of season and plead for more Bantu in Johannesburg." (Hansard, 1968: 1245)

Durban's director of Non-European Affairs, S.B. Bourquin, was specifically mentioned for a report he had prepared for the Durban City Council which criticised recent amendments to legislation. Such criticisms of policy by administrators who had been licensed by the Minister in terms of Section 22 of the Bantu (Urban Areas) Consolidation Act was strongly resented. The inference was that municipal administrators, having been licensed, ought to implement policy and not criticise it. Even though Bloemfontein, a National Party controlled municipality, was also criticised for inefficient influx control, the major focus of attention remained the United Party controlled municipalities.

The importance of ensuring that policy would be implemented by municipal administrators and not opposed was crucial since the "second phase" of apartheid was about to begin, according to the proposer of the motion. This second phase entailed:

"We have influx control properly under control. We have brought about segregation between Whites and Non-Whites. Now the Government's greatest and most responsible task begins, and that is to cause the Bantu to flow back to their homelands in an orderly way. We are already finding that the United Party and its United Party orientated city councils are trying to obstruct us. We are already noticing the strong opposition on

their part and on the part of certain businessmen in connection with the Physical Planning Act which is already on the Statute Book...We do not want a repetition of what occurred in the past 20 years in connection with the implementation of the various Acts...It is of little concern to members of the United Party if a non-white proletariat is developing in our cities which will present the greatest threat imaginable to our white civilisation." (Hansard, 1968: 1237-38)

It is interesting to note that the three National Party parliamentarians who spoke in support of the motion all represented constituencies in the Pretoria-Witwatersrand region, illustrating the sensitive focus of National Party concerns about influx to the region.

In reply to the motion Dr Koornhof, besides announcing the broad details of the draft bill, pointed to the operations of the Resettlement Board as evidence of the practicality and viability of vesting responsibility for urban black administration with such boards. He went further to argue that the Resettlement Board had "done much better work" than the Johannesburg City Council. Not only did the Resettlement Board generate a considerable profit each year, mainly through the charging of economic rentals, but it also made substantial donations to the Department for use in homeland development. Johannesburg, by contrast, spent a "lot of unnecessary money" subsidising the major portion of Soweto which it administered. (Hansard, 1968: 1262-63) This issue of subsidisation will be returned to during discussion on the financial provisions of the Bantu Affairs Administration Board Bill. With the determination of the Department of Bantu Administration and Development to proceed with legislation ending municipal control over influx control publically confirmed, it set about finalising the provisions of the draft bill.

On the 3 January 1968 the Department circulated the draft bill to amend the Bantu Labour Act of 1964, allowing for the establishment of Bantu Labour Boards in areas outside the homelands. The functions of the proposed boards reflected the concerns detailed in the previous chapter. They were to:

"...ensure as far as practical an even distribution of Bantu labour in its area in accordance with supply and demand, a reduction of the turnover of Bantu labour, the appropriate canalisation of redundant Bantu labour to the Bantu areas, shall promote sound relationships between employers and Bantu workers, shall ensure compliance by employers and Bantu workers of the relevant legal requirements regarding the employment of Bantu workers and shall encourage the introduction of labour saving devices." (Department of Bantu Administration and Development, 1968: 3)

The board was to consist of a chairman - who would be a State official - with representatives from urban local authorities, urban employers and farming representative, all appointed by the Minister. Decisions made by the board were to be implemented by existing municipal or government labour officers although provision was made for the Board to appoint its own staff. The board was to have no jurisdiction over matters of housing, location administration or other functions then performed by municipalities: its sole focus was to have been influx control and labour regulation.

The bill specified no precise area of jurisdiction for the boards but the explanatory memorandum circulated with it indicated that magisterial district boundaries would have been used. For the first time, employers in urban and rural areas would have been subject to control exercised by the same authority over labour regulation as the bill made provision for existing Bantu Labour Control Boards and labour tenants control boards, established in terms of the Bantu Trust and Land Act of 1936, to be subsumed under the new boards.

The final point to be noted about the provisions of the bill is that the area of jurisdiction of the proposed board would have become a prescribed area, thus incorporating rural areas in prescribed areas. However, these new larger prescribed areas would only have been prescribed for the purposes of Section's 10bis, 11, 12 and 14 of the Bantu (Urban Areas) Consolidation Act and not for Section 10. The importance of this step will be examined below.

i) Departmental Justifications

The Department hoped that the introduction of Bantu Labour Boards would ensure stricter influx control on three accounts - namely because of perceived municipal and employer indifference towards influx control requirements and to meet the demands of the agricultural sector for stricter influx controls to prevent the draining of rural labour to the urban areas

The Department's criticisms of municipal performance of influx control have already been noted, making it unnecessary to examine this motivation for the Bantu Labour Boards in any great detail. Suffice to note that this perception was linked to a belief that the other influx control authorities - namely the Bantu commissioners and the existing labour control boards, which both operated in rural areas, were also lax in their implementation of influx control. The inefficiencies of all three authorities made it necessary to find alternative structures to ensure that labour distribution worked as intended, as F.B. du Randt motivated the Department's case to meeting of Transvaal municipal administrators:

"Ons insiens stel die Plaaslike Bestuur werklik nie belang in die behoorlike benutting van arbeid in sy gebied nie; vir hom is dit net 'n lastige affêre en hy sal dit eerder gebruik as 'n stok om die arbeidsbeampte mee te slaan en gevolglik vind ons dat die Arbeidsbeampte baie min kan kers opsteek by die munisipaliteit. Die selfde is die posisie van die Bantoesake-kommissaris. Die Bantoearbeidsbeheerraad bestaan hoofsaaklik op papier wat tot gevolg het dat ook daar nie die nodige distribusiewerk gedoen word nie, omrede hierdie liggaam hierdie beheerstelsel nie sy eie maak nie." (Du Randt, 1968: 2-3)

Du Randt categorised the proposed boards as "watch-dogs" who would give instructions to municipal labour officers and decide on policy matters affecting their area of jurisdiction. He stressed that the boards would have no responsibility towards an electorate; an argument closely linked to the Van Rensburg Committee's remark that opposition controlled municipalities were more responsive to the interests of

employers than towards meeting State policy. These two remarks, taken together, explain why the Department insisted on making the proposed new boards subject to Ministerial appointment.

The inclusion of employer representatives on the proposed boards caused much dispute during negotiations with IANA over the Bill. Their inclusion was justified by the Department on the grounds that it was necessary to bring home forcefully to employers the necessity of influx control. The best way of doing this was to make them share the responsibility of implementing legislation. M.C. Botha made the point forcefully in his opening address to the 1968 IANA conference where the provisions of the Bill were discussed.

Rensburg  
 labour is seen more and more as a sheer commodity whilst  
 labour bureaux are required to make progressively available  
 larger numbers of this commodity. The social, political and  
 economic problems emanating from this are conveniently lost  
 sight of. Employers can no longer, in respect of these labour  
 implications, perform as mere spectators and leave it to the  
 administrative sector to deal with the consequences of an  
 erroneous labour pattern. The labour bureau system can also  
 not remain a willing co-partner in this process...Much more  
 time is necessary to get employers and their organisations to  
 adopt a different frame of mind. Room will have to be found in  
 our administration for the respective business organisation. We  
 cannot see employers as providers of work opportunities only.  
 They should, in one way or another, concern themselves in the  
 administration of labour so that they can shoulder co-  
 responsibility in the application of policy...If employers thus  
 enter into the administration, important matters such as  
 housing on a single basis, medical services, the remittance of  
 a portion of the wages to the homelands, weekend transport,  
 training and suchlike could be brought home to the employer."  
 (emphasis added) (IANA, 1968: 9-10)

The Chief Bantu Affairs Commissioner for the Witwatersrand concurred with these assessments of employer resistance to influx control: "Ons kry net nie die samewerking van die werkgewers nie, ek is jammer om dit te sê". IANA, 1968: 88)

The proposed inclusion of agricultural representatives must be seen against the background of complaints by farmers of shortage of labour during the 1960s. The Van Rensburg Committee had heard evidence by farmers who complained of a shortage, which was a topic of some concern to agricultural unions during this period, as Greenberg has shown. (Greenberg, 1981: 98) According to the Department, it was being "inundated" with complaints by farmers that they were losing their labour to the cities. (IANA, 1968a: 1)

This determination to protect farmers from competing with urban employers over labour supplies is intricately bound up with the maintenance of a distinction between prescribed and non-prescribed areas which figured prominently in discussions over the Bill's provisions. This issue is however not very clear - both from the wording of the draft bill or from explanations by Departmental representatives. The relevant section of the draft bill read:

"When a Bantu labour board is established for an area - ...  
 (b) any prescribed area within the area of such Bantu labour board shall cease to exist;  
 (c) such areas shall be deemed to be a prescribed area for the purposes of sections 10bis, 11, 12 and 14 of this Act;"

From this reading, then, the distinction between prescribed and non-prescribed areas would have disappeared, instead the entire area of the board would have become prescribed but subject only to the influx control measures of Section 10bis 11, 12 and 14 of the Bantu (Urban Areas) Consolidation Act. Section 10 qualifications would have disappeared, as Section 10 would not have been applicable in the new, larger prescribed areas, as Du Randt explained:

"Ek weet nie of u dit almal opgemerk het nie dat hierdie gebied nou ophou om 'n voorgeskrewe gebied te wees vir doeleindes van Artikel 10, en die implikasie daarvan is natuurlik dat Artikel 10 verdwyn want die 72 uur konsepsie word weer voorgeskryf in die regulasies. Die kwalifikasies val nou weg en die voorgeskrewe gebied se waarde bly nog vir doeleindes van

Artikel 10 (bis), artikel 11, 12 en 14. Ek weet nie of die kabinet daardie besondere gedagtes sal aanvaar nie, aangesien daaroor nog geen finale besluit geneem is nie. Ons het eintlik maar gehoop om hierdie aspek uit te hou as 'n soort voeler ten einde die publiek se reaksie te bekom." (Du Randt, 1968: 5)

This was a clear indication that the prescribed/non-prescribed distinction would have become redundant. Section 10 was not made applicable to the larger areas, not only because it presented an opportunity to do away with Section 10 qualifications, but also because if it was made applicable in rural areas, farmworkers would have become eligible for Section 10 qualifications. In Du Randt's words: "...it (was) unthinkable that a Bantu born on a farm within the board's area, should be granted Section 10 qualifications for the urban areas" (IANA, 1968a: 2) However, in the same speech Du Randt, when stressing the need to protect farm labour supplies, acknowledged the necessity of preserving existing prescribed boundaries in order to restrict rural-urban mobility in the interests of the farming sector.

"Nou was die eerste vraag wat by my opgekom het dit, naamlik hoe gaan ek dit nou bewerkstellig? Moet ek nou die voorgeskrewe gebied wat tans bestaan laat verdwyn of moet ek 'n vrye beweging tussen Stad en Platteland toelaat? Ek sou dit graag wou gedoen het, maar die ding sou in eenrigting gewees het en nie 'n tweerigting soos die Boere voorsien nie. Ek weet dat sodra die Stad sy voorgeskrewe gebied ophef dan gaan daardie plaasarbeid na die Stad toetrek en gaan jy nooit daardie teenoorgestelde kry nie. Gevolglik is dit noodsaaklik om noodgedwonge die Stad se voorgeskrewe gebied net terwille daarvan behou ten einde die Bantoe kunsmatig op die plaas te hou. Die twee voorgeskrewe gebiede bly dus nog bestaan vir doeleindes van Artikel 10 (bis), artikel 11, artikel 12 en 14 van die Stadsgebiedewet." (Du Randt, 1968:3)

Whatever the technicalities of the distinction were the decision by the Department to drop the Bill makes further speculation unnecessary. Nevertheless the essential reason for the maintenance of a distinction between urban and rural labour was once again re-affirmed. With this as

a description of the Bill's provisions it is now necessary to discuss the reaction of the municipalities to it. It was as a result of their reaction that the bill was withdrawn and replaced by the bill to create administration boards.

ii) Municipal Reaction

As will be shown, the municipalities comprehensively rebutted virtually all the premises and assumptions of the Department which led it to draw up the Bill even though they did agree that greater mobility ought to be allowed to blacks in urban areas. These must be examined in turn.

The most critical municipal response went to the heart of the bill's provisions - namely the expectation by the Department that stricter influx control could be enforced solely through controls over employment. The proposed boards were only to administer legislation relating to employment of blacks; issues of housing, and general location administration were to remain under the municipalities. It was this separation of housing and labour controls which provided municipal administrators with their most important grounds for condemning the Bill.

J.C. Taljaard, president of IANA during 1967-68, drew on the lessons Transvaal municipal administrators had learnt as a result of separated housing and labour control during the 1930s and 1940s (detailed in a previous chapter) to warn:

"If such legislation is placed on the statute book it will mean that one authority will be responsible for influx control and registration of service contracts and another authority for the provision of housing, welfare services, liquor and Bantu beer provision et cetera. If this should happen, then we will go back to the period before 1945 when such divided control led to absolute chaos. It was for this particular reason that the government considered it advisable to place local administration in toto under the control of local authorities in their capacity as the agents of the State." (IANA, 1968: 130)

The force of this argument was soon accepted by the Department during negotiations with IANA and used as a justification to remove all vestiges of municipal administration so that housing and labour controls could resort under the proposed boards. When the Department withdrew the Bill, these criticisms were heeded and the drafts of the administration board bill saw responsibility for housing and labour going to the proposed administration boards.

The second major point of municipal criticism of the measure was that, instead of streamlining urban black administration as proposed, an additional statutory structure would be created, complicating administration. Not only was there the possibility that the proposed boards could clash with the municipalities but municipal staff could be put in a position where they had to carry out instructions from the proposed boards while remaining in the employ of the municipalities. (IANA, 1968a: 6-7) Furthermore, the municipalities did not accept that a better utilisation of black labour could not be achieved within existing provisions of the Bantu (Urban Areas) Consolidation Act without it being necessary to create new statutory structures. Consistent argument by both the Institute of Administrators and from representatives of the United Municipal Executive that these aims could be satisfied without recourse to further legislation were disputed by the Department.

The municipalities argued that agreements between municipalities in terms of either Sections 9 bis, 40 or 41 bis of the Bantu (Urban Areas) Consolidation Act would meet the needs of the Department. Examples of regional co-operative administration in terms of these provisions of the Act existed; IANA argued that such regional administration held definite advantages and could be realised with a few changes to location regulations. (IANA, 1968a: 4-5) These suggestions were not accepted by the Department, for reasons which are not clear from available evidence, although it was argued during parliamentary debate on the Bantu Affairs Administration Board Bill that too many practical difficulties were involved to use these provisions to allow greater mobility of labour.

Secondly, the municipalities argued that greater mobility in urban areas could be achieved if the Department withdrew the 1965 circular referred to earlier which governed movement for employment purposes

across prescribed areas. Municipal labour bureau officials argued that prior to this circular, transfers of labour had been fairly easily arranged between labour bureaux without having to insist on the conditional re-classification as a Section 10 (1) (d) case. Given that the Department was set on abolishing Section 10 qualifications, this suggestion did not carry much weight.

The other major Departmental justification - that large scale damming up of labour was occurring in watertight prescribed areas - was similarly disputed by the municipalities. IANA agreed that the better utilisation of labour from blacks already resident in urban areas was desirable and that it could lead to a reduction in the necessity to import contract labour. However, on the basis of the information provided by labour bureau officials on the Witwatersrand, IANA argued that the labour surplus was minimal, at just over 1 per cent. (IANA, 1968f: 1) IANA had previously argued against allowing greater mobility of labour in urban areas - however no indication is available as to when this decision dated from.

The proposals to incorporate employer representatives on the labour boards also met with stern opposition. It will be remembered that the rationale for this step was that it would serve to "educate" employers on the need to accept policy. This justification was roundly disputed by the municipal officials who argued that if employers were allowed to decide on labour matters, they would jeopardise policy decisions through a "subjective" approach to labour matters. An IANA memorandum declared:

"Ondervinding in Wes-Kaapland het getoon dat werkgewers wat 'n stem gegee word op 'n Arbeidsorganisasie, gedurig neig om 'n subjektiewe beskouing daarop na te hou, veral wanneer hulle saak geraak word; getuienis is...gelewer dat die Arbeidskomitees wat in Wes-Kaapland bestaan vir die vervanging van Bantoe-arbeid deur Kleurling-arbeid, in wese ontaard het in 'n platform vir die invoer van meer Bantoe-arbeid." (IANA, 1969a: 7)

Dr P.J. Riekert, director of Potchefstroom's Non-European Affairs Department and a well known advocate of labour zoning, told of how his

department's labour zoning policy of restricting employment in Potchefstroom to Tswana's was opposed by employers wishing to employ Shangaans and Zulus. This pressure had been successfully resisted by his department but if agricultural and industrial employers were given a voice in policy decisions then this policy would be prejudiced. (IANA, 1968d: 3) W.J.P. Carr, likewise, opposed giving employers representation on the proposed boards on virtually the same grounds which Riekert had advanced.

"Mr Du Randt made the extraordinary statement that one of his justifications for setting up this Board, is to prevent the possibility of a Town Councillor having his arm twisted by an employer, and then in the same breath he suggested that this very employer should be a person to serve on this Board. Who's going to twist whose arm? Who's going to be their to see that the interests of the town, and not the interests of a particular group of employers, is to be preserved?" (IANA, 1968: 85)

Carr also opposed the suggestion that farmers should serve on the boards on the grounds that the boards would be dealing with 'a purely technical problem' which did not concern the farmers.

Riekert's statement was however used by the Department as further evidence of the need to involve employers in the proposed boards and to further Government policy.

"...Munisipale amptenare lynreg teenoor die werkgewers staan en dat hulle nie daarin geslaag het om die werkgewers saam met hulle in die uitvoering van beleid te neem nie... Munisipaliteite het nie hierdie steun van werkgewers nie en daarom moet hulle altyd walgooi. As ons nie nywerhede met ons saam neem nie, kan ons vergeet om ons beleid uit te voer. Ons moet nywerhede derhalwe betrek by die uitvoering van beleid." (IANA, 1968d: 3)

Both sides stuck to their viewpoints on the issue and ministerially appointed employer representatives were included in the provisions of the administration board bill which later became law.

The other major aspect of municipal reaction to the various provisions of the bill involved the Department's insistence on abolishing Section 10. The IANA council came out strongly against these plans although at least one prominent member, Dr P.J. Riekert, sided with the Department. The Department's attitude towards Section 10 has already been explained but it must be added that it saw the opportunity to scrap Section 10 as closely linked to the granting of greater mobility to urban blacks. Increasing mobility was seen as a concession which had to be matched by the surrender of these qualifications by urban blacks. Thus Dr Koornhof explained that "die groter beheergebiede, die voorgestelde Arbeidsrade en Artikel 10-optrede gaan hand-aan-hand." (IANA, 1968e: 9)

The Department faced strong warnings of the possible adverse consequences which the abolition or freezing of Section 10 might cause in urban black areas. T.W.A. Koller, from Johannesburg, told senior representatives of the Department, including Dr Koornhof, that "daar in gedagte gehou moet word dat oor die 600 000 Bantoes in Johannesburg is en dat daar tans vrede heers. Indien daar aan bestaende en gevestigte regte geraak sou word, kan moeilikheid verwag word...As ons 10(1) (a) en (c) regte terugtrek, kan ons moelikeid verwag." (IANA, 1968b: 5)

Such warnings found support within the Department - a senior official adopted a more pragmatic approach contrary to his Department's attitude.

"...almal beseft dat Artikel 10 nie met beleid versoenbaar is nie. Mense wat in die praktyk met die Bantoe te doen het, moet daagliks aan hom veranderings in Wetgewing verduidelik en dit word ook gedoen. Somtyds gaan dit moeilik om veral die intelligentsia in hierdie verband te oortuig. As hy ...die skraping van Artikel 10 (1) (a), (b) en (c) moet verduidelik en goedpraat, sien hy dat ons aan mense wat reeds teen ons is baie goeie ammunisie sal gee." (IANA, 1968d: 8)

The discussion on Section 10 earlier in this chapter noted the discussion which took place at the 1968 IANA conference. It is not necessary to repeat the various points raised other than to note that

there was certainly no uniformity within the Department on how to proceed on the issue.

Perhaps though the major force of IANA's criticism on this issue was to deny that it was legislation which made Section 10 so sought after a qualification, but rather that it was the advantages which the Department had attached to it for administrative purposes which made it such a highly prized qualification. The most important advantage was access to family housing, as has been shown, for which blacks would endure a lot from one employer to qualify for a Section 10 (1) (b) qualification and the possibility of a house. An IANA memorandum established the point rather succinctly, although it nevertheless contained an implicit suggestion that this aspect of Section 10 ought to be neutralised.

"Die waarde van Artikel 10 is ontleen aan administratiewe opdragte; nie aan die Wet nie. Dit is die Department wat waarde aan Artikel 10 gegee het deur die toekenning van huise en ander gesogte voorregte aan Artikel 10 (1) (a) en (b)-houers te heg. Indien ander maatstawwe vir die voorregte wat dusver deur Artikel 10 (1)(a) en (b) houers geniet is, gevind kan word, kan Artikel 10 heeltemal ontwapen en sy waarde afgetakel word sonder Wetwysiging." (IANA, 1968f: 1)

This suggestion ignored though the employment advantages which Section 10 (1)(a), (b) and (c) qualifications brought which was the other reason why possession of these qualifications was striven for by outsiders, including using illegal means. Lastly, IANA suggested that any amendment to Section 10 should be closely linked to an "accelerated tempo of development" in the homelands which local authorities could be involved in.

To conclude this discussion of IANA's reaction to the proposed removal of labour regulation from the jurisdiction of the municipalities it must be noted, that even though the report of the Van Rensburg Committee had not been released to them, the municipalities had a shrewd suspicion that the proposal was in fact a vote of no confidence in their performance of influx control. The Department played this motive down during the negotiations but it did admit to an IANA delegation that "it

was felt that municipal Councils perhaps did not concern themselves with labour matters." (IANA, 1968a: 4)

T.W.A. Koller from Johannesburg, which the Van Rensburg Committee had singled out as not implementing influx control efficiently, denied that the blame for illegal employment in Johannesburg rested with the municipality; rather employers were the cause. The minutes record Koller as having said:

"...nobody could say that Johannesburg was not carrying out the policy. He was satisfied that influx into Johannesburg was more strictly applied than anywhere else. The trouble lay with the approach of employers to this problem...Many employers... engage illegal workers to avoid the payment of fees. Mr Koller submitted that one of the reasons for the illegal employment in Johannesburg was the fact that there was no large labour area in Johannesburg...He therefore would plead for a larger labour area which would enable him to draw labour from adjoining areas rather than to bring in new labour from the outside...he doubted very much whether the proposed Labour Board would be better able to control the situation than the existing Urban Bantu Administration machinery." (IANA, 1968d: 6-7)

In response, Dr Koornhof denied that individual municipalities were being singled out as having failed to implement policy but added a new explanation as to why the Department wished to end municipal control of labour regulation:

"Wanneer hy (Dr Koornhof) praat van beleid en hy sê dat ons nie slaag nie, bedoel hy nie daardeur dat een spesifieke Munisipaliteit nie die beleid van die Staat uitvoer nie. Daar is baie munisipaliteite wat die Staat se beleid geheel-en-al gunstig gesind is en ondersteun, maar waar beleid nie uitgevoer word nie omrede die besondere omstandighede in daardie gebied. As voorbeeld het hy genoem die neiging van Stadsrade om uit hulle pad te gaan om nywerhede daar te vestig ten einde hulle eie gebiede te vergroot en te ontwikkel." (IANA, 1968d: 7)

Faced with this opposition by IANA to virtually all the motivations for the draft bill and particularly to the separating of control of labour and housing between the proposed boards and the municipalities, the Department withdrew the measure. IANA's opposition and suggestions that greater mobility - which the Department had presented as a major goal of the measure - could be achieved without recourse to new legislation was brushed aside. The Department had already decided to remove responsibility for urban black administration from the municipalities and was not going to be deflected by opposition from within municipal ranks. Accordingly the draft bill was withdrawn and replaced by the first draft of the administration board bill which provided for responsibility of housing and labour regulation to be taken over by the proposed administration boards, so meeting the warnings of municipal authorities on the importance of joint housing and labour controls.

### C. Bantu Affairs Administration Boards

Although the Department of Bantu Administration and Development circulated the first draft of the administration board bill to the municipalities in May 1969, it was only to be published in the Government Gazette on 15 December 1970. During this period it underwent numerous revisions. This section will discuss issues raised during this period and will end with a discussion of the provisions of the Bantu Affairs Administration Board Act.

#### i) The Draft Bill

The first draft differed from the labour boards draft bill in two important respects - firstly in that responsibility for both housing and labour was to be removed from the municipalities and secondly that further acquisitions of Section 10 (1) (a), (b) or (c) qualifications were to be frozen rather than repealed. The reasons for these changes were discussed earlier in this chapter and will not be repeated here. The formal aims of the proposed administration boards remained the same as those proposed for the labour control boards.

Further insights into Departmental justifications for the Bill

become apparent through an examination of Dr Koornhof's opening speech to the 1969 IANA conference. He stressed that the existing labour pattern "must be changed in accordance with the demands of our country" with the use of contract labour from the homelands. In line with previously quoted policy on the importance of disciplining employers to achieve policy goals, Koornhof argued that there were sectors of urban employers who were not subject to restrictions on their use of black labour. Controls on employment of blacks existed for farmers, through the farm labour control boards; for employers in the coloured labour preference area and for urban industrialists through the provisions of the Physical Planning and Development of Natural Resources Act of 1967.

"But we still have the large number of employers who do not fall within the jurisdiction of the three organisations I have referred to and who also have to become labour saving conscious. And here I particularly have in mind construction, commerce and domestic service. We still have to devise ways and means as to how we can bring home to these employers that Bantu labour is not just there at their beck and call but that they must also bear in mind that these workers have to be housed and have to be commuted in an orderly manner." (IANA, 1969: 7)

In similar vein Koornhof urged municipal administrators to prevent the "blackening of our white areas" by regular inspections on employers who undermined job reservation by employing blacks on the grounds that a shortage of white labour existed.

On the housing front, he rejected arguments in favour of a stabilised urban workforce and reaffirmed as crucial to policy that further family housing should only be provided in the homelands.

"Ons kan nie en durf nie hier kop gee nie, want dit druis reëlreg in teen ons beleid wat bepaal dat die bewoner van die Bantoe se tuisland net as 'n toevallige bewoner of gas in die Blanke se tuisland mag wees en dan slegs solank sy arbeid daar behoef word. Daar kan dus nie sprake wees van steeds groeiende gesinsbehuising in blanke gebiede nie, daarom het ek reeds by

'n ander geleentheid daarop gewys dat gesinsvestiging in ons groot stede sover prakties uitvoerbaar beperk word." (IANA, 1969: 7)

The corollary of the housing freeze, namely the resettlement of "redundant" persons from white urban areas, received a powerful new impetus from Koornhof when he redefined the categories of persons regarded as redundant to include persons born in urban areas i.e. the natural increase in urban population. The 1967 circular which had delineated the categories of redundant persons had not specifically mentioned persons born in urban areas as liable for resettlement. Koornhof made a vague reference to introducing legislation which would make it easier for municipal administrators to resettle such persons in homelands.

"Sover dit voorgeskrewe gebiede aangaan, noem ek vier groepe waaraan by vestiging voorkeur verleen moet word:...

(3) Die natuurlike aanwas in stede of dorpe. Onbeperkte uitbreiding van bantoewoongebiede kan nie toegelaat word nie en hoewel hulle deur oorreding in die tuisland opgeneem moet word sal beoogde wetgewing in die toekoms sake vergemaklik." (IANA, 1969: 9)

If the resettlement of "redundant" persons was just to keep pace with the natural increase of blacks in the white areas, Koornhof said consideration would have to be given to the construction of at least one city in each homeland. None of the legislation passed during the 1970s appears to have been designed to facilitate this goal - it was presumably never proceeded with. This redefinition of "redundancy" to include persons born in urban areas, i.e. persons who would qualify for Section 10 (1) (a) is not surprising when viewed against the determination of the Department of Bantu Administration and Development to have repealed Section 10 completely. The extent of the commitment to resettle "redundant" persons in the homelands is fully illustrated by Koornhof's announcement that the natural increase of the black urban population was also to be regarded as candidates for resettlement.

Some of the issues highlighted in this chapter to explain the

origins of administration boards are thrown into rather stark relief when examining labour statistics of Witwatersrand municipalities as at June 1969. The figures quoted below are derived from the report of a sub-committee of the Transvaal provincial division of IANA appointed in October 1969 to investigate the productivity of blacks in white urban areas. This report, known as the Steenhuizen report, and the official IANA response to it will be examined in the following chapter but the labour statistics quoted in the report are of more interest at this point for they provide a rough barometer of how the success of municipalities in implementing policy could have been gauged by the Department of Bantu Administration and Development.

Perhaps not unexpectedly, after the amount of criticism which had been directed at Johannesburg for not implementing policy, the city used proportionately less contract labour than all the Witwatersrand municipalities quoted in the report. The municipalities are ranked in order of the proportion of contract labour they utilised to meet their male labour needs. Figures for Nigel, Randfontein, Edenvale, Bedfordview and Heidelberg were quoted in the report but have been excluded from the table below because of their much smaller black population and employment figures.

Table 10  
Male Contract Labour Utilisation in Witwatersrand  
Municipalities (1969)

<u>Town</u>	<u>Total Reg. Labour</u>	<u>Total Contract</u>	<u>% Contract</u>
Randburg	14 653	12 748	87
Sandton	15 433	12 346	80
Germiston	68 000	42 160	62
Witbank	9 500	5 605	59
Boksburg	24 350	14 123	58
Alberton	15 325	8 122	53
Vereeniging	39 300	16 113	41
Krugersdorp	12 834	4 620	36
Roodepoort	14 829	5 041	34
Kempton Park	30 189	6 943	23
Springs	28 711	6 316	22
Benoni	26 435	5 287	20
Johannesburg	<u>254 303</u>	<u>45 774</u>	<u>18</u>
Total:	553 862	185 198	33

Source: Derived from Steenhuizen, 1970

Two points can be made from the above table. Firstly, the enormous range in the proportionate use of contract labour between different municipalities on the Witwatersrand - from 87 per cent in the case of Randburg to 18 per cent for Johannesburg. In the newer towns of Randburg and Sandton the overwhelming basis of labour supply was in the form of contract labour housed in hostels - 70 per cent of the municipal accommodation was in the form of hostels in both cases. In the older established municipalities the opposite situation existed where stabilised labour made up the major portion of the workforce.

Secondly, in terms of numbers, a town like Germiston was importing almost as many contract labourers as Johannesburg was, yet it was employing only about 25 per cent of the size of the Johannesburg workforce.

While it has been argued that it was figures such as these which probably strengthened the resolve of the Department of Bantu Administration and Development to end municipal control, if this was the

case, the figures do not easily lend themselves to such conclusions. For a simple comparison between the proportionate use of contract labour in Randburg and Johannesburg to gauge to what extent Johannesburg was "undermining" policy can not be obtained from these figures. The high incidence of contract labour in Randburg and Sandton is more easily explained by the relatively recent establishment of the municipalities at a period when the Department of Bantu Administration and Development was exercising strict control over the siting and establishment of locations on the Witwatersrand and elsewhere. The much older towns were also the recipients of the major influx of black women during the 1930s and 1940s which meant that the potential for urban based population growth was greater in these towns, so reducing the need to use contract labour from the homelands.

A marked correlation - not unexpected - between the proportionate use of contract labour and the basis of accommodation is also to be found from the Steenhuisen report. Without major differences in the ranking of the towns in the above table, a similar ranking existed for the provision of hostel accommodation in the towns. Nevertheless, these figures do serve as valuable indicator of the extent of the variations in the composition of the labour force on the Witwatersrand at this period.

#### ii) The Bantu Affairs Administration Board Act

The Bill to create administration boards, so ending municipal responsibility for urban black administration, was read for the first time in Parliament on 9 February 1971. Introducing the second reading, Dr Koornhof - who was still deputy minister - said the Bill was intended to "place the administration of Bantu Affairs in white areas on a sounder and more efficient basis." (Hansard, 1971: 1962) He stressed, to the exclusion of all the other motivations dealt with during this chapter, that the measure aimed at increasing the mobility of blacks with Section 10 (1) (a), (b) or (c) qualifications to allow "the maximum utilisation of Bantu labour". However even while Koornhof ignored and did not mention Departmental criticisms of United Party controlled municipalities, this issue was raised by other National Party speakers.

Four aspects of the Act will be raised - the functions of the

boards, their composition, their financing and finally Section 10 and mobility of labour. A brief overview of their organisational structure and the relationship between the boards and the Department is provided in Appendix B. Firstly, the functions of the boards: unlike the municipalities, the boards were to have jurisdiction over both prescribed and non-prescribed areas in non-homeland South Africa. In the urban areas the boards took over responsibility for administering the following acts: the Bantu (Urban Areas) Consolidation Act, the Bantu Services Levy Act, the Urban Bantu Councils Act, the Bantu Labour Act, the Sorghum Beer Act, the Housing Act (in so far as it affected black housing) and Section 100bis of the Liquor Act. In the rural areas, where previously the Bantu Commissioner had been responsible for administering legislation, the boards were to assume responsibility for the functioning of the district labour bureaux (from a date to be decided by the Minister) and of the provisions of Chapter Four of the Development and Trust and Land Act of 1936, subject to the Ministerial transfer of these powers from the Commissioner or labour liaison officer. Health and transport remained under the jurisdiction of the municipalities.

Secondly, the composition of the boards: the members of the boards were to be entirely appointed by the Minister of Bantu Administration and Development, who would also nominate the chairman and deputy chairman. The other board members were to be appointed by the Minister to represent the interests of local authorities, employers and agricultural interests within the area of jurisdiction of the board.

Despite pleas from the opposition parties during debate on the Bill, no allowance was made for any representation by urban blacks on the boards. Koornhof put forward two reasons for this: firstly that it was "entirely contradictory" to the "standard rule" that Urban Bantu Councils should have any representation on local authorities, while the second explanation hinged on the differential nature of the powers that either body could wield.

"According to law an Urban Bantu Council has certain powers. Thus in terms of the Act, influx control is not one of the powers of an Urban Bantu Council. An Urban Bantu Council has statutory authority in respect of streets, lighting and other

matters normally dealt with by a local authority. But this administration board will, after all, have much more extensive powers than those of an Urban Bantu Council. For this reason alone, it is not necessary to grant an Urban Bantu Council representation on this administration board. This would only create problems, because the powers of the one are extremely limited while those of the other extend over a much wider field." (Hansard, 1971: 3608)

Indeed, given the entire thrust of policy which led to the establishment of administration boards, including the recommendation of the Van Rensburg Committee that the Urban Bantu Councils be disestablished, requests for the representation of urban blacks on the boards were diametrically opposed to the intentions of policy. Koornhof's refusal to give such representation must also be seen in the light of his attitudes towards the tendency of members of Advisory Boards and Urban Bantu Councils to adopt critical attitudes towards government policy. For example, during debate on the private member's motion in 1968 which was discussed earlier, Koornhof claimed that "almost without exception" separate development was fully supported by advisory boards, but added:

"In the past we have had no difficulty with these boards but it is gradually becoming obvious that there is a group of agitators who want to make use of these boards to agitate and to incite the Bantu against the government's policy of separate development. And they are going much further than that."  
(Hansard, 1968: 1264)

IANA congresses during the 1960s regularly heard from municipal administrators of the difficulties they experienced with such boards because of their insistence on challenging matters of policy over which municipal administrators had no real jurisdiction. Responsibility for the functioning of advisory boards and the Urban Bantu Councils were to be transferred to the administration boards.

The most important provision of the Act as regards the financing of urban black administration was to entrench in legislation the principle of financial self-sufficiency of the Bantu Revenue Account. It was

pointed out in a previous chapter how Departmental policy during the 1950s came to stress the financial self-sufficiency of the locations's finances but that some municipalities had chosen to subsidise their Bantu Revenue Account. The Act now prevented any possible subsidisation from general rates, so ensuring a uniform application of the principle of financial self-sufficiency.

No new sources of revenue were created - the most important sources remained limited to rents, service charges, percentages of beer and liquor profits (80 and 20 per cent respectively with the rest going to the Department) and employment registration fees. Minor sources of income included fines, dog license fees and charges for services performed by the board over and above service charges. Koornhof argued in response to arguments that these sources of revenue were "sufficient for administration boards to perform their duties adequately without recourse to the State for additional assistance." (Hansard, 1971: 1969) Only 21 of the approximately 450 local authorities were subsidising their Bantu Revenue Account at the time of the Act, as mentioned by Koornhof during the debate. It is doubtful, however, whether the full extent of the subsidisation is reflected in these figures. For example, "hidden" subsidisation of the salaries of officials might have been occurring where these were not fully debited out to the Bantu Revenue Account.

The stipulation that the administration boards function without State aid, while according with long-held Departmental policy, appears to have been insisted upon by the Department of Finance. During negotiations with IANA over the Bantu Labour Boards Bill, I.P. van Onselen, deputy secretary of the Department of Bantu Administration and Development, told an IANA delegation that the ending of municipal control would only be considered if the Treasury could be assured that it would not have to bear any losses which might be incurred as a result of a State takeover. (IANA, 1968c: 3-4) This refusal by the Treasury to carry any deficits was entirely consistent with the long-standing policy of the Department of Bantu Administration and Development on this issue.

The use of "white" money to subsidise the locations had long been a source of contention to the National Party opposition in the Johannesburg City Council. During the 1960s the party opposed the municipal budget on

the grounds that the Bantu Revenue Account was not self-supporting. In 1969 the Administrator of the Transvaal refused to agree to an increase in municipal rates unless none of the extra income so raised went to the Bantu Revenue Account. During the last few years of Johannesburg's administration of the larger part of Soweto, the subsidy from the general rates was in the region of R250 000 a year. The largest ever deficit carried by the general rates was R913 481 in 1963, after which it declined steadily. (Lewis, 1969: 43) The example of the Resettlement Board which charged economic rentals for its housing and still managed to operate at a surplus was used as evidence of the soundness of the policy, but it was widely recognised that the facilities it provided were not as good as Johannesburg's. By contrast, Johannesburg subsidised the housing rentals for sub-economic housing by raising the income limit from R30 to R40 - which had remained unchanged at R30 since the mid-1950s so pushing more families into the economic category with rising wages. Arguments by the City Council on the need to increase the sub-economic limit to R40 were rejected by the Department of Bantu Administration and Development.

The confidence of Dr Koornhof that the administration boards could function adequately on the existing sources of revenue should also be seen against the enormous expansion of the sorghum beer market during the 1960s and of liquor sales since 1962 when municipalities had been allowed to sell liquor. Sales of beer and liquor had increased markedly during the decade - as the tables below show - hence lessening the need of the general rates to bear deficits on the Bantu Revenue Account.

Table 11

Sorghum Beer Production and Revenue and Liquor Revenue: 1963-1970

Year	Beer		Liquor		Total Revenue
	Gallons	Value	Value		
1963-64	87 451 659	R16 389 664	R5 495 688		R21 885 352
1964-65	104 029 619	R19 327 076	R7 611 447		R26 938 523
1965-66	123 365 275	R23 389 512	R12 138 185		R35 527 697
1966-67	140 578 290	R27 467 420	R13 233 561		R40 700 981
1967-68	151 676 634	R31 041 942	R13 903 921		R44 945 863
1968-69	157 627 007	R33 719 895	R19 182 314		R52 902 209
1969-70	<u>168-708 670</u>	<u>R35 892 411</u>	<u>R26 309 792</u>		<u>R62 202 203</u>
Total	<u>933 437 154</u>	<u>R187 227 920</u>	<u>R97 874 688</u>		<u>R285 102 828</u>

Source: Derived from IANA, 1971.

Beer sales had doubled in seven years and produced an average 27 per cent profit for the Johannesburg, Welkom and Germiston municipalities. Liquor sales quintupled during the same period and brought in a 12,5 per cent profit for the same cities.

Despite the tremendous increase in sorghum beer sales in the 1960s, the annual growth rate in sales began to show a marked deterioration by the middle of the decade. The growth rate over the last five years dropped steadily from 21 per cent to 6 per cent - a tendency which began to cause concern to municipal administrators who had been used to likening beer sales to milking a cow: "...vir my is dit daardie bruin melkoei wat nooit droog word nie - altyd is sy in melk..." This decline in the annual growth rate of beer sales continued throughout the 1970s to the extent that per capita consumption of beer remained virtually constant between 1970 and 1980 at 46 litres. In 1960 the per capita consumption had been 22,8 litres. (Van Vuuren, 1981: Table 2)

The burgeoning beer and liquor sales during the 1960s saved the general rates from meeting any claims for subsidisation. In Durban, for example, no increases in rentals took place between 1959 and the introduction of administration boards as the losses on service charges were carried by the profits on beer and liquor sales. (Maasdorp and Humphreys, 1975: 84-89)

With the possibility of subsidisation ended and faced with declining beer sales, the nascent administration boards would have no option but to increase service charges if the principle of financial self-sufficiency was to be met with any degree of success. This inevitable development was expressed by Mrs Helen Suzman during the debate:

"What is going to happen if this board is going to become self-balancing? All I can say is that the rent is going to go up, because that is going to be the only way the board is going to get the revenue. so the screws are going to be turned even harder." (Hansard, 1971: 2075)

Increases in service charges were to be one of the features of the 1970s as administration boards were faced with the need to increase

revenue to meet deficits on housing. Thus the Act enshrined in law the principle that the poorest section of the urban community should pay their own way, except for funds for housing developments, without any assistance from the municipal general rates or the Treasury.

Finally, the provisions of the Act affecting mobility of labour must be examined. Paradoxically, while previous drafts of the Bill and of the labour boards control bill had either repealed or frozen Section 10 (1) (a), (b) or (c) qualifications, the Act bestowed even greater benefits on persons holding these qualifications. In a major departure from previous policy, which consistently strove to limit the mobility of urban blacks, Section 26 of the Act reversed this trend in two ways.

Firstly, it allowed persons holding these qualifications to live and work in another prescribed area to the one in which they held their qualifications but this mobility was restricted to movement to another prescribed area within the area of jurisdiction of the same administration board. Movement across administration board boundaries was not permitted - it was only as a result of the recommendations of the Riekert Commission that this was later adopted as policy.

Secondly, where previously absence from the prescribed area had been sufficient to cause the loss of these qualifications, the Act did not make the movement to another prescribed area for employment dependent on the surrender of the qualifications in the previous prescribed area. However, no person would be allowed to hold Section 10 qualifications in two different prescribed areas, as Dr Koornhof made clear in the debate.

The extent of the importance of these changes to holders of Section 10 qualifications can be seen from the number of persons who possessed them as estimated by P.J. van der Merwe who, it will be remembered, had served as secretary to the Van Rensburg Committee before accepting an academic appointment at the University of Pretoria. He estimated that by 1971 - 19 years after the introduction of the qualifications - 56,5 per cent of all registered male employees and 72,65 of all registered women employees had obtained the qualifications. Van der Merwe provided no basis for these estimates - which possibly came from within the Department - but he did note that more than 2,2 million contracts had

been registered at local labour bureaux by 30 June 1970. (Van der Merwe, 1971: 141())

These estimates, when read against the estimates of A.S. Marais quoted in the previous chapter, if both sets are correct, show the rapid increase in the number of persons who qualified during the 1960s. This rapid growth suggests that it was one of the reasons for the concerted attempt to remove them from the Statute Book during this period.

Contrary to the determination of the Government and the Department of Bantu Administration and Development to remove Section 10 from the statute book, the United Party urged the recognition of the political importance of persons with such qualifications to white interests. W.M. Sutton, one of the United Party spokesmen on black affairs, said of Section 10 holders during the debate:

"I believe that the Section 10 Bantu are the key to the survival of the White man in this country...they are the settled urban population of Bantu people and they will not be repatriated. If they are repatriated, and their rights are infringed, then I believe that this is simply inviting disaster to all South Africa, white as well as black." (Hansard, 1971: 2040-41)

When, after the 1976 riots, it became stated policy to develop an urban black middle class (Department of Co-operation and Development, 1979: 29) this statement could well have been made by a National Party representative. During the 1960s nothing was further from the aims of policy than the need to develop a black middle class in urban areas as a possible ally of white interests.

#### D. Conclusion

The developments in legislation between 1968 and 1971 were the most important developments in urban black administration since the package of legislation in the early 1950s. The institution of one year contracts and the extension of the labour bureaux system into the homelands; homeland citizenship for every black South African; and the restrictions

on urban housing were important preludes to the introduction of administration boards, the culmination of the implementation of the recommendations of the Van Rensburg Committee. Not only had a comprehensive restructuring at a policy level taken place, but new administrative structures in both homeland and non-homeland South Africa had been created to ensure the implementation of the new policy direction. The most important consequence of the Bantu Affairs Administration Board Act was the tighter control it allowed the Department of Bantu Administration and Development to exercise over the implementation of policy. The ministerial powers of appointment of the chairmen and vice-chairmen of the boards was a major way of achieving this. This power of appointment was to be used to appoint persons who were known to be sympathetic to Government policy.

The extent of head office control exercised after the introduction of the boards is shown in remarks of J.C. de Villiers, a former chief director of the West Rand Administration Board:

"The result of necessary ministerial control was the creation of an administrative body concerned with urban Bantu administration, which cannot be easily matched for its clumsiness and long-wordiness. I do not think it possible to design a more clumsy system without becoming ridiculous...In view of the care taken in the appointment of people who could tackle the job of urban Bantu administration thoroughly and effectively and who could correctly interpret government policy, one would justifiably expect that the traditional ministerial view would undergo a change and that specific steps would be taken to provide a greater degree of 'autonomy' to the local administration boards. However this did not happen."  
(Sunday Times, 24 May 1981)

At the same time as allowing more thorough head office control, the Act also went some way towards meeting long-expressed employer demands for greater mobility of black labour. While it had been the intention of the Department to couple the granting of greater mobility of urban black employees with the abolition of Section 10 qualifications, this was not achieved, for reasons which were shown. It is now necessary to examine

the developments in influx control policy after the introduction of the boards, ending with the recommendations of the Riekert Commission in 1979.

## V. ADMINISTRATION BOARDS AND CHANGES IN INFLUX CONTROL DURING THE 1970s

Within six years of the passage of the Bantu Affairs Administration Board Bill through Parliament, the procedures of influx control were being reconsidered by the Riekert Commission. This chapter will examine and suggest reasons for this reconsideration of policy which was to affect the administration boards in various ways. The chapter begins by outlining the development of administration boards after which attention will be paid to developments affecting influx control, paying special attention to the views of administration board officials.

### A. Administration Boards - The Delimitation of Boundaries

The Bantu Affairs Administration Board Act was promulgated on the 26 November 1971. The first administration boards started functioning on 27 November 1972 and by September 1973 the entire country outside the homelands had been delimited into 22 administration board areas with jurisdiction over important aspects of administration in both urban and rural areas. Seven of the boards were in the Cape, three in Natal, three in the Orange Free State and nine in the Transvaal.

The basis for the delimitation of the administration boards is of significance, especially to labour issues and to the involvement of administration boards in the development of homeland towns. Of the 22 original boards, 15 shared at least one common boundary with a homeland or surrounded a section of a homeland. The only boards that did not share a border with at least one homeland were the Peninsula (Cape Town), South West Cape (Worcester), Karoo (Graaff-Reinet), Vaal Triangle (Vanderbijlpark), Cape Midlands (Port Elizabeth) and the East Rand (Germiston) and West Rand (Johannesburg) boards. Although factors such as language and geographic considerations influenced the delimitation of the boundaries, these were decided upon with the over-riding goal being one of linking as many administration boards as possible to a homeland boundary. (Bantu, 1973: 3).

These homeland-administration board boundary linkages were designed to facilitate "homeland orientated administration" - a euphemism for various policy goals. These included (a) streamlining the supply of

labour from homelands to urban areas with the possibility of implementing labour zoning (as provided for in the 1968 labour regulations), (b) increasing the usage of contract and frontier commuter labour as a means of labour supply by allowing for more concerted action from the administration boards in the development of homeland towns, and (c) of allowing more consistent action and resettlement of "redundant" persons from the urban areas to the homelands.

On the latter point, T N.H. Janson, deputy minister of Bantu Administration and Education, declared during a discussion on the importance of homeland-administration board linkages:

"Aanverwant aan die voorsiening van behuising in die tuislande is daar 'n verdere belangrike funksie wat die verantwoordelikheid van Bantoesake-administrasierade word, naamlik tuislandvestiging . Ons vind dat daar in gevalle waar by die Department van Bantoeadministrasie en -ontwikkeling aansoek gedoen word om uitbreiding van bestaande huisvesting in stedelike Bantoewoongebiede, by ondersoek vasgestel word dat 'n groot deel van sodanige behuising dikwels opgeneem word deur onproduktiewes, dit wil se diegene wat weens hoe ouderdom, swak gesondheid, ongeskiktheid of ander geldige redes nie meer in staat is om enige lonende werk te verrig nie. Hierdie ongelukkige mense het dikwels 'n heenkome in die tuislande of 'n heenkome kan vir hulle daar voorsien word. As gevolg van 'n gebrek aan aanmoediging en bystand bly hulle egter waar hulle is. Waar dit in die verlede die taak van individuele plaaslike besture was om elk ten opsigte van sy eie regsgebied behulpsaam te wees met die vestiging van hierdie onproduktiewes in die tuislande en sodoende beskikbare behuising ten volle te benut, word dit nou 'n funksie van die Bantoesake-administrasierade oor veel groter gebied, insluitende stedelike en landelike gebiede " (Jansen, 1972: 34-35)

The advantages of the boundary arrangements for promoting the use of frontier commuter labour by administration boards has been recognised (Smit and Booysen, 1981: 28) and by the end of 1975 almost half of the boards were active in developing homeland towns. By 1978, an estimated

42 342 blacks had been resettled in homeland towns developed by administration boards, but this figure excluded numerous projects still numerous in the planning stage. (Riekert, 1978: 78) This figure is all the more important when those boards that did not share a border with a homeland are left out of consideration. It is unlikely that these efforts could have been matched by individual municipalities had they remained responsible for urban black administration during the 1970s; the introduction of the boards must be seen as a major factor in promoting the use of frontier commuter labour during the 1970s.

These initial boundaries remained in force until April 1979 when the number of boards was reduced from 22 to 14 primarily, it seems, because of the financial difficulties many of the smaller boards were experiencing as a result of their boundaries. This redelimitation saw the number of boards reduced to three in the Cape; two in Natal; with the remaining nine in the Transvaal and the Orange Free State. One of these latter boards - Oranje Vaal - cut across the Transvaal-Orange Free State provincial boundary.

The importance of administration board-homeland boundary linkages was, though, accentuated by the new boundary arrangements: only two of the fourteen boards - West Cape and West Rand - did not share at least one common boundary with a homeland. Just as the importance of administration board-homeland boundaries had been an important factor in deciding on the original boundaries in the early 1970s, so too was it a factor in the 1979 changes. (Mathee, 1979: 22) That only two of 14 new boards did not share at least one common boundary with a homeland suggests that it was a very important criterion. The two boards that were not directly linked in this way to a homeland were the West Rand and Western Cape boards.

The advantages of these new boundaries for the promotion of "homeland orientated administration" were enthusiastically welcomed by the chairman of the East Rand Administration Board, S.J. van der Merwe, whose board had not previously shared a boundary with a homeland. Van Der Merwe, an outspoken proponent of labour zoning, saw in the new boundary arrangements the ideal opportunity for his board - and others - to propagate political and migrant labour links between neighbouring

homelands and his board. Involvement in the development of homeland towns had also been facilitated by the new boundary arrangements.

"By die vorige SABRA Kongres is baie sterk bepleit vir die herafbakening van Raadsgebiede sodat bepaalde Rade deur afbakening 'n natuurlike gerigtheid tot bepaalde tuislande sou hê...Gekoppel aan groter homogeniteit, kan Rade dus nou baie nouer tuislandskakeling ontwikkel. Hierdie tuislandskakeling is ongelukkig nie vir die Wes-Rand bewerkstellig nie, wat baie jammer is. In die nouer skakeling sal dit baie makliker bewerkstellig kan word dat die enkellopende arbeid vanuit gerigte tuislande gekry kan word." (Van der Merwe, 1978: 7)

Two years previously Van Der Merwe had presented a comprehensive scheme for the achievement of labour zoning for all the administration boards. In terms of the plan, formulated with clinical precision, each board would have drawn labour from, at the most, three homelands instead of the up to 10 homelands most of them drew their contract labour from. (Van der Merwe, 1977: 54-59) Although the Riekert Commission was later to reject proposals that labour zoning be adopted as official policy, the new boundaries certainly aided the informal adoption of such policies by individual boards and to their general involvement in labour recruitment and township layout in the homelands nearest to them.

These boundaries have not been altered <sup>since</sup> 1979. With this as a brief background it is now necessary to discuss the changing influx control and labour regulation policies during the 1970s leading up to the Riekert Commission and the Government's response to its report, giving special emphasis to the views of administration board officials

#### B. Influx Control and Labour Regulation - Changes and Continuities

The introduction of the administration boards and the ending of municipal responsibility for urban black administration was a major triumph for the Department of Bantu Administration and Development. Their introduction was primarily the result of Departmental concerns over the implementation of influx control; the Department wasted no time in setting the agenda for the new authorities as far as influx control and

labour regulation was concerned. The IANA congresses of 1972 and 1973 were used by the Department to identify these avenues of concern which will be presented as a background to more particular on-going issues, such as Section 10 and homeland citizenship, before examining the impetus for restructuring influx control as ultimately expressed by the Riekert Commission.

Departmental expectation about the tasks of administration boards was expressed by P.S.F.J. van Rensburg, deputy secretary and chairman of the Van Rensburg Committee, in his speech to the 1972 IANA congress titled "The Task of Bantu Affairs Administration Boards in White areas". His speech was repeated in almost identical fashion at the 1973 congress by I.P. van Onselen, secretary of the Department.

Firstly, Van Rensburg said the boards had to clamp down on the "still increasing" illegal employment and residence of blacks particularly those employed in domestic service and in the building and catering sectors. These categories of employment have traditionally been regarded as major users of illegal and/or unregistered labour and Van Rensburg's specific reference to them must be seen in that context. Secondly, they were to give attention to the "...samedromming en die aanwesigheid van groot getalle oenskynlik ledige Bantoes in die blankewoon-, besigheids- en ontspanningsgebiede...". Thirdly, in the rural areas the boards were to ensure that restrictions on the employment of farm labour were enforced and so prevent the "verswarting" of rural areas.

"Die aanwesigheid van groot getalle Bantoes op plase en by myne en bedrywe, moet toegeskryf word aan die een of ander oorsaak. Oorindiensneming is een hiervan...Ook is die aantal gesinswerkers soms buite alle verhouding. Plakkerdiensbodes en plakkers op arbeidsplase soos veral in Natal is 'n ander voorbeeld. So ook bestaan daar verskeie Swartkollie en Sendingsplase...Dan is daar ook die volgende tendense wat ons nog in die nie-voorgeskrewe gebiede bespeur. Daar is 'n bedekte voortsetting van die plakkerdiensbodestelsel selfs in daardie dele waar dit alreeds formeel afgeskaf is. Die voortsetting vind plaas deur die oenskynlike registrasie van

Bantoes as voltydse werkers maar in die praktyk is die diensverhouding niks anders as die ou stelsel nie, en daarom is daar groter getalle op sulke plase aanwesig as wat daar behoort te wees." (IANA, 1972: 21-22)\*

And fourthly, the Department indicated its concern at continual requests by those categories of employers in rural areas who were subject to housing restrictions, for permission to exceed them. This, too, must be seen as an attempt to prevent the "verswarting" of the platteland.

"Vir die behoud van gesinne wat reeds buite verhouding hoog is en vir die toevoeging van nuwe gesinswerkers, word die permanensie en die verwerfde opleiding, ondervinding en onmisbaarheid van sulke gesinswerkers, voor die Department se kop gegooi as rede vir hul indienshouding op 'n gesinsgrondslag. Elkeen wil sy eie klein gesinsgemeenskap hê en niks kom tereg van 'n eie huis in die tuisland nie, of benutting van akkomodasie in 'n beplande Bantodorp of behuising net vir die werkers by die werkplek."(IANA, 1972: 22)

Van Rensburg, and Van Onselen a year later, gave no indication of any considerations that important aspects of influx control could be liberalised as some municipal administrators were already urging: instead their presentation was of the orthodox and hardline nature which had been articulated during the 1960s by Departmental spokesmen. The suggestions by some municipal administrators, by now administration board officials, that influx control could be liberalised will be discussed after an examination of development affecting Section 10 during this period.

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\* This statement by Van Rensburg is another indication of Departmental concern over the extent of "over-employment" and the residence of farm labourers' families on farms. Du Randt, it will be recalled, had earlier referred to the inadequacy of control on farm labour employment. The transfer of the functioning of the district labour bureaux from the Bantu Commissioner's to the administration boards was crucial in this regard. "Sodra die Administrasieraad die distrikarbeid-buro's beheer (m.a.w. die Bantoe op plase) sal daar ernstig gekyk word na die stelsel van die aanhou van 8-10 siele op die plaas, terwyl slegs een se arbeid benut word." (Riekert, 1973: 127)

i) Section 10 and Homeland Citizenship

The Department had fully intended that Section 10 should either have been repealed or drastically amended during the late 1960s to achieve both the tightening of influx control and the ideological goal of linking urban blacks to ethnic homelands. However, for the reasons which were dealt with in the previous chapter, this goal was not achieved and the Bantu Affairs Administration Board Act, paradoxically, brought increased employment benefits to the holders of Section 10 (1) (a), (b) and (c) qualifications. Despite the setback to Departmental plans, it remained the goal to get rid of Section 10, as Koornhof had indicated in 1969. The ideological incentive to remove Section 10 from the Statute Book had been increased with the creation of homeland citizenship for every black South African; this legislation, according to the Department, finally established the political status of urban blacks, in relation to the ethnic homelands.

Even though Section 10 was not amended during the 1970s despite the continuing commitment to do so, other important amendments to legislation during this period affected crucial long term aspects of Section 10 qualifications. However despite this, pressure for the repeal of Section 10 came from both within and outside the Department.

Within the Department, two committees of inquiry urged a review of its provisions. The first, the Meyer Committee of 1974, noted the conflicting interpretations given to the status of Section 10. According to the summary of the report in the Riekert Commission, the report argued that the black worker in urban areas was a "guest worker" and that employment was the criterion for their presence. It urged that the Appeal Court be asked to rule on the status of Section 10 and that amendments be made to it "where necessary". (Riekert, 1979: para. 4.194)

One year later, in 1975, the provisions of Section 10 were again investigated, this time by the Vermeulen Committee. Like the Meyer Committee report, the report of this committee was never publically

released: once again it is necessary to rely on the summary provided by the Riekert Commission to provide an indication of the findings of the report. The report noted, inter alia, -

"...the detrimental effects of Section 10: misuse by agitators and the press to show up the Government in a bad light and to incite Blacks; pressure on the inspectorates of the administration boards to prosecute more blacks with a view to higher income from fines; raids on families when asleep, which lead to violence and strife and disturbed relations between peoples as a result of arrests and the excessive zeal of officers in the carrying out of their duties. The Committee recommended that Section 10 be amended to take account of the relevant factors of employment, accommodation and citizenship." (Riekert, 1979: para. 4.195)

Continued gainful employment and approved accommodation had always been held out during the 1960s as the sine qua non for continued residence in urban areas; the addition of homeland citizenship was the new factor in the equation. It will be remembered from the discussion in the previous chapter that the introduction of homeland citizenship was seen as an essential forerunner to the repeal of Section 10; departmental planners were now trying to link acquisition of homeland citizenship with access to housing and employment in urban areas to substitute it for the possession of Section 10 qualifications. Van Rensburg had already given notice that employment in urban areas ought to be linked with the acquisition of homeland citizenship (IANA, 1972: 22) as did H.J.D. Van der Walt, a prominent National Party parliamentarian.

"I think the policy of the National Party has already developed to the stage where we can say without qualification that the Whites of South Africa have citizenship in White South Africa and that the Bantu in our midst have citizenship in their homeland. I know what I am talking about, and I know we should do it in a responsible manner i.e. namely that this content of pretence permanently embodied in Section 10 (1) (a) and (b) should be removed because we have now reached the stage where we are dealing with peoples next to one another...the Black

peoples may be in South Africa at a given time and under given circumstances, be it for a longer or shorter period - may be generations - he is here as a citizen of that nation. He is here as a citizen of that nation to sell his labour, and we should link the sale of his labour to the possession of a certificate of citizenship." (emphasis added) (Hansard, 1975: 5284)

Not only was possession of homeland citizenship held out as an intended prerequisite for employment in urban areas but it was being linked to access to housing. The announcement in May 1975 that home ownership was to be reintroduced in urban areas, after being suspended in 1967, was, in 1976, linked to the acquisition of homeland citizenship. (Senate Hansard, 1976: 2532) This stipulation designed to legitimise homeland citizenship was later withdrawn after considerable agitation.

Homeland citizenship was even being linked to benefits of mobility of labour and service conditions, so seriously did the Department of Bantu Administration and Development undertake the task of trying to attach greater benefits to homeland citizenship than advantages which accrued to Section 10 qualifiers. Thus M.C. Botha in 1976:

"To those who acknowledge their own specific national context, we must grant more and more privileges here in the White area Preference must be given to them in regard to available jobs...They must be protected by conditions of service, they must be provided with housing. That is why we introduced it into this new development of the home-ownership scheme...They may have greater freedom of movement to and within the White area..." (Hansard, 1976: 5564)

On another occasion Botha indicated that the benefits which homeland citizenship would bring would "put the so-called misrepresented privileges of Section 10...in the shade." (Senate Hansard, 1976: 2565-66) Nothing came of these proposals however: the Department backed down on the stipulation that citizenship was a pre-condition for the 30 year leasehold housing scheme and no employment benefits were attached to acquisition of homeland citizenship.

The brief summaries of the Meyer and Vermuelen reports and the statements of Botha and Van der Walt would seem to indicate that the Department of Bantu Administration and Development was preparing alternative legislation to govern the residence and entry of blacks to urban areas which would tighten influx control. If this was so, it would seem likely that such alternative legislation could have seen the removal of the 72 hour provision: the Van Rensburg Committee had earlier shown the difficulties municipal officials had in proving a stay of longer than 72 hours in the face of a denial by a recent entrant. It is also possible, bearing in mind that the Transkei had indicated its intention to consider independence, that suggestions could have been made that homeland independence be linked with the forfeiture of Section 10 qualifications by persons deemed to be citizens of homelands accepting independence. This stipulation would have catered for the ideological component of the long-standing antagonism towards Section 10.

Amongst administration board officials, these plans appear to have found support, certainly at a general level of a commitment to doing away with Section 10. Dr P.J. Riekert, chief director of the Western Transvaal Administration Board and who had been the only member of IANA's executive to support the repeal of Section 10 during the negotiations over the Bantu Labour Boards draft bill, remained in favour of such a step. Section 10 could not be reconciled with "nation building" Riekert argued. (Riekert, 1972: 34) Another influential and conservative administration board official, C.H. Kotzé, chief director of the Central Transvaal Administration board, urged the scrapping of Section 10 on the grounds that it resulted in an undisciplined and choosy workforce which could only be corrected by amending Section 10. (Kotzé, 1974: 3)

On the other hand, J.C.K. Erasmus, the appointed chairman of the Cape Midlands Administration Board, recognised the national and international political consequences which a "drastic departure" from the existing position could cause. His proposal amounted to a freezing of Section 10 with a set of definite conditions for their continued possession - a proposal which was not very far removed from the spirit of Departmental plans.

"Daar word dus gevoel dat aan die Bantoe wat tans sekere voordele kragtens genoemde artikel 10 geniet, steeds daardie

voorregte gegee moet word met die uitsondering dat dit in die vervolg nie in die vorm van permanente verblyfsregte verleen word nie, maar eerder as 'n verblyfsvergunning slegs aan daardie Bantoe wat produktief en in staat is om sy eie behuising te voorsien op 'n erf-en-diens-skema-basis en onderwerpe daaraan dat hierdie vergunning sal verval sodra hy ophou om te voldoen aan die vereistes." (Erasmus, 1974: 8)

There was thus a general consensus amongst administrators - both at head office and at local administration board level - that Section 10 should have been repealed. Why then was it not? Although M.C. Botha had indicated early in 1976 that it might not be necessary to repeal it because of the proposed benefits which acquisition of homeland citizenship would bring in its place (Senate Hansard, 1976: 2565-66), a more likely explanation is that the outbreak of extensive violence in urban areas throughout South Africa in 1976 created political conditions which made it difficult to proceed immediately with such plans.

But even in the post-1976 period when the Riekert Commission was, in effect, reconsidering the status of the urban townships and about to propose an end to Stallardist-inspired attitudes towards the townships and their replacement by Faganist attitudes, Stallardist inspired attitudes still found support within the ranks of administration boards. S.J. van der Merwe, chairman of the East Rand Administration Board, was an example. In his address to the 1978 SABRA conference, referred to earlier, he adopted a strong Stallardist position on the labour role of urban townships:

"Die Swart stedelike gebiede bly steeds net 'n woondorp. Nie een van die stedelike Swart woongebiede het in eie reg ontstaan as 'n dorp met al die elemente van 'n dorp of stad nie. Hulle kan eerder beskou word as 'n voorstad wat 'n bepaalde funksie vervul in die groter Blanke stad of dorp - 'n soort voorstedelike aanhangsel. Hierdie Swart stede kan ook nie toegelaat word om te ontwikkel tot selfstandige stede in eie reg met al die elemente van 'n groot dorp of stad nie, want hulle is primêr daar om juis 'n arbeidselement te voorsien

aan die stad of dorp waarvan hulle 'n deel uitmaak. Indien die totale reeks elemente van 'n dorp of stad in eiereg aan die Swart woongebied gegee word, vervaag sy arbeidsvoorsienings-funksie in die Blanke dorp..." (Van der Merwe, 1978: 6-7)

Hostility towards Section 10's provisions and such Stallardist attitudes towards the function of urban townships went hand-in-hand.

However, even though the Department failed to directly substitute homeland citizenship for Section 10 qualifications as the basis for preferential access to housing and employment in urban areas, at a more explicitly political level the institution of homeland citizenship was beginning to have far-reaching long-term implications for further acquisitions of Section 10 (1) (a) qualifications, and thus eventually access to housing and employment. This process, which Dugard has called an "exercise in denationalisation" (Dugard, 1980) was heralded by the Bantu Homelands Citizenship Act of 1970; was developed further by the Status of Transkei Act of 1976 - as the first of the independent homelands - but was taken to its logical conclusion by provisions of the Black Laws Amendment Act of 1978.

Although the legislation conferring independence on Transkei, and subsequently Bophuthatswana, Venda and Ciskei, did not affect the possession of Section 10 qualifications by persons who thus became citizens of these states at the time of independence, the Black Laws Amendment Act of 1978 effectively prevented children born to such persons after the date of independence from acquiring Section 10 (1) (a) qualifications. The amendment did this by amending Section 12 (1) of the Blacks (Urban Areas) Consolidation Act to deny access to urban areas for work, residence and in general to enter such areas to a black "who is not a South African citizen, or who is not a former South African citizen who is a citizen of a state the territory of which formerly formed part of the Republic." Persons born in urban areas after the date of independence of homelands to which their parents had by law become had, by definition, never been South African citizens and so were excluded from the categories of exemption outlined above. Permission to enter, work or remain in an urban area could only be granted by the Director-General of the Department of Plural Relations and could be withdrawn "at any time".

As Dugard has pointed out, this amendment placed "the children of denationalised persons in the position of foreigners in respect of their right to remain in urban areas." (Dugard, 1980: 29) Once defined as foreigners such persons would become subject to the processes of deportation of foreign nationals, if their continued presence in urban areas was no longer desired, for whatever reason. It should also be pointed out that the prospect of arbitrary deportation had been extended on the date of homeland independence to persons who had become homeland citizens. (Dugard, 1980: 33)

This amendment should be seen against the statement by Dr C.P. Mulder, who had succeeded M.C. Botha as minister, during debate on the measure when he provided the most succinct admission of the political aim of homeland citizenship.

"There must be no illusions about this because if our policy is taken to its full logical conclusion as far as the black people are concerned, there will be not one black man with South African citizenship." (Hansard, 1978: 579)

Thus to the extent that more and more homelands opted for these conditions of independence, coupled with other on-going developments affecting Section 10 - the development and resettlement of urban blacks to homeland dormitory towns, the re-drawing of homeland boundaries to include existing townships and the entrenchment of contract labour through the 1968 labour regulations - meant that the ability to obtain Section 10 qualifications, outside of Section 10 (1) (d) qualifications, was being continuously and severely circumscribed to an ever narrower group of black persons within the country as a whole. But at the same time there is evidence that within the urban black townships the proportion of the total registered labour force holding Section 10 (1) (a), (b) or (c) qualifications had increased rapidly during this period. S.J. van der Merwe, chairman of the East Rand Administration Board, quoted figures in 1978 showing that in the four administration boards in the Pretoria-Witwatersrand-Vereeniging complex, 83 per cent of the registered labour force was housed in family conditions, while in 1975 the figure had been 70 per cent. The use of family housing to gauge the

extent of the possession of these Section 10 qualifications is an acceptable indicator as contract labourers, being Section 10 (1) (d) persons, could not qualify for family housing.

The following table, quoted by Van der Merwe, illustrates the position for the four boards in 1978.

	Vaal Triangle	West Rand	East Rand	Central Transvaal	Total
Single man labour (including frontier commuters)	23 068	62 342	76 703	66 690	228 803
Labour housed on family basis	146 469	525 485	257 825	227 013	1 156 792
Total registered labour	179 537	587 827	334 528	293 703	1 385 595
% Single man labour	13,6	10,6	22,9	8,2	16,6
% Family housed labour	86,4	89,4	77,1	91,8	83,4

Source: Van der Merwe, 1978: Table 2.

Although Van der Merwe recognised that the use of contract labour had been seriously affected by the depression - dropping from 250 000 in 1975 to 229 000 in 1978 in these four boards - the extent of the increasing possession of Section 10 (1) (a), (b) and (c) qualifications attained through birth or length of employment was "disquieting". The implication of these figures is chiefly that they reflected that any attempt at increasing the proportionate use of contract labour depended on the new employment openings outstripping by far the capacity of stabilised labour to fill them. This was against a background where three of the four boards planned to drastically increase their contract labour capacity: Van der Merwe noted that the boards planned to increase their use of contract labour from the 1975 figures of 11,3 per cent, 15,4 per cent, 17,1 per cent and 7,1 per cent to levels of 32,1 per cent, 20,1 per cent, 20 per cent and 8,7 per cent. (Van der Merwe, 1977: 53)

To conclude: even though the Department of Bantu Administration and Development failed to repeal Section 10 during the 1970s, this was not as severe a setback as may appear at first glance. For the consequences of actions such as the re-drawing of homeland boundaries, the resettlement of Section 10 persons to newly developed homeland towns as a result of which they lost these qualifications, and the long term consequences of the Black Laws Amendment Act of 1978, all helped to make major inroads to the extent and capacity of blacks to qualify for such qualifications.

It is now necessary to turn to an examination of the pressures within municipal ranks for a re-examination of influx control during this same period, at the end of which possession of Section 10 qualifications took on more significance than ever before.

ii) Municipal Pressures for a Partial Reform of Influx Control

The recommendations of the Riekert Commission in 1978 and the subsequent White Paper detailing the Government's response, marked an important recognition at central government level that aspects of influx control and labour regulation could be relaxed and urban conditions ameliorated while still retaining a commitment to severe curbs on rural-urban migration. It will be argued that many of these proposals had been expressed by municipal administrators from the late 1960s, illustrating that pressures for a partial reform of the system were building up within the vast bureaucracy controlling urban black administration before the outbreak of widespread urban unrest in the middle and late 1970s.

It is necessary to return to the late 1960s when the Department of Bantu Administration and Development was putting the finishing touches to its plans to end municipal control of urban black administration. The Van Rensburg Committee had reported earlier with its declared aim of strengthening influx control - with no hint of any recognition that any of the requirements of influx control and labour regulation could be liberalised. Yet two years later, in 1969, a report of a sub-committee of the Transvaal Provincial Division of IANA was urging such changes, although these urgings were later rejected by a more senior committee. And in 1971, proposals which were later to be presented by the Riekert Commission were presented by H.A. du Plessis, director of Bantu

Administration of the Kimberley City Council, to the annual IANA conference. These three important debates at municipal level about possible future influx control policies will be examined in turn.

The debate started with the appointment in October 1969 of a sub-committee of the Transvaal Provincial Division of IANA to investigate and report on the productivity of blacks permanently resident in urban areas and to make recommendations on ways of improving their productivity, if it was found to be unsatisfactory. The committee was chaired by A.E. Steenhuizen, from the Johannesburg City Council's Non-European Affairs Department and later Director of Labour with the West Rand Administration Board, with other members drawn from the municipalities of Springs, Boksburg, Roodepoort, Vereeniging and Krugersdorp. The committee reported in November 1970.

With a view to its term of reference, the committee attempted to determine the productivity "outside the work situation" of urban blacks. Because of the methodological problems and dubious nature of the calculations, they will be ignored other than to note that it argued that the average productivity of the permanent black resident on the Witwatersrand was 49,21 per cent. This indicated, it argued, a "great deal" of unproductiveness on their part. Of more interest, however, are the conclusions and recommendations which the committee drew from these figures, irrespective of doubts and reservations about the validity of the calculations.

As a general point the committee argued that given the high rate of labour turnover amongst permanently resident urban blacks - an average of 56 per cent for the Witwatersrand towns surveyed - and the time-consuming process which accompanied each registration of a service contract, the result was that "...die Bantoe-arbeids potensiaal in voorgeskrewe gebiede nie optimaal benut word nie."

"Dit wil dus voorkom dat as gevolg van beheërmatreels (wat tot 'n sekere mate natuurlik noodsaaklik is), algehele motivering tot optimale produktiwiteit nie moontlik is nie, en dat alleenlik vanweë hierdie feit dit moet aanvaar word dat die Bantoe-arbeids potensiaal in stedelike gebiede nie ten volle benut word nie. (Steenhuizen, 1970: 8)

This rather outspoken comment on the economic consequences of aspects of influx control procedures was again apparent in the formulation of its recommendations, discussed below.

Secondly, it argued that labour bureaux were not instituted solely for influx control purposes to prevent the residence of large numbers of blacks in urban areas: instead their "main function" was to ensure the efficient usage of labour. Furthermore, the many tasks labour bureaux officials had to perform prevented them from giving proper attention to placing blacks in employment for which they were suitably qualified.

Thirdly, it supported aspects of the conservative argument over Section 10 qualifications as expressed, for example, by the Van Rensburg Committee. Possession of Section (10) (1)(a), (b) and (c) qualifications allowed workseekers with such qualifications greater choice of work, greater mobility between employment and the choice to remain unemployed if available employment openings were not satisfactory. The "cumbersome" procedures which had to be followed before a successful prosecution in terms of Section 29 could be obtained, meant that "...hierdie hulpmiddel om produktiwiteit te bevorder van min praktiese waarde is." (Steenhuizen, 1970: 9)

And finally it argued that the influx control machinery was complicated and consisted of outdated and redundant requirements: "...sogenaamde beheermatreels wat oor die jare ontwikkel het maar wat blyk dat hulle nie meer 'n nuttige doel dien nie." (Steenhuizen, 1970:11)

A completely new approach to influx control was needed, it argued, which could not be achieved simply by adjustments of existing procedures, as previous experience had shown that these adjustments had not had much success. The labour bureau system had to be reviewed to allow quicker and easier employer-employee interaction in the labour market while at the same time taking much stricter action against employers and employees who infringed the legal requirements governing employment procedures.

"'n Feit wat soos 'n paal bo water staan is dat ons bestaande arbeidsburo en toestromingsbeheerstelsel dit baie moeilik maak

om die beskikbare arbeidspotensiaal ten volle te benut, omdat die skakeling tussen owerheid en werkgewer en werknemer onnodiglik belemmer word en die bymekaarbring van werkgewer en werknemer grotendeels verydel word. Verder werk dit onwettige indiensneming in die hand omdat die wetsgehoorsame werkgewer en werknemer gepenaliseer word ten gunste van die wetsoortreders. Met ander woorde ons le allerlei beperkings op diegene wat graag die wet wil gehoorsaam en op diegene wat die wet oortree lê ons slegs ligte strawwe op. Die onderligende gedagte wat ons aanbevelings bevat is eenvoudig; maak dit makliker vir nyweraars en ander werkgewers om arbeid te bekom en die wet te gehoorsaam en maak dit eweneens makliker vir die werknemer om geskikte werk te bekom en die beheermatreels na te kom en straf dan die wetsoortreders swaar. (emphasis added) (Steenhuizen, 1970: 12-13)

It was this emphasis on the need to simplify and streamline the employment procedures governing the employment of urban blacks which provided the basis of the committee's recommendations. It recommended the introduction of a worker permit system for Section 10 qualifiers on condition that such persons had been employed for at least 10 months of the previous year. Permit holders would be allowed to change employers as they wished; but the committee was less certain about the possibility of doing away with the need to report changes and dismissals of employment. But such a permit system would eliminate the need to issue workseeker's permits to persons each time they were discharged from employment. (Steenhuizen, 1970: 16)

Secondly, it proposed that a similar permit system could be implemented for contract workers, with the important provision that contract workers ought not to be restricted to employment with a single employer during their stipulated maximum 12 month contract. Changes of employment within the industrial sector the contract worker was restricted to, ought to be sanctioned by the local labour bureau.

"Indien 'n werker sou van werkgewer moet verwissel in 'n voorgeskrewe gebied sou hy onmiddelik na die arbeidsburo moet gaan om by 'n nuwe werkgewer binne die toegelate tydperk van 12

maande geplaas te word (gedagtig aan die feit dat hy aan 'n bepaalde kategorie gekoppel is). As hy in die stadsgebied gevind sou word sonder 'n werkerspermit of sonder dat dit behoorlik geteken is ('n maand grasie behoort toegestaan te word) sou hy onmiddelik aan 'n hoë boete of gevangenisstraf onderhewig wees en vir 'n bepaalde tyd gepenaliseer word om in 'n voorgeskrewe gebied te gaan werk." (Steenhuizen, 1970: 16)

Thirdly, as a complementary step to the above recommendations, the committee argued that the introduction of the proposed permit system would allow the scrapping of certain prescribed influx control procedures; these included the compulsory registration of workseekers, the registration of individual service contracts (excluding the notification of employment and discharge of workers - presumably by employers) and the issuing of workseeker permits each time an urban black resident wished to find alternative employment.

But the quid pro quo for the abolition of these procedures was tougher action and higher fines against offenders; particularly persons found in prescribed areas without a valid workers permit (excluding persons exempted on grounds of age etc.) and employers who employed persons who did not qualify for such permits.

These proposals by the sub-committee did certainly not question the necessity for continued influx control; rather their importance lies in the recognition that certain aspects - which had up until then been considered essential aspects of influx control - could be relaxed without sacrificing any efficiency in the implementation of influx control while allowing for less direct labour bureau control of labour regulation of persons with Section 10 (1) (a), (b) or (c) qualifications. These proposals were roundly condemned by an IANA committee established in 1972 to review the findings of the Steenhuizen report; it is to this that we now turn.

This committee was chaired by C.H. Kotzé, of the Transvaal Board for the Development of Peri-Urban Areas. The suggestion by the Steenhuizen committee that relaxations of the procedures of influx control could be considered was rejected outright; instead this committee

proposed that influx control procedures ought to be tightened still further and re-affirmed the importance of labour bureaux control over employment opportunities.

"Die komitee is die mening toegedaan dat beheermatreels eerder verskerp word as om toegewings te maak soos in bogenoemde verslag aanbeveel. 'n Spreekende voorbeeld hiervan is die komitee se voorstel dat Artikel 10...en die Bantoe-Arbeidsregulasies sodanig gewysig word, deur voorsiening te maak vir 'n werkerspermit stelsel...Die huidige arbeidsburo-stelsel het die tyd van die toets deurstaan en daar moet gewaak word teen 'n stelsel wat die uiteindelijke oogmerk kan vertroebel. Die Steenhuizen-komitee se voorgestelde werkerspermit kan onproduktiwiteit in die hand werk as gevolg van 'n groter arbeidsomset en kan selfs neig tot ongedisseplineerde arbeid." (emphasis in original) (Kotzé, 1972: 2)

This commitment to retaining the labour bureau as the crucial pivot around which the implementation of influx control hinged is apparent in other comments of the committee. It argued that the goals of the labour bureau system should be purposefully implemented by, for example, scrupulously checking on the reporting of vacancies by employers, ensuring that blacks also reported promptly to the bureau as required by law and that failure to register service contracts should be kept to an absolute minimum by stricter action by inspectors.

It accepted that the tedious administrative procedures involved in the allocation of labour ought to be eliminated and referred specifically to the issuing of reference books and the call-in card system. But these recommendations for simplification of labour bureau intervention were certainly not as major as those proposed by the Steenhuizen committee.

It did concur, though, with the Steenhuizen committee's suggestions that penalties for the contravention of influx control provisions ought to be drastically increased to serve as a real deterrent for illegal employment and residence in prescribed areas. These tougher penalties ought also to be applicable to employers who contravened employment procedures.

While the Steenhuizen committee had made no explicit reference to the need to repeal Section 10 qualifications, the Kotzé committee strongly advocated such a step. It argued that Section 10 qualifications contributed towards poor productivity because possession bestowed a certain protection on the holder as he could only be removed from a prescribed area by a Section 29 hearing. It accordingly advocated the repeal of Section 10 (1) (a), (b) and (c) qualifications; instead it proposed that the capacity of an urban black person to work should be the sole criterion for continued residence in prescribed areas. (Kotzé, 1972: 6)

These were the most important political factors identified by the Kotzé committee as contributing to the unsatisfactory utilisation of black labour in urban areas. It identified other factors - more technical ones - but these are not important to the functioning of labour bureaux as an instrument of influx control, which was the central concern of the Kotzé committee.

The last example of the debate within municipal, and later administration board circles during this period over the role of labour bureaux in influx control policies were the proposals presented by H.A. du Plessis, director of Bantu Administration of the Kimberley City Council, to the 1971 IANA congress. As remarked earlier, many of the proposals which the Riekert Commission was to recommend seven years later bore a very close resemblance to the points made by Du Plessis to the congress.

His proposals were aimed at finding alternate policies and regulations for influx control and labour regulation which would satisfy three inter-related aspects: increasing mobility of labour, simplifying the bureaucratic procedures attached to employment in urban areas and of preventing the large-scale use of legal sanctions against influx control offenders.

Du Plessis noted the consistent limitations post-war developments had had on the mobility of black persons and argued that "...through control from above, we are moving directly contra to the natural laws requiring a balance between labour supply and labour demand." (IANA,

1971: 72) He welcomed the provisions of Section 26 of the Bantu Affairs Administration Board Act of 1971 - which allowed qualified blacks to take up employment in other prescribed areas while retaining their qualification in the prescribed area in which they obtained it - and suggested that they gave the administrator the opportunity "...to move away from the idea of limiting the Bantu to relatively small areas and should be used to encourage the more natural free flow of the labour force." (IANA, 1971: 73)

It was, however, Du Plessis's suggestions for the revision of the documentation procedures surrounding service contracts which were a major departure from accepted policy and practice. Revision of these procedures would have to accompany any reform of policies affecting the mobility of blacks, he argued. The existing procedures, governed chiefly by the 1965 labour regulations, laid down stringent stipulations on blacks seeking work, entering employment or leaving employment.

Du Plessis's proposals on this count were concerned with altering the procedures of documentation of service contracts to achieve two major new developments: shifting the onus of responsibility for informing the labour bureau of changes of employment from the employee to the employer and of moving towards control based on the availability of work and accommodation.

As regards the first, he proposed that once the identity of a qualified workseeker had been established such a person could be given a work document "which will enable him to change employers a number of times without having to report to a labour bureau each time he does so".

"A work document of this nature could well contain basic details required to enable him to take up work as well as detachable portions which the employer completes and passes on to the labour bureau, thereby completing a service contract. Once the service contract is completed in this manner, the employer accepts a financial responsibility due to the labour bureau and without having to complete any other forms and returns. By this means the onus is placed entirely on the employer to ensure that the affairs of his Bantu employee, has

been brought in order in so far as it concerns the labour bureau." (IANA, 1971: 73)

Such a system would eliminate the necessity for employees to notify the labour bureau of discharge from employment and of the requirement that workseekers register and seek work via the labour bureau. Instead, workseekers with such documents could seek work outside the auspices of the bureau with it being the responsibility of the employer to notify the bureau of his taking on new employees.

Although Du Plessis intended such a system to be used primarily for urban blacks he argued that a similar scheme "with possibly more limited scope for movement" could be implemented for homeland contract workers, as the Steenhuizen committee report had also suggested.

Turning to the large-scale penalisation of influx control offenders, he argued that his proposals for increased mobility and revised employment procedures, coupled with the use of an employment document in preference to an identity document, should decrease the number of prosecutions of persons who could not identify themselves.

"The last mentioned thought is based on the possibility that (a) man's identity as such is not of cardinal importance provided he is employed or is in the process of changing jobs. It then follows that our control must place the accent on the employer and the availability of accommodation for the Bantu employee, rather than on the individual as at present." (emphasis added) (IANA, 1971:74)

These suggestions by Du Plessis, for what amounted to a drastic revision of the procedures of influx control, were not motivated by a desire to tighten influx control, as perhaps could have been expected. On the contrary, Du Plessis in a rather surprising justification of his proposals acknowledged that they were "motivated...to offer possible solutions that will be acceptable to the subjects governed rather than to the administrator" (IANA, 1971: 73) and that, furthermore, implementation of his proposals could lead to "relatively serious problems" in the short term with a "major influx" from the homelands to urban areas. (IANA,

1971: 74) These justifications and admission of the consequences of his proposals were certainly far-removed from the orthodox attitudes and interests of his colleagues at the time.

Du Plessis's proposals did not provoke the response one might have expected from his fellow administrators, although a cautious defence of the existing labour bureau system was offered by A.H. Stander of Roodepoort (later chief director of the West Rand Administration Board) who was aware, though, of the inherent difficulties of totally preventing inflows of unauthorised workseekers to urban areas. Stander, in effect, challenged Du Plessis' assumption that employers - because they had a financial stake in reporting the discharge of employees - would inform the labour bureau of turnover of employees. Rather, he argued that illegal workseekers, because of the marginal nature of their residence in urban areas, provided employers with their best labour, who would thus continue to employ such labour and fail to report changes in employment to the labour bureau. Under these conditions, the labour bureau had to continue to police the system, with officials dedicated to what they perceived as impartial intervention between employee and employer in the national interest. If they did not, the controls on rural-urban migration would collapse.

"Aan die eenkant het ons die Bantoe wat in die besoldige betrekkinge 'n heenkome wil vind en ook waar hy wil, en aan die anderkant het ons blankepubliek by wie 'n selfsugtige benadering stewig, sal ek sê gefundeer op eiebelang, deurgaans aan die orde van die dag is. Voeg 'n mens hierby nog die feit dat die Bantoe wat die gebied binnegesluit het volgens die werkgewer sonder uitsondering die mees voortreflike diens lewer, dan kan u die amptenaar se dilemma begryp. Die werkgewer is dan ook maar min daarvoor bekommerd dat die ideale verdeling van hom binne drie maande tot die algemeengeldende standaard sal daal." (emphasis added) (IANA, 1971: 75)

This orthodox statement of the importance of labour bureau intervention was linked by Stander to the necessity of more rapid economic development in the homelands to reduce the impetus to seek work in urban areas but with a recognition of the enormous difficulties involved in completely preventing illegal entry.

"...want glo my ons kan maar papier gordyne rondom ons stede span en alle sekondere maatreëls in werking stel maar solank daar in die tuislande mense sit wat wil werk, en hier in die stede die blanke wat enigiets in die werk stel om hulle dienste te bekom, dan het ons nie baie hoop nie." (IANA, 1971: 76)

Reaction of a different sort to Du Plessis' proposals was made by P.S.F.J. van Rensburg of the Department of Bantu Administration and Development, whose importance in the formulation of policy matters during this period has been noted. Van Rensburg had little comment on the main thrusts of Du Plessis' proposals - which was surprising in view of his important position within the Department - but he commented instead on future policy directions affecting the newly established aid centres.

Van Rensburg held out as the goal of future policy developments affecting the labour bureau system that a clear distinction should be made between influx control on one hand, and other aspects of labour bureau activity, on the other:

"...dit is nodig dat ons daardie onderskeid al meer en meer in ons administrasie moet beklemtoon, sodat ons meer positief in verband met ons arbeidsburowerk sal kan dink." (IANA, 1971: 78)

Influx control, he argued, could be performed by the aid centres while the labour bureaux ought to concentrate increasingly on the orientation and training of workseekers for the labour market. This statement of the goal of future policy by Van Rensburg was only to be taken up seriously after the Riekert Commission report, a period which falls outside the scope of this study. The difficulties involved in attempting to enforce such a clear-cut distinction were not discussed by Van Rensburg but it should be noted that even the registration of a service contract at a labour bureau served an influx control function; this suggests that no precise distinction can simply be made between influx control and other aspects of labour bureau activity.

In conclusion, what are we to make of these three examples of municipal proposals for future policy developments affecting influx control and the labour bureau system? Perhaps the most important feature

of the debate is to be found in the acceptance by certain municipal administrators that the extent of labour bureau involvement in the process of labour regulation in urban areas could be reduced and the responsibility for keeping the bureau informed of employment be shifted from the black employee to the white employer. The Steenhuizen committee and the proposals of H.A. du Plessis - for different reasons and in different ways - accepted and proposed similar steps to achieve the same goal. Both proposals singled out increased mobility of labour for Section 10 qualifiers as the starting point in any attempt to re-pattern the labour process, but both also presented arguments allowing contract workers greater mobility within their contract period - a suggestion which was contrary to policy.

The reaction of the Kotzé committee to the proposals of the Steenhuizen committee were, on the other hand, more closely allied to the standpoint of the Department of Bantu Administration and Development on these issues, as they had been expressed in the Van Rensburg committee report, for example.

Thus municipal administrators by no means constituted a united corps of officials implementing policy and uncritically accepting policy directives from the Department of Bantu Administration and Development (as their response to the introduction of administration boards had also revealed). On the contrary, the debates summarised in this section indicate that pressures for a re-examination of the procedures of influx control and labour regulation were being discussed within municipal ranks from the late 1960s and should be seen as a major force in the appointment of the Riekert Commission and of its recommendations.

### iii) The Appointment of the Riekert Commission

In the past two sub-sections, the continued commitment by the Department of Bantu Administration and Development to repeal Section 10 in favour of urban residential qualifications based on employment and the possession of homeland citizenship, on the one hand, and secondly the pressures by numbers of municipal administrators for changes in the procedures of labour regulation were dealt with. In different ways both of these groups stood to gain by a re-examination of the processes of

labour regulation: the Department of Bantu Administration and Development because it had failed to implement the major findings of the Meyer and Vermeulen committees, while to the, by now, administration board officials in favour of a partial liberalisation, such an inquiry would present an opportunity to motivate such changes. Additional factors serving to explain the appointment of the Riekert Commission will be identified during the course of this sub-section.

By the mid-1970s, the Department of Bantu Administration and Development began to face more clearly pressure from homeland leaders for a reform of influx control. In 1975, at a conference between the homeland leaders and senior political representatives of the government, the implementation of influx control was one of the issues raised. According to M.C. Botha, Minister of Bantu Administration and Development, the discussion concerned "the degree to which we can bring about a revision of influx control without throwing the system overboard, but nevertheless with a view to modernisation and improvement." (Hansard, 1976: 5668)

Despite the commitment by Botha to a "modernisation" of influx control - it is arguable that by modernisation he was referring to a system incorporating homeland citizenship in the implementation of influx control as the Vermeulen Committee had recommended, and also because at the same meeting it was agreed that consideration should be given to strengthening homeland government links on a substitute structure for the Urban Bantu Councils (Hansard, 1975: 5306) - his statement, and subsequent actions by the Department, indicated that no major changes to liberalise influx control were contemplated by the Department.

Faced with these pressures from homeland governments, amongst others, for a revision of influx control, official spokesmen consistently argued the necessity to protect the employment interests of permanent residents against competition from outside workseekers as a justification for the maintenance of influx control. (Hansard, 1975: 128)

A good example of such justifications - which municipal administrators had long seen as an integral part of the justification for influx control measures - was presented in 1977 by W.A. Cruywagen, deputy minister of Bantu Affairs.

". .the established population of a region has first claim to the employment opportunities in that region. The illegal influx into the area of people who snatch the employment opportunities away from the established population, cannot be allowed. The worst aspect of all is that these people who enter the area illegally, fill the available situations at lower wages. Therefore, besides, depriving other people of employment opportunities, they are also doing the entire labour community a disservice, for the entire wage structure is forced downwards." (Hansard, 1977: 11428)

In keeping with this justifications, penalties for the illegal employment and illegal residence were substantially increased in the same year in terms of the Bantu Laws Amendment Act, No. 119 of 1977. And in the following year what might be called the historical reality of the implementation of influx control - namely the importance of reference books as proof of identity and legal residence - was affirmed by Dr C.P. Mulder, Minister of the newly named Department of Plural Relations and Development and M.C. Botha's successor.

"How does one control inflow? Let us be realistic and practical...How does one control inflow if one cannot ask a person to produce a document at some time or other showing that he is legally in a certain place? One cannot tell whether he is legally or illegally in a place by looking into his eyes. One can only determine that in one way and that is to ask him to produce his document." (Senate Hansard, 1978: 2706)

These actions and statements, coupled with the developments examined in a previous sub-section, indicate the extent to which influx control and related matters such as homeland citizenship, Section 10 and penalties for the contravention of influx control procedures, were being tightened prior to the findings of the Riekert Commission.

The second additional factor which must be seen as contributing towards the appointment of the Riekert Commission is that of the widespread unrest in urban areas throughout South Africa from mid-1976. While not solely responsible for the appointment of the commission with a

brief to examine labour legislation implemented by departments other than the Department of Labour, the rioting certainly prompted a re-examination of policies towards urban black residents not only within the National Party government but by the private sector as a whole. The establishment of the Urban Foundation in November 1976 - five months after the outbreak of the riots - to mobilise business interests in attempting to ameliorate conditions and pressuring for such changes in urban black areas is the clearest evidence of the recognition by the business community of the consequences of the outbreak of unrest.

This concern by business interests was directed towards the creation of a black middle class in the townships. For example, the Transvaal Chamber of Industries in its memorandum to the Prime Minister soon after the outbreak of unrest expressly linked this goal with the maintenance of long-term white economic and political interests.

"The thought most basic to our submission is the need to ensure a stable, contented urbanised Black community in our metropolitan and industrialised areas. In this context a stable "middle class" is most important. Our prime point of departure should be that this "middle class" is not weakened by frustration and indignity. Only by having this most responsible section of the urban Black on our side can the Whites of South Africa be assured of containing on a long-term basis the irresponsible economic and political ambitions of those Blacks who are influenced against their own real interests from within and without our borders." (Greenberg, 1980: 206).

The memorandum listed the extensive range of issues which restricted the development of such a middle class - transport facilities, the backlog of housing and township amenities, education, the streamlining of influx control, occupational mobility and greater powers for the Urban Bantu Councils.

Although this pressure for reform of elements which had long constituted the central tenets of state policy was not immediately welcomed by the National Party government - witness the comments by the

then Prime Minister B.J. Vorster to comments by the Association of Chamber of Commerce (Greenberg: 1980: 206) - the perceived advantages of developing a stable black middle class in urban areas outside the homelands became accepted policy of the Department of Bantu Administration and Development, at least formally. The annual report of the Department for the years 1978-1979 concluded after a review of policy developments - including the 99 year leasehold scheme - during the period that:

"It should also result in the accelerated growth of a stable middle class, as well as a general improvement in the quality of life of the Black man in the areas concerned." (Department of Co-operation and Development, 1979: 29)

Nothing illustrates more aptly the changes brought about by the unrest to aspects of Departmental policy than the above statement. New developments such as the institution of 99 year leasehold, the relaxation of trading restrictions in urban areas, and the developments affecting Community Councils are all evidence of this new emphasis, which hinged on the possession of Section 10 qualifications.

The final factor which helps to explain the appointment of the Riekert Commission was the necessity of evolving new procedures and structures to deal with the changing composition of the black labour force employed in urban areas in "white" South Africa during the 1970s. In particular, the rapid growth of the frontier commuter labour force during this period - from 290 000 persons in 1970 to 638 500 in 1976 - meant that existing procedures for the canalisation of labour from dormitory homeland towns had to be reviewed to take account of these developments.

The labour bureau system had remained unchanged since the 1968 regulations established the labour bureaux in the homelands, although the district labour bureaux were transferred in 1974 from the jurisdiction of the Bantu Commissioner to the administration boards. The extremely rapid growth in the number of frontier commuters had introduced a new aspect to the allocation of labour from the homelands, which had not been matched by changes to the labour bureau system.

Administration boards were not permitted by law to operate within homelands as the Bantu States Constitution Act of 1971 had reserved powers over labour matters to the homeland governments. Thus, formally, applications for labour by employers dependent on frontier commuters had to be routed via a homeland labour bureaux and subsequently to the Chief Commissioner's office for approval, as frontier commuters did not possess Section 10 (1) (a), (b) or (c) qualifications they were formally regarded as Section 10 (1) (d) cases. Important industrial areas such as East London, Durban and Pretoria were crucially dependent on frontier commuter labour while many smaller towns near homelands were similarly affected.

In conclusion, therefore, it would seem possible to identify at least five important factors which led to the appointment of the Riekert Commission to examine future policy options affecting influx control and labour distribution: namely, pressures from within administration boards for a partial liberalisation of the procedures of influx control and also for a re-examination of the distributive procedures as performed by the labour bureau system to take account of the emergence of frontier commuters; pressures from homeland governments for a re-examination of influx control; the consequences of the outbreak of unrest in urban black areas in 1976 and finally the interests of the Department of Bantu Administration and Development in re-patterning conditions of urban residence and employment to include the requirement of homeland citizenship as the Vermeulen Committee of 1975 had recommended. This last factor was probably reduced in importance as a result of the urban unrest throughout South Africa, although this does not mean that senior departmental spokesmen jettisoned the wishes they had to incorporate homeland citizenship into the requirements of urban residence and employment. Rather, in the aftermath of the riots such an interest was superceded by the other factors mentioned above. It is now necessary to examine the findings of the Riekert Commission on the issues highlighted in the previous chapters and to examine the Government's response via the White Paper.

### C. The Riekert Commission

Like the Van Rensburg Committee report, the Riekert Commission's recommendations covered a wide range of issues relating to influx control

and labour regulation and the institutional structures necessary for their implementation. While the recommendations of the Van Rensburg Committee were dealt with in some depth, because the report was never published, it is not proposed to deal with the findings of the Riekert Commission on the same basis. Rather, only those recommendations affecting influx control issues will be examined.

In examining the findings of the Riekert Commission it is necessary to recognise the assumptions and limits which the Commission adopted, within which it proposed changes to the statutory framework. A full exposition of this intellectual framework was provided in the report (Riekert, 1979: para. 6.1.6.36) but the more important aspects should be noted here. Firstly, the Commission, while declaring its intention to avoid findings and recommendations of a "purely political nature" nevertheless adopted the position that any attempt at eliminating existing "market failures and points of friction" would be made "within the framework of certain political parameters which were taken as given" (emphasis added) (Riekert: 1979: para. 6.5(c)) These crucial, and contradictory, statements of principle underline the degree to which the Commission adopted self-imposed limits over the possible nature and scope of recommendations.

Secondly, the commission accepted as the goal of its recommendations the avoidance of discriminatory legislation and regulations, in as far as possible, but where this was not possible, reasons would be spelled out. The adoption of this principle should be seen as a consequence of the post-1976 unrest in urban areas throughout South Africa which, as already mentioned, had led the Department of Plural Relations and Development to formally encourage the growth of a black middle class in urban areas.

The distinguishing feature of the Riekert Commission's discussion on the various aspects of influx control, which also pervades its recommendations, is the extent to which it strove to further tighten influx control to reduce illegal employment in urban areas. The Commission consistently stressed the "large-scale" contravention of existing curbs on illegal employment and entry to urban areas - which in itself was no new realisation - but what was important was its recommendation that illegal employment would be "...effectively checked

only if, as regards the prosecution of offenders, there is a real shift of emphasis to the prosecution of employers". (emphasis in original) (Riekert, 1979: para. 4.152(c)) It accordingly recommended that all penalties for illegal employment should be directed at the employer with the corresponding abolition of penalties against the black worker.

The Commission stressed the necessity of effective control over restricting access to urban employment, in the first instance, to Section 10 qualifiers and limiting illegal employment, as an essential precondition to its other recommendations for a restructuring of the procedures of influx control. It declared:

"...the employment of labour must take place within the statutory framework created and the necessary machinery must be used to ensure that the supply of and the demand for Black labour are brought into equilibrium. This is one of the keystones on which the Commission's report is founded and if the unlawful employment of workers is permitted to continue at the present rate, it will not be possible to implement a great many of the recommendations of the report that are designed to eliminate inconsistencies and to liberalise the use and residence of Black labour." (Riekert, 1979: para. 4.152(c))

The recommendations proposed by the Commission for a restructuring of influx control and labour regulation covered a wide range of issues but the most important aspect, for our purposes, was its attempt at constructing a system of influx control in urban areas based on employment and accommodation. The Commission did this by accepting and extending the existing distinction between workers living in urban areas and possessing Section 10 qualifications allowing them to remain in such areas (what the Commission called "established workers") and of those who did not i.e. workers on annual contracts or frontier commuters from homelands. Around this distinction, the Commission based a series of recommendations affecting mobility of workers and their relationship to the labour bureau.

It is necessary to trace the way in which the Commission arrived at its recommendations, starting with the provisions of Section 10 of the

Blacks (Urban Areas) Consolidation Act of 1945.

An important difference between the recommendations of the Riekert Commission and its earlier equivalents, most notably the Van Rensburg Committee report and the Vermeulen Committee Report, concerned its treatment of Section 10 qualifications. The 72 hour clause - an important aspect of Section 10 - will be dealt with separately to the discussions on the categories of residential qualifications. Previous chapters have shown how, during the 1960s, the Department of Bantu Administration and Development was committed to repealing Section 10 and replacing it with residential qualifications based solely on continued employment, while the passage of the Bantu Homelands Citizenship Act of 1970 saw conservative administrators attempting to couple homeland citizenship with urban residential rights during the first half of the 1970s.

In contrast, the Riekert Commission, while echoing many of the comments made by the earlier reports, regularly stressed the need to preserve Section 10's residential qualifications and to give security of urban tenure to established workers. It noted, from the evidence it received, the "practical problems" which administrators faced in implementing and interpreting the different provisions of Section 10 (Riekert, 1979: para. 4.188) - as the earlier reports had also noted - and accordingly recommended unspecified amendments and "in other cases adjustments in the practical administration of the existing provisions". The Commission was thus aware of, and agreed with, the administrative problems which Section 10 created, but was unable to support its repeal on essentially political grounds. These political reasons included the fear of "strong political reactions" and also because the Commission's self-declared framework included a pledge of "non-interference with the existing rights and privileges" of individuals or groups under existing legislation and regulations. In addition, an examination of the reasons offered by the Commission for rejecting evidence from the "vast majority" of witnesses for the dropping of a distinction between prescribed and non-prescribed areas, suggests an appreciation of the reasons why Section 10 was thoroughly amended in 1952 and thus of its continued benefits, administrative difficulties notwithstanding. Furthermore, imperfect though Section 10 was, it did provide a basis from which the Commission's

recommendations regarding differential treatment between "establishing workers" and other workers could proceed.

The discussion so far has examined only the response to the residential qualifications involved in Section 10 but of equal importance to the commission's recommendations for future influx control procedures was its analysis of the 72 hour clause contained in Section 10. The 72 hour clause was, in effect, the cutting edge dividing qualifiers and non-qualifiers in prescribed areas. Despite this, the Commission recommended its abolition.

Evidence presented to the commission on the 72 hour clause appears to have overwhelmingly stressed the difficulties which the provision entailed, particularly to administration boards in the enforcement of influx control. The boards' evidence, as summarised by the Commission, indicated their difficulties with the provision - that it was difficult to prove a stay of longer than 72 hours - but most importantly, they were "of the opinion that the existing control measures in regard to housing and employment were adequate to ensure the effectiveness and success of influx control". (Riekert, 1979: para. 4.167) Thus administration boards - it is not clear from the report whether they were unanimous in their evidence on this point - were prepared to forego the 72 hour clause in favour of controls based on housing and employment without expecting to surrender any effective implementation of influx control. Control based on housing and employment had always been an integral component of influx control procedures exercised by the labour bureau in approving employment contracts; the willingness of the administration boards to suggest the scrapping of the 72 hour clause must be seen in this context.

It appears to have been this evidence that led the Commission to recommend the lifting of the 72 hour clause (although it recognised other advantages which could flow from such a step) (Riekert, 1979: para. 4.282(d)) in favour of controls based directly on housing and accommodation which would:

"...render completely unnecessary purely paper control comprising the arbitrary and general demand for the production of reference books or travel documents outside of the

employment and occupation situation, i.e. on the street..."  
(Riekert, 1979: para. 6.15)

It is here that we find the Commission's determination to tighten and secure the more efficient enforcement of influx control, even after it had come out against the need to produce reference books on demand, when it declared in a justification of its recommendations:

"The Commission is also satisfied that movement control that applies to all population groups and which is linked to employment and housing affords a far more acceptable and justifiable basis than the present set-up, and that it will in no way yield poorer results, but rather far better results, since control will be concentrated on a far smaller number of strategic points, i.e. on employers and owners of premises".  
(emphasis added) (Riekert, 1979: para. 6.16)

The essential condition, though, in proposing this change in procedures of influx control was much stricter action against employers of illegal labour, illegal occupiers of dwellings and persons who accommodated persons illegally in prescribed areas.

Control over the accommodation of black persons in townships had been uniformly regulated and linked to Section 10 qualifications since 1968 and the Commission proposed no changes over its continued use as an instrument of influx control. But as regards employment and the role of employers in influx control - the other pillar of influx control proposed by the Commission - the nature of the proposed changes hinged on whether a black person was an "established worker" or not.

Where previously black employees who possessed Section 10 (1) (a), (b) or (c) qualifications were legally bound to register at the labour bureau as workseekers and inform it of changes of employment, the Commission proposed that such workers be given a "standing authorisation" to change employment without reporting to the labour bureau but that it would now become the duty of the employer to observe the registration procedure and inform the labour bureau. (Riekert, 1979: para. 4.105(1))

Thus the onus of keeping the labour bureau informed of changes in employment of "established workers " would rest completely with the employers - a change which should be seen against the recommendation that all penalties for illegal employment should be incurred by employers and not the unauthorised employee. The procedures for the entry of contract workers to urban areas and their relationship to the labour bureau were not affected by any of the commission's recommendations. Labour bureau approval for their entry could only be granted subject to an offer of employment, approved accommodation and the non-availability of local workseekers for the job. (Riekert, 1979: para. 4.157(c))

On balance, therefore, the major thrust of the recommendations of the Commission as regards influx control were designed to allow for a more efficient implementation and detection of illegal employees while at the same time granting more freedom of movement to "established workers". To the extent that the Commission strove to tighten influx control, its aims were no different to the goals of earlier reports; its significance lies instead in the different pressures it was reacting to and which accordingly influenced its recommendations.

#### D. The White Paper

The reaction of the Department of Co-operation and Development to the recommendations of the Riekert commission will be examined in as far as they affect influx control.

Although the White Paper identified fully with the Riekert Commission's sentiments on the need to maintain effective control over movement to the towns, a major difference of opinion on the way of achieving this is apparent between the two reports. As the White Paper declared:

"In hierdie verband is die vraag waarop sowel die Kommissie as die Regering 'n antwoord moes soek, dus nie of daar instromingbeheer moet wees of nie, maar wel wat die aangewese meganisme van intromingbeheer in Suid Afrika se omstandighede behoort te wees." (emphasis added) (White Paper, 1979: 2)

This difference of opinion is noticeable on a number of issues, but particularly so on the 72 hour provision and the suggestion that employers, and not illegal black employees, should be penalised for unauthorised employment.

The Riekert Commission had sought to, in effect, take influx control off the streets (the demand for reference books to prove legality of residence) and to rest it instead on the shoulders of employers and authorised occupiers of housing in the urban areas. The suggestion that the 72 hour provision could be scrapped in favour of housing and employment controls was disputed by the Department of Co-operation and Development, who were not convinced that efficient influx control administration could rest on housing and labour controls. Accordingly, the 72 hour provision would be retained pending a decision on whether or not it could safely be dropped from legislation. (White Paper, 1979: 9)

#### E. Conclusion

The concluding chapter will deal more fully with the continuities and changes in policy during the 1970s against the trends in policy of the 1950s and 1960s, but brief reference will be made here to the influences on, and uncertainties of, influx control policies during the 1970s.

It is certainly true to note the tougher attitude and determination of the Department of Co-operation and Development to maintain and tighten curbs on the movement of black persons to the cities in search of employment opportunities during the decade. The determination to prevent illegal employment was being taken more seriously at the end of the 1970s than it was at the beginning of the decade. The higher fines for illegal employment announced in 1977 and the suggestions of the Riekert Commission for drastic action against employers, accepted in the White Paper, are evidence of this tougher attitude. No claims, or evidence, as to the success of this policy are made, or can be made; we can only note the increased penalties and statements as commitments to tougher action.

Yet it is equally important to note the changes in assumptions and

statements of policy during this period. Where, for example, policy at the end of the 1960s and early 1970s was firmly rooted in the Stallardist tradition of temporary sojourners - evidenced in the report of the Van Rensburg Committee and its hostility towards Section 10's provisions - by the end of the decade this assumption had been largely abandoned. The Riekert Commission continually stressed the need to protect the interests of "established workers" in urban areas as a justification for influx control, and of the necessity to retain Section 10's urban residential qualifications.

This shift in emphasis did not mean that the earlier policy approach did not continue to attract support from within administration boards and in the Department of Co-operation and Development. That the appointed chairman of the East Rand Administration Board - one of the most important of the boards - could still propagate hardline Stallardist ideas in 1978, testifies to this. Van der Merwe's comments, if made in the 1960s would have influenced policy in the way that statements by C.H. Kotzé and A.S. Marais seem to have influenced policy in the 1960s. Instead, the Riekert Commission rejected such railings against Section 10's provisions.

This change in emphasis on these issues did not mean that the necessity for influx control was under reconsideration. On the contrary, many new justifications were being offered for influx control and the importance of possessing a Section 10 (1) (a), (b) or (c) qualification became more pronounced in this context.

Yet even though the necessity for influx control was not being questioned by administration board and Department of Co-operation and Development officials and the Riekert Commission, important differences of opinion on the procedures of influx were apparent throughout the decade. The differences between the reports of the Steenhuizen and Kotzé Committees at the turn of the decade were early signs of this conflict. It is possible that the evidence of the administration boards to the Riekert Commission also reflected these uncertainties. The disagreement between the Riekert Commission and the Department of Co-operation and Development over the suggestion that the 72 hour provision could be dropped also reflects these differences. A close reading of the

Commission report indicates that it was as a result of the evidence by the administration boards that the Riekert Commission proposed the eventual abolition of the 72 hour provision

Its optimistic assertions that influx control could rest solely on housing and employment controls and did not need arbitrary street checks on legal residence was not supported by the Department of Co-operation and Development. Just prior to the finalisation of the Commission's recommendations, the necessity of asking blacks to prove the legality of their residence in urban areas was re-affirmed by Dr C.P. Mulder in Parliament, as quoted earlier in this chapter, and this attitude was again supported in the White Paper. Such statements would indicate that no changes could be expected in the near future in legislation flowing from the Riekert Commission

Finally, the influence of the urban unrest in providing an impetus to the Riekert Commission recommendations, while needing to be recognised, ought not to be over-estimated on specific issues. This chapter has shown how many of the recommendations proposed by the Commission which liberalised the relationship of urban blacks (Section 10 (1) (a), (b) and (c) qualifiers) to the labour bureau were being debated at a then municipal administrator level as early as 1969. These early debates were fueled, as in the case of the Steenhuizen committee report, by the perceived need of some municipal administrators to ensure a more efficient utilisation of urban black labour. Many of their recommendations, although rejected by another municipal-level committee, were to be proposed by the Riekert Commission eight years later, by when they could only have become more generally accepted within administration board ranks.

## VI. CONCLUSION

The previous chapters sketched the historical developments influencing the formulation of urban areas policy leading up to the introduction of administration boards. In explaining the development of legislation, particular emphasis was devoted to the attitudes of municipal, and later administration board, officials charged with the implementation of state policy and to those officials who served in a head office capacity. In many respects, the formulation of these policies has been presented as an interaction between the views of these two sets of officials. Implicit in this treatment has been a recognition of the importance of their attitudes to the formulation of policy and hence to the powerful political position of both the municipal and head office administrators. Against this background, this chapter will consider two issues: firstly, to examine the political importance of bureaucratic structures against a conceptual framework and secondly, the justifications by the state for influx control within a changing administrative framework.

### A. A Conceptual Framework

A consistent feature of the previous chapters has been the extent to which officials in the head office of what is now the Department of Co-operation and Development played an overtly political role in the development of legislation during the 1950s and 1960s, the major focus of this study. So, too, did officials in the municipalities whether they supported government policies or not. Their statements, as quoted in this study, were political because they were designed to influence policy in a way which went far beyond purely administrative concerns. This tendency to exceed administrative concerns and to attempt to shape government policy will be examined against Max Weber's conceptual framework of the nature of bureaucratic power after which specific reference to empirical data will be analysed.

Weber's analysis of the nature of bureaucratic power attempted to explain the political importance of the Prussian bureaucracy - how it came to play such a crucial role, what the consequences of this were to

the functioning of the political system and how it could be controlled. His analysis has three components; firstly, a categorisation of bureaucracy as a technically efficient instrument of administration, secondly, its tendency to exceed its administrative function and to enter the political arena and, thirdly, that state bureaucracies reflected the class structure of the society in which they operated.

Weber's characterisation of the component parts of a bureaucratic structure and the societal preconditions necessary for its emergence need not be examined in any detail, suffice to note that he argued that the term applied only to that form of administration that was "...fully developed in political and ecclesiastical communities only in the modern state, and in the private economy, only in the most advanced institutions of capitalism". (Gerth and Mills, 1947: 196) The term was thus used by Weber to denote a form of administration synonymous with administration in an advanced economy, and accordingly the most technically efficient structure of administration yet evolved.

As Beetham (Beetham, 1974: 71) notes, Weber formulated these characteristics in his Economy and Society whereas the theme of his political writings was of "its tendency to become an independent social and political force with distinct values of its own and a capacity to effect the ends and culture of society".\*

The first factor identified by Weber in explaining the political importance of bureaucracies was a consequence of those very aspects which he had identified as establishing the administrative superiority of bureaucratic administration. Thus not only was bureaucratic administration defined by these factors but they were responsible for its tendency to enter the political arena.

"This is the nub of Weber's critique; this is where he saw the ambivalence of bureaucratic rationality. The very qualities which made it such a technically effective form of administration - knowledge and expertise protected by secrecy,

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\* This discussion of Weber's writings on bureaucracy draws heavily on Beetham's account because Weber's political writings have not been translated.<sup>4</sup>

the confidence in its own superior competence and impartiality - also gave it the means and the impetus to wield power beyond its inherent limitations. This was not an accidental phenomenon, but integral to its nature." (Beetham, 1974: 79)

Taken to its logical conclusion, the entry of civil servants into the political arena held the danger of government by officials, or what Weber called "Beamtenherrschaft", unless strong political control was exercised by politicians over the civil service. Weber defined rule by officials as occurring either through the appointment of civil servants to important political posts or informally where officials directed the determination of policy through the weakness of the political head of the government department. His condemnation of this state of affairs as an aberration of the proper function of a bureaucracy was prompted not only by his analysis of the consequences this had caused Germany but also because Weber saw the role of politician and civil servant as being fundamentally different. While politicians had to take personal responsibility for their actions and policies and their career depended on their ability to attain support, this was very different to the secure and gradual career paths of civil servants. As Weber declared:

"The position of the modern administrative official is totally unfavourable to the development of political self-assurance...The arena of the modern politician is struggle in Parliament and country and there is no substitute for this - least of all the orderly competition for career advancement." (Beetham, 1974: 77)

The capacity of a state bureaucracy to enter the political arena gave them the ability to influence political decisions, often from the claimed perspective of being "true interpreters of the national interest".

Weber's second reason for pointing to the political role of a state bureaucracy stemmed from his refusal to see the Prussian bureaucracy as a neutral force in Prussian society, as traditional accounts held, standing above the interests of party and class. Instead, Weber and his brother argued that the basis of recruitment to the bureaucracy was from the

upper classes, so firmly linking the interests of class with those of the administrative sector. As his brother Alfred declared in 1909 when the two brothers attacked the traditional view:

"It is a fundamental error to imagine that bureaucracy has the characteristic of being independent of any social basis. It finds its social basis in those power groups which secure the organisation of society." (Beetham, 1974: 66)

In similar vein, Weber himself declared:

"The party interests of the conservative officialdom in power, and of the interest groups associated with them, control the direction of affairs alone." (Beetham, 1974: 155)

How then, if Weber argued that the political role of a civil service was an inevitable consequence of its administrative characteristics and of the social classes from which it recruited its personnel, did he propose to prevent it from exceeding purely administrative interests? The answer he gave was a combination of constitutional mediation between parliament and civil service and also of ideal qualities Weber thought a politician ought to possess. The constitutional relationship between parliament and civil service ought to secure a parliament with strong powers to which the government was answerable. His stress on the correct constitutional structure was designed not only to ensure accountability of the government but also because he argued that a strong parliament recruited and promoted strong leadership capable of making decisions and taking responsibility for them. Weber contrasted the British parliament with that of the token constitutionalism of Russia and Germany of his time to illustrate his argument. Yet one senses that he recognised the extreme difficulty attached to securing political control over bureaucratic interests regardless of the form of the political structure when he wrote:

"Under normal conditions, the power position of a fully developed bureaucracy is always overtowering. The 'political master' finds himself in the position of a 'dilettante' who stands opposite the 'expert', facing the trained official who

stands within the management of administration. This holds whether the master...is a people...or parliament...an aristocratic collegiate body...or a popularly elected president, a hereditary monarch, or a constitutional monarch." (Gerth and Mills, 1947: 232)

The importance of Max Weber's analysis of bureaucratic power lies in his recognition of the various sources of this power and of the imperative need to control and limit the exercise of this political power by persons who bear no direct responsibility for decisions which they make. What insights does Weber's analysis hold for the empirical data discussed in the previous chapters?

At the outset it must be noted that the data deals with the attitudes and interests of two sets of bureaucratic structures - the municipal officials, who were not civil servants in the conventional sense, and the senior officials in the head office of what is now the Department of Co-operation and Development. It must also be noted that no direct evidence has been presented of the mechanics of decision making within the Department of Co-operation and Development or, perhaps more especially when wishing to examine any political influence of these senior civil servants, of the relationship between these civil servants and the political head of the department. Neither has any data been presented of decision making within the National Party government during the 1950s and 1960s. Thus any judgements of whether the municipal or head office administrators played a political role in the formulation of policy must rest on the extent and the kind of issues raised by municipal administrators taken up by the head office administrators and later passed into law or proclaimed in regulations.

To start with the municipal administrators: a major theme of the preceding chapters has been the extent to which municipal administrators, as a corps of officials, were divided in their responses to issues of racial policy along lines closely approximating party political control of the municipalities. Yet these divisions should not be allowed to obscure the large measure of agreement between these officials over the necessity for influx control measures, although they did differ on how severe legislation ought to be. Ever since the urban

areas legislation of 1923, municipal officials have maintained an extraordinarily keen interest in urban areas policy. Ideological considerations aside, this interest was due to municipal concern over the financial costs involved to the white ratepayers of administering urban townships which could not pay their own way when measured against need and aggravated by new entrants to urban areas. These financial issues became inevitably politicised since official policy denied the right of urban townships to exist as a permanent, stable urban community.

The over-riding impression of the proceedings of the IANA congresses of the 1950s and 1960s is the extent of the politicisation of municipal officials with regard to issues of racial policy. The debates were notable for the extensive discussions on topical issues which were never far removed from the political arena. Responses to problems encountered in the implementation of policy often saw leading municipal officials, who supported government policy, suggesting far-reaching changes to overcome these problems. These suggestions would, at the same time, have established new principles of policy.

The best example of this is to be found in the on-going debate during the 1960s and early 1970s over Section 10's provisions for urban residence. Enthusiastic proponents of a drastic revision of these provisions, such as A.S. Marais and Dr P.J. Riekert, were suggesting nothing less than new policy directions. While it can certainly be conceded that the provisions of Section 10 did cause certain administrative problems to municipal officials, their responses to these problems became political when these administrators suggested changes in legislation which were fundamentally different to the existing legislation.

Within the Department, these tendencies were more clearly established. The report of the Van Rensburg Committee is notable for showing how future legislation was formulated by civil servants, often after sympathetic municipal administrators had first raised these issues. The 1968 regulations governing access to family housing can, for example, be traced back to earlier concern by conservative municipal administrators that access to family housing was not being sufficiently strictly applied with consequences for acquisitions of Section 10

qualifications. The Van Rensburg Committee's suggestion that the advisory boards and Urban Bantu Councils be scrapped - even though not acted upon - is another example. That the Committee could have suggested such a course of action, with major political implications, testifies to a political confidence on their part vis-à-vis the political head of the then Department of Bantu Administration and Development and towards Government policy.

The most obvious explanation for the politicisation of municipal and head office administrators lies in the fundamental importance of racial issues to the determination of general party policy to "white" politics in South Africa. Their interests stemmed not only from their responsibility for the implementation of legislation of this crucial divide in South African politics, but from a feeling that political decisions on racial policy affected white interests as a whole and hence their own, as individuals. The powerful political position of the municipal and head office administrators was re-inforced by the franchise inequalities of South African society. The denial of the franchise to black persons for the election of the central government meant that they were not, and are still not, in a position to ensure the accountability of the administrators, via the political head of the Department of Co-operation and Development, for decisions which they make. This inability was all the more important since political decisions affecting administrative matters were being made.

As Weber pointed out, the political interests of a bureaucracy were also derived from the basis of recruitment to it. In the South African context, recruitment to either the municipalities or the central department was restricted to whites while, at an informal level, preferences for a career in the civil service were mainly expressed by Afrikaans speaking South Africans. By 1966, Afrikaners accounted for 71 per cent of the positions in the Civil Service, with higher percentages in the prisons service and the police force (Van Wyk, quoted in Van der Merwe et al., 1974: 80) Given that the basis of support for the ruling National Party government during this period was over-whelmingly derived from Afrikaans speaking South Africans, this served as an important link between civil service and government. This link was further established by the educational process. Many of the senior municipal administrators

were graduates of Afrikaans medium universities whose intellectuals played a major role in providing justifications for government policy. Such intellectuals attended and often addressed IANA conferences during the 1950s and 1960s. Among the more prominent were Professor N.J.J. Olivier of Stellenbosch, Professor B.S. van As of the University of South Africa and Professor R. Coertze of the University of Pretoria. The South African Bureau of Racial Affairs should also be seen in this context. Its journal frequently published contributions by municipal or head office administrators sympathetic to government policy.

To conclude: Weber's analysis of the political role of bureaucracies, derived particularly from his observations of the Prussian civil service, provides a basis for explaining and conceptualising the importance and interest of municipal (later administration board) officials and departmental officials in the development and formulation of urban areas policy. Within the limits of the material surveyed in this study, the conclusion that these officials as a corps were active and keen participants in the formulation of government policy in a way which went beyond an interest in the administrative consequences of state policies is firmly established.

#### B. Administration Boards and Influx Control

The data presented in the previous chapters has shown the intimate connections between the establishment of administration boards in 1972 and 1973 and state policies towards the regulation of black labour and, more particularly, influx control. Indeed, the primary reason for their establishment can be traced directly to issues of influx control although this issue was down-played in official explanations for their establishment, as can be seen from an examination of the Parliamentary debate in 1971. And just as issues of influx control were related to their establishment, so too at the end of the 1970s were these wider issues prominent in considerations on the future role of the boards. These links between labour policies and the institutional structures should be traced more closely.

The beginning of the end of municipal responsibility for the administration of urban townships came 20 years after the election

victory of the National Party when the Department of Bantu Administration and Development circulated the draft bill for the establishment of Bantu Labour Boards. The circulation of these proposals signalled the intention of the Department to assume more direct control over the implementation of labour regulation on the basis of the recommendations of the Van Rensburg Committee report. Although the Bill was withdrawn, it was soon replaced by the first draft of the Bantu Affairs Administration Board Bill.

The termination of municipal administration of labour and housing policies was the culmination of a series of developments between 1967 and 1971 - such as the institution of compulsory one year contracts for migrant labourers, the ban on the provision of further family housing in urban areas, and the concerted drive to resettle "redundants" in the homelands - which were the most important developments in urban black administration since the package of legislation piloted through Parliament in 1952, as described in chapter two.

In this respect, the introduction of the boards came at a high point in the formulation and implementation of the policy of temporary sojourners, which linked the presence of blacks in urban areas solely with their usefulness as employees in white owned industries and manufacturing. And yet, it is surprising that the State took so long to end municipal responsibility especially when viewed against the continual conflicts between the larger United Party controlled municipalities and the Department during the 1950s. The firm rejection of any such suggestions by Dr H.F. Verwoerd, as Minister of Native Affairs, indicates that in spite of these severe strains his department was prepared to continue using the municipalities as agents for the implementation of policy. Why then were the first steps to end municipal responsibility only acted on during the late-1960s?

The report of the Van Rensburg Committee shows that even though municipal-departmental relationships were not as openly stormy as they had been a decade earlier, the United Party controlled municipalities were still seen as politically, and hence administratively, unreliable. But what the report does also indicate is the marked hardening of policy towards urban blacks which became noticeable early in the 1960s with the

unfolding of the homelands policy with its political implications for urban residents. This hardening of policy and attitudes is most clearly shown by the consistent attacks on the provisions of Section 10 of the Natives (Urban Areas) Consolidation Act of 1945 by conservative administrators.

The amendments to Section 10 in 1952 were seen as having been a grave mistake, not only because such administrators argued that it complicated and undermined influx control, but also because it was seen to create a political right to permanent residence in urban areas by blacks. These arguments were noted in chapter three and four. The amendments in 1964 to Section 29 of the same Act, bringing Section 10 qualifiers within the ambit of removal from urban areas if they were deemed idle and undesirable, was an extension of these arguments.

The repeal or drastic amendment of Section 10 was held out throughout the 1960s (and even into the 1970s) as necessary and imminent to establish the proper status of blacks in "white" South Africa. This was just, however, one aspect of this hardening of policy. Other examples include the changes to the conditions of recruitment of labour for urban industries, their housing, and the necessity to clamp down on the widespread use of illegal labour.

The Van Rensburg committee report is notable for how close it came to arguing that influx control was unenforceable under the then prevailing administrative apparatuses and legislation. Given that official attitudes towards influx control were based on the assumption that influx control was strictly enforceable, the arguments in the report showing the deficiencies were obviously used to seriously reconsider the structures and legislation of influx control. The hardening of policy in the late 1960s - of which the administration boards were a product - came directly from the Van Rensburg Committee.

It was this hardening of attitude by the Department of Bantu Administration and Development towards these issues coupled with residual doubts over the reliability of the United Party controlled municipalities for the implementation of central government policy that explains the introduction of the administration boards.

But just as the administration boards were shaped by these forces, by the end of the 1970s a changed set of ideological and political factors was causing a re-examination and restructuring of urban black administration with implications for the boards. The unrest across urban areas from June 1976 - the first major manifestation of opposition to government policies since the banning of the African National Congress and the Pan African Congress in 1960 - fundamentally altered the political milieu within which the boards operated. In particular, the need to create more acceptable and powerful structures of local government for the urban black community held potentially far-reaching consequences for the boards. It implied that their more overt involvement in local authority matters in the townships had to be reduced in favour of these newer local authority structures, the community councils. The community councils were introduced from 1977, replacing the largely discredited Urban Bantu councils and advisory boards.

This did not mean, however, that the administration boards involvement in administering influx control, or the justification for influx control measures, were similarly being re-examined. On the contrary, the report of the Riekert Commission and subsequent government response indicated that even tougher action against influx control offenders, whether employer or employee, had to be enforced, with a newer justification for influx control being advanced. During the 1950s and 1960s, official justifications for influx control curbs concerned the need to ensure sufficient labour for the farming sector while during the 1960s the justifications were linked rather to the consequences of the homelands policy - which was meant to ensure that blacks in urban areas would be temporary and politically rightless sojourners, while directing black urbanisation to homeland dormitory towns. Although the more extreme versions of this policy were largely abandoned during the late 1970s and replaced by a guarded recognition of the permanent nature of the urban black communities, the consequences of the earlier approach were not rejected. The concept of homeland citizenship remained intact with its long term consequences appreciably strengthened during the late 1970s by the denial of any secure right to residence and employment to children born in urban areas to parents deemed to be citizens of independent homelands. Homeland citizenship, in this instance, is an agent of influx control, born of orthodox Verwoerdian philosophy.

Contemporary justifications for influx control - as advanced by the Riekert Commission - now rely on the arguments which municipal administrators were advocating during the 1940s after the influx to the cities, namely that it be accepted as a principle of urbanisation policy that the rights and privileges of already urbanised blacks be protected from competition from new entrants to the cities. The likelihood that this principle will form the basis of future justifications for influx control is strengthened when it is appreciated that only a third of the black population of South Africa and the independent homelands are presently urbanised. (Cilliers and Groenewald, 1982: Table 3)

In conclusion, the data presented in this study has shown the vital importance of the attitudes of municipal (later administration board) officials and of the officials in the Department of Co-operation and Development to the formulation, particularly during the 1960s, of a conservative, authoritarian urban areas policy, and especially as regards influx control. This suggests that unless strong political leadership is exercised in the future over these officials, restricting their interests in policy formulation to more narrowly administrative concerns, their attitudes will continue to shape the political course of future urban areas policy at a time when major changes are essential.

APPENDIX A: Amendments to Section 10 (1) of the Blacks (Urban Areas)  
Consolidation Act, No. 25 of 1945

The most important single piece of legislation governing entry into urban areas is Section 10 (1) of the Blacks (Urban Areas) Consolidation Act, No. 25 of 1945. The tightening of requirements for entry and permanent residence rights in urban areas is reflected in the major amendments to Section 10 (1) during this period.

As noted in the text, Section 10 in the revision of urban areas legislation in 1945, contained no influx control measures which were automatically applicable. Instead, the invoking of these measures was dependent on a decision by the Governor General. The text read:

"10. (1) The Governor-General shall, if requested to do so by a resolution adopted by a duly constituted meeting of any urban local authority, by proclamation in the Gazette, declare that from and after a date to be specified therein no native shall enter the urban area under the jurisdiction of that urban local authority for the purpose of seeking or taking up employment or residing therein, otherwise than in accordance with conditions to be prescribed by the Governor-General in that proclamation; and the Governor-General may at any time after consultation with the urban local authority concerned, of his own motion issue any such proclamation in respect of any urban area."

In 1952, however, Section 10 was fundamentally altered. Now, influx control was automatically applicable throughout the Union and differential residential qualifications were laid down. The 72 hour provision was part of this amendment. The amendment read:

"10. (1) No native shall remain for more than seventy-two hours in an urban area or in a proclaimed area in respect of which an urban local authority exercises any of the powers referred to in sub-section (1) of section twenty-three or in any area forming part of a proclaimed area and in respect of which an urban local authority exercises any of those powers, unless -

- (a) he was born and permanently resides in such area; or
- (b) he has worked continuously in such area for one employer for a period of not less than ten years or has lawfully remained continuously in such area for a period of not less than fifteen years and has not during either period been convicted of any offence in respect of which he has been sentenced to imprisonment without the option of a fine for a period of more than seven days or with the option of a fine for a period of more than one month; or
- (c) such native is the wife, unmarried daughter or son under the age at which he would become liable for payment of general tax under the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925), of any native mentioned in paragraph (a) or (b) of this sub-section and ordinarily resides with that native; or
- (d) permission so to remain has been granted to him by a person designated for the purpose by that urban local authority.

In 1957, the first major amendment in Section 10 (1) was introduced to close loopholes in the previous wording. The amendments introduced by the Native Laws Amendments Act, No. 36 of 1957, affected mainly Section 10 (1) (a) or (b) but a comprehensive re-phrasing of Section 10 (1) (d) was also introduced. The most important changes are underlined.

"10. (1) No native shall remain for more than seventy-two hours in an urban area or in a proclaimed area in respect of which an urban local authority exercises any of the powers referred to in sub-section (1) of section twenty-three or in any area forming part of a proclaimed area and in respect of which an urban local authority exercises any of those powers, unless -

- (a) he has, since birth, resided continuously in such area; or
- (b) he has worked continuously in such area for one employer for a period of not less than ten years or has lawfully resided continuously in such area for a period of not less than fifteen years, and has thereafter continued to reside in such area and is not employed outside such area and has

not during either period or thereafter been sentenced to a fine exceeding fifty pounds or to imprisonment for a period exceeding six months; or

- (c) such native is the wife, unmarried daughter or son under the age at which he would become liable for payment of general tax under the Native Taxation and Development Act, 1925 (Act No. 41 of 1925), or any native mentioned in paragraph (a) or (b) of this sub-section and ordinarily resides with that native; or
- (d) in the case of a native who is not a workseeker as defined in section one of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), and is not required to be dealt with by a labour bureau as provided for in any regulations framed under paragraph (o) of sub-section (1) of section twenty-three of that Act, permission so to remain has been granted to him by an officer designated for the purpose by the urban local authority concerned or in the case of a native who is a workseeker, permission has been granted to him by such labour bureau to take up employment in such area.

Provided that whenever any native who is under this sub-section qualified to remain within any such area for a period in excess of seventy-two hours becomes disqualified so to remain and cannot within that area or any other such area but outside a scheduled native area or released area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), obtain employment and accommodation for himself, his wife and children, if any, the Minister shall, if satisfied that such native cannot so obtain employment and such accommodation provide that native with a residential site within any such scheduled native area or such released area."

In 1964, the amendment severely curtailed the ability of wives to join their husbands in urban proclaimed areas which now became prescribed areas. Section 10 (1) (c) was amended to read:

"10. (1) No Bantu shall remain for more than seventy-two hours in a prescribed area unless he produces proof in the manner

prescribed that -

- (a) he has, since birth, resided continuously in such area; or
- (b) he has worked continuously in such area for one employer for a period of not less than ten years or has lawfully resided continuously in such area for a period of not less than fifteen years, and has thereafter continued to reside in such area and is not employed outside such area and has not during either period or thereafter been sentenced to a fine exceeding one hundred rand or to imprisonment for a period exceeding six months; or
- (c) such Bantu is the wife, unmarried daughter or son under the age at which he would become liable for payment of general tax under the Native Taxation and Development Act, 1925 (Act No. 41 of 1925), of any Bantu mentioned in paragraph (a) or (b) of this sub-section and after lawful entry into such prescribed area, ordinarily resides with that Bantu in such area; or
- (d) in the case of any other Bantu, permission so to remain has been granted by an officer appointed to manage a labour bureau in terms of the provisions of paragraph (a) of sub-section (6) of section twenty-one ter of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), due regard being had to the availability of accommodation in a Bantu residential area:

Provided that whenever any Bantu who is under this sub-section qualified to remain within any such area for a period in excess of seventy-two hours, becomes disqualified so to remain and cannot within that area or any other such area or outside such area but outside a scheduled native area or released area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), obtain employment and accommodation for himself, his wife and children, if any, the Minister shall, if satisfied that such Bantu cannot so obtain employment and such accommodation, provide that Bantu with a residential site within any such scheduled native area or such released area."

Minor amendments to Section 10 (1) have been made since 1964 and it now (1982) reads as follows:

"10. (1) No Black shall remain for more than seventy-two hours in a prescribed area unless he produces proof in the manner prescribed that -

- (a) he has, since birth, resided continuously in such area; or
- (b) he has worked continuously in such area for one employer for a period of not less than ten years or has lawfully resided continuously in such area for a period of not less than fifteen years, and has thereafter continued to reside in such area and is not employed outside such area and has not during either period or thereafter been sentenced to a fine exceeding five hundred rand or to imprisonment for a period exceeding six months; or
- (c) such Black is the wife, the unmarried daughter, or the son under the age of eighteen years, of any Black mentioned in paragraph (a) or (b) of this sub-section and, after lawful entry into such prescribed area, ordinarily resides with that Black in such area; or
- (d) in the case of any other Black, permission so to remain has been granted by an officer appointed to manage a labour bureau in terms of the provisions of paragraph (a) of sub-section (6) of section twenty-three ter of the Black Labour Regulation Act, 1911 (Act No. 15 of 1911), due regard being had to the availability of accommodation in a Black residential area:

Provided that whenever any Black who is under this sub-section qualified to remain within any such area for a period in excess of seventy-two hours, becomes disqualified so to remain and cannot within that area or any other such area or outside such area but outside scheduled Black area or released area as defined in the Development Trust and Land Act, 1936 (Act No. 18 of 1936), obtain employment and accommodation for himself, his wife and children, if any, the Minister shall, if satisfied that such Black cannot so obtain employment and such accommodation, provide that Black with a residential site within any such scheduled Black area or such released area."

APPENDIX B: The Structure of Administration Boards and their Relationship to the Department of Co-operation and Development

A. The Structure of the Board

Perhaps the most useful way of approaching the structure of administration boards is to compare them with white local authorities. Formally, when referring to an administration board, what is being referred to is the Ministerially appointed body consisting of representatives of white local authorities, agriculture, commerce and industry and representatives of the State. These representatives are appointed by the Minister in terms of his powers under Section 3 (1) of the Act. The chairman and the vice-chairman are also designated by the Minister; thus the chairman is responsible to the Minister for the proper functioning of the Board. Most chairmen fill the post in a part-time capacity but three or four are appointed in a full-time capacity. The officials of the boards - the employees - are appointed and paid by the Board. The chief director is the chief executive official. It is worth noting that with the establishment of the boards, most of the staff came from the Non-European Affairs Departments of the municipalities.

Thus, in a comparison with white local authorities, the appointed board has the same relationship to the chief director as the elected town council has to the town clerk.

Besides the department of the chief director, most administration boards divide their staff into six departments - administration, finance, technical services, trading (including sorghum beer production and sales), labour (manpower), and community services. This latter department normally has responsibility for housing and the community councils (previously the advisory boards and the Urban Bantu Councils) within the board's jurisdiction. Each of these departments is normally headed by a director, responsible to the chief director.

B. Administration Board-Department of Co-operation and Development relations

While the most obvious, and important, relationship of the

administration board to the Department of Co-operation and Development is through the Ministerial power of appointment of the board, the administration boards are responsible to the Department in other important ways.

At a day-to-day level, the eight Chief Commissioners are the Department's most direct link to the boards. The Chief Commissioners - the senior regional officials of the Department controlling the commissioner's offices responsible for quasi-judicial functions and the payment of pensions and other state grants - are normally, if not in all cases, the State representatives on the board. All correspondence, policy instructions and queries between the Department and the boards are directed through the Chief Commissioner's office. A further link between the boards and the Chief Commissioner, as the regional representative of the Department, is the necessity for all applications for use of contract labour (Section 10(1) (d) cases) to be approved by the Chief Commissioner's office before the contract labourer may enter the urban area and start employment. The labour bureaux of the board deal with the application, process it and then forward it to the Chief Commissioner with a recommendation of approval or rejection but it is the Chief Commissioner who formally approves such applications.

Departmental supervision and control over the boards is however also exercised through a variety of other ways, many of them had been applicable to the municipalities before 1971. The Blacks (Urban Areas) Consolidation Act of 1945 is the most important in this regard. Amongst these powers are the necessity for the Minister to approve and authorise the annual budgets of the boards ( and the community councils), the layout of new townships and housing schemes, the licensing by the Minister of certain key officials in the employ of the Board (this now seems a matter of course), and by the inability of the board to make regulations. This power is vested in the Minister. Further, the accounts of the boards are audited annually by the Auditor General and tabled in Parliament. Parliamentary Select Committees can, and have, investigated the reports of the Auditor General and questioned administration board officials on issues raised in these reports.

Under these conditions, Departmental supervision of administration

board activities, if not already comprehensive, is at the very least potentially far-reaching. This extensive control derives surely from the aims underlying the introduction of the boards.

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