

MEMORANDUM TO THE COMMISSION OF INQUIRY INTO THE RIOTS  
AT SOWETO AND ELSEWHERE IN JUNE 1976by  
P.R.B.LEWIS, C.A.(S.A.) HON. LL.D (Wits)

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I was overseas on the 16th June when the riots commenced in Soweto. Having been intimately connected with the development of Soweto since my election to the Johannesburg City Council in 1957, I was naturally distressed, particularly at subsequent developments when more lives were lost and amenities destroyed by fire. Then, too, at the spread of violence to other areas and now at the widespread disturbances.

I have no evidence to lead regarding the use of Afrikaans as a teaching medium, as I am not aware of the circumstances.

It now appears that the issue of Afrikaans as a medium of instruction has brought to the surface the frustrations and grievances of the people concerning their living conditions.

REPORT OF RIOTS COMMISSION 15/16 SEPTEMBER 1957:

This is not the first time riots have occurred in Johannesburg. For the information of the Commission I am attaching information regarding the inquiry made into the riots on the 14/15 September 1957. The findings of the Commissioners (The Hon. Justice Centlivres, the Hon. Justice Greenberg and the Hon. Justice Roper) and their recommendations for remedial measures are listed. (Annexure 1)

CORRESPONDENCE AT THE TIME OF SHARPEVILLE:

I have also prepared a memorandum regarding the situation in Johannesburg at the time of Sharpeville, to which I attach a letter dated 9th April, 1960, addressed to the Hon. Dr. M. D. C. de Wet Nel, M.P., then the Minister of Bantu Administration and Development. (Annexure 2) None of the difficulties and frustrations listed at that time seem to have been

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remedied and that is a period of sixteen years. These documents are submitted to emphasise that the disabilities and frustrations of the Black people are nothing new, have been brought to the attention of the Authorities, and that remedial steps have not been taken.

"A CITY WITHIN A CITY - THE CREATION OF SOWETO"

I have supplied the Commission with the survey of Bantu Administration in Johannesburg covering the period 1886 to 1966. This review was delivered at the University of the Witwatersrand in September 1966. A further two copies of the survey are attached, as requested.

I would like to supplement the information given in that review recounting some matters which have occurred since 1966.

HOUSING:

When I took office as a City Councillor in Johannesburg in 1957 the Council's housing division was engaged in a mass building programme to rehouse the families living in Shantytown and Moroka. This was made possible by the R6m loan to the Council from the Mining Houses. There was also intense activity by the people allocated sites under the Site and Service Scheme. It was a period when things were being done, and the people were personally involved in constructing their temporary homes until such time as houses could be built on the sites allocated to them. In all, between 1954 and 1969 - 49 146 houses were built.

In 1967 the Johannesburg City Council published Forward Planning Report No. 4. This report dealt with "the Bantu Population and its housing and other requirements". Amongst the findings were that the Bantu population in Johannesburg would increase by 50% between 1965 and 1980 and that to adequately house and cater for this increase an additional six square



miles of Group Area for Bantu would be required.

A copy of this report was made available to the Department of Bantu Administration and Development. The Bantu Administration Department was alarmed at this report. They were working on the theory that before 1980 (or some magical date) the movement of people would be from the urban areas to the homelands. A Departmental Committee was appointed by the Department of Bantu Administration, under the Chairmanship of Mr. I. P. van Onselen, to consider this report. The Johannesburg City Council was not given an opportunity to appear before the Committee and the Committee's findings have not been disclosed to the Council.

After 1967 all housing loan applications were held up pending the report of this Committee, notwithstanding the availability of ground and the long waiting lists of persons qualifying for houses. Even loans for the building of houses under the slum clearance scheme in Pimville were held up.

In 1968 the granting of any further 30 year leases was prohibited.

From 1967 the number of houses built was as follows:

|      |         |
|------|---------|
| 1967 | 395     |
| 1968 | 911     |
| 1969 | 877     |
| 1970 | 1137    |
| 1971 | 860     |
| 1972 | Unknown |
| 1973 | Unknown |
| 1974 | 1009    |
| 1975 | 761     |

The lists of those wanting houses grew and grew, yet the Department of Bantu Administration and Development seemed insensitive to the situation. Ignoring the backlog, 2500 new houses were required each year. I have no doubt that in the homelands developments have taken place. Officials of the Department of Bantu Administration indicated on more than one occasion that

they did not wish facilities provided in the urban areas which would have the effect of detracting from their policy of moving people out of the cities to the homelands. Proposals were made to the Johannesburg City Council to embark on costly housing schemes in Ladysmith, Natal, for which it seemed funds would be available, while loans were not forthcoming for the urgent needs in Soweto.

I now realise that the delaying tactics regarding the provision of houses was not merely inefficiency, but a deliberate obstructive policy regarding the provision of housing in the urban areas.

My impression of the Department of Bantu Administration at that time was that their emphasis was on control rather than on the provision of better services. While in the western world more liberal policies were emerging, and other parts of Africa were gaining independence, the policymakers in the Department of Bantu Administration were not focusing their efforts on the development of the urban Bantu, but on how to control "the embarrassingly large number of Blacks whom they would rather see moved away from the white area" - a negative policy in so far as the aspirations of the Blacks were concerned. I believe the role of the Department of Bantu Administration should be a constructive one. What other Government Department has the specific function of looking after this section of the population? The Department of Bantu Administration have, in my opinion, overemphasised what they consider to be their duty - "the protection of the white man's interest vis-a-vis the Black man". If that is so, who or which department regards it as his/its responsibility to consider the development of the Black man's interest?

In my dealings with Ministers and officials I experienced frustration and resistance and found very little creative, constructive thinking, or action, regarding the urban Blacks.



Take for example the -

VOCATIONAL TRAINING CENTRE:

The Johannesburg City Council established a vocational training centre in an endeavour to give useful training to youngsters who would otherwise have been on the streets. From time to time the Department of Bantu Administration brought pressure on the Council to close the vocational training centre, while at the same time bringing overseas visitors, whom they wanted to impress, to see the constructive work being done for the Blacks at the vocational training centre. After a long battle the vocational training centre was allowed to continue. Endeavours by the Johannesburg Chamber of Commerce and Rotary Clubs to assist in the provision of a school to provide for the training of typists, bookkeepers, etc., and similar commercial subjects could not get consent from the Department of Bantu Administration to provide a site for this amenity.

DIRECTIVES NOT BASED ON LAW:

One of the difficulties the City Council encountered was the receipt of instructions from the Department of Bantu Administration, many of which, while being Nationalist Party policy, were not based on law. As evidence of this I am enclosing a copy of my letter of the 17th February, 1964, addressed to the then Minister of Bantu Affairs, the Hon. M. C. Botha (Annexure 3), and the Minister's reply of the 5th March, 1964 (Annexure 4). The Minister did not fulfil his undertaking to have discussions regarding the matters raised in my letter.

It often appeared to me that Ministers were not correctly informed by their officials, and this was especially so when new Ministers were appointed. I think, too, that officials often withheld information from the Minister, and at other times failed to implement decisions taken by Ministers.

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I have dealt at length with my contacts with the Department of Bantu Administration as I feel that if the Department had been more helpful many of the ills besetting Soweto could have been resolved, or at least ameliorated long before now.

I would also like to draw your attention to incidents I had to deal with concerning other Government Departments.

SOUTH AFRICAN RAILWAYS:

While it is appreciated that the South African Railways have spent large sums on providing services to Soweto, their attitude in regard to the building of an access road to Soweto cannot, in my opinion, be condoned. At no time have the trains at peak periods been able to deal with the traffic, necessitating passengers catching earlier trains than necessary in order to get aboard. When the Johannesburg City Council submitted an application in February 1954 to the Bantu Services Levy Fund for funds to build a direct road to Soweto, the South African Railways opposed the building of this road on the grounds that they had incurred heavy capital expenditure on building the railway, and that they were providing an adequate service, which was not true. Permission to build the road was not given until October 1964 and then only on the basis that no public transport could use the road.

In the re-layout of Pimville the South African Railways caused inordinate delays in the layout of the township because they would not decide the route of their line.

POLICE PROTECTION:

In looking through my papers containing reports, I repeatedly find representation to the Authorities for adequate policing of Soweto. One of the problems is that because the police have to administer such unpopular laws as the Pass Laws, the Blacks do not regard the police as their protectors.



Even when criminals are known, people fear to inform the police for fear of reprisals. The interference of wage earners by gangs and tsotsis on trains and streets makes getting home safely a nightly hazard. These facts are well known, but still crime goes on unabated. The Blacks suffer terribly at the hands of their own people. The continuous fear for personal safety causes resentment against the Authorities who seemingly are helpless to provide protection.

#### MEDICAL SERVICES:

In my review A CITY WITHIN A CITY, on pages 22 to 25, I have detailed how the Johannesburg City Council stepped into the breach to provide the urgently needed medical services which should have been provided by the Provincial Authorities. As a member of the Baragwanath Hospital Board I became aware of the lack of forward planning in the hospital services division of the Provincial Administration, again leading to hardships on the part of the Blacks.

#### LEADERSHIP:

Have the moderate Black leaders, who are prepared to collaborate with the whites, achieved much for their people? Seemingly "No" because the frustrations and hardships and lack of housing are getting worse - the exemption passes have been taken away - 30 year leases withdrawn in 1968 - the 1967 restrictions of who can and who cannot lease a home. This is the tragedy - the discrediting of the moderate, constructive leaders. The young people do not want to recognise leaders who achieve little - hence they turn to the revolutionary, who is not prepared to lie down and take whatever the white man thinks is good for him. What distresses me in reviewing old papers is the fact that in season and out of season pleas have been made to the Department of Bantu Administration regarding the hardships and frustrations of the people in Soweto. These pleas have fallen on deaf ears. Must we wait for outbursts such as have now taken place before we listen and then give

concessions, because pistols are held to our heads? Unless there is a fundamental change of thinking and a genuine change of heart in the Minister of Bantu Development and the officials of his Department, we will continue to go from one crisis to another. I have worked in the race relations field for forty years and feel that both Black and White moderates are frustrated and are now not recognised as spokesmen for the people.

TRANSFER OF ADMINISTRATION TO WEST RAND  
ADMINISTRATION BOARD:

I believe one of the contributing causes of the riots was the change in the administration of Soweto from the Johannesburg City Council to the West Rand Administration Board. During Johannesburg's administration we were well aware that we were sitting on a powder keg which might blow up at any time. I do feel, however, that for one thing we regarded Soweto as a permanent residential area for the Blacks, and that they were not merely temporary sojourners while their labour was required. It is well known that Johannesburg had granted 30 year leases and advocated freehold title. Over a long period the staff of the City Council had devoted their talents and energies to the improvement of the lot of the people, and its sympathetic treatment in such matters as subsidising uneconomic rentals was known to the tenants. I believe, too, that the people of Soweto were not unaware of the differences in the facilities provided for them as against the neighbouring areas administered by the Resettlement Board. The subsidies from the Rate Fund to the Bantu Revenue Account made this possible. In the 4 years 1970-1973 this amounted to R5 684 495:

When the West Rand Administration Board assumed control in July 1973 they had not prepared for the take-over, and had no organisation. If the Local Authorities had not continued the administration of their areas the chaos would have been even greater. For the first year the Board was so engaged in getting itself organised that very little constructive work (in so far as the people were concerned) was accomplished. Certainly very



few houses were built, and the housing shortage continued to grow. However, the Chairman eventually was allocated a suitable motor car and the officials jockeying for position was resolved.

The Board was a large one and it administered a large area with differing standards in the various local authorities' townships taken over. Many of the Board members had no previous experience or background knowledge enabling them to cope with the difficult task before them. The administration became less personal. Previously each Local Authority had taken an interest in their own township. Now they were relieved of their responsibilities and could not directly help their own citizens other than by having representatives on the Board. The Executives of the Board are the ones with intimate knowledge of what was happening. Without the subsidy from the Johannesburg City Council (1972 - R1 129 293) and with increased administrative costs, they have to resort to the increasing of rents to balance their budget - an unpopular measure as far as the tenants were concerned.

There is no doubt that the people of Soweto were critical of a Board largely nominated by the National Party Government, and identified the Board with the makers of the laws - the Pass Laws, the influx control regulations, in fact, the laws and regulations which they regarded as oppressive.

In contrast the City Council was known to be critical of many aspects of Government policy, and often acted as a cushion between the people and the authorities. I believe this was one of the reasons the Government was so anxious to take over the administration from the Council. Could one expect that the Nationalist controlled Board would be critical of its own Party's policies? I wonder whether the West Rand Board kept the Department of Bantu Administration advised of the crisis that was developing regarding the use of Afrikaans as

a medium of instruction. I am sure that in similar circumstances the City Council would have had its ear to the ground and kept the responsible Minister informed of the explosive situation that was developing, so that the situation could have been dealt with before it got out of hand.

CONCLUSION:

Unfortunately, one cannot turn the clock back and it will take considerable time to rectify the material, physical and emotional damage of the recent occurrences.

It is also difficult for politicians to change their policies and admit they have failed. Unfortunately, South Africa is facing a crisis when drastic re-thinking is required and bold action has to be taken.

The recognition of a permanent urban Black population, owning their own properties must be the starting point. I am investigating the new plans for home ownership, and will submit a further memorandum when I have ascertained the facts. The Blacks must be given more than Advisory status in the administration of their affairs.

The present tensions reflect that the Blacks are not now prepared to be docile and submit to discriminatory laws and practices.

Bold, clear-cut decisions are necessary, but will be of little value unless sincerely made - not at the point of a pistol. In the past ameliorations have been too little, too late, and often given with a bad grace and thus lost much of their value.

Should the Commission wish me to appear I will be glad to do so.

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If there is any other way I can help please let me know because I am deeply distressed at developments, and wish to play a part, if I can, in healing the present tensions.

JOHANNESBURG:

August 30, 1976.  
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RIOTS 14/15 SEPTEMBER 1957:

On the 14/15 September 1957 riots occurred in the vicinity of Dube Hostel in Soweto. The Johannesburg City Council requested the Central Government to appoint a Commission to inquire into the immediate causes of the riots, and the root causes of the conditions of unrest in those areas which have given rise to these riots. The Private Secretary to the Hon. the Minister of Justice replied to the above request in the following terms :

" After consultation with the Cabinet, it has been decided not to accede to your request for the appointment of a Judicial Commission of Inquiry on the riots in the South-Eastern (obviously 'South Western' is meant) areas of Johannesburg on the 14th and 15th September, 1957. It is considered that, in view of the previous inquiries which were instituted when similar occurrences took place and the known facts of the present events, the appointment of such a Judicial Commission is unnecessary."

The Council thereafter decided at its own expense to appoint an independent Commission of Inquiry, and three retired judges, the Hon. Mr. Justice Centlivres, the Hon. Mr. Justice Greenberg and the Hon. Mr. Justice Roper accepted appointment as members of the Commission. No Government officials were prepared to give evidence to the Commission, and the Commission stated that this placed them at a great disadvantage, as they felt a very valuable contribution could have been made by members of the Police Force and members of other Government Departments.

At that time the Government's policy of introducing ethnic zoning in new housing schemes was a very contentious matter, and was being made a condition on which any housing loans were approved. The Commission's findings were that the immediate causes of the riots were as follows :

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" We find that the immediate causes of the rioting were as follows :

- (a) the tension occasioned by the attacks to which Zulu residents in the township area, and more particularly those in the Dube Hostel were exposed at the hands of the tsotsis,
- (b) the fighting which took place on September 8th, 1957, in which two Zulus and a leader of the Basuto community in Meadowlands lost their lives. There can be no doubt that this fighting caused a further deterioration in the relations between the Zulus and Basuto and resulted in the far more serious fighting which took place a week later,
- (c) ethnic grouping.

The second term of reference was "What were the root causes of the conditions of unrest in the South-Western native areas which have given cause to the riots". Their findings were :

" We find that the root causes of the conditions of unrest were the prevailing spirit of lawlessness due to

- (a) Socio-economic conditions affecting the young, viz.
  - (i) inadequate earnings of the father of families
  - (ii) insufficiency of schooling facilities
  - (iii) inadequate recreational facilities
  - (iv) breakdown of parental authority

- (v) inadequate facilities for vocational training
- (b) Insufficiency of police protection
- (c) Unwillingness to co-operate with the Police
- (d) The feeling which exists among Natives that contraventions of many laws specially applying to them are not morally wrong
- (e) migratory labour.

The remedial measures which the Commission suggested were :

Coming now to the third and last term of reference we are of opinion that the following remedial measures are necessary to avoid similar happenings in the future :-

- (a) Resuscitation of the Native Youth Board
- (b) Insistence on treating alleged offenders among the Natives in a humane manner
- (c) Better Police protection
- (d) Increase of wages of Natives
- (e) Better schooling facilities
- (f) Greater recreational facilities
- (g) Greater facilities for vocational training
- (h) Improvement of the means of putting young Natives into employment
- (i) Reconsideration of the policy of ethnic grouping et seqq
- (j) Discouragement of migratory labour
- (k) Granting of further powers to Native Advisory Boards.

We fully realize that most of the remedial measures we have recommended fall outside the legal competence of the City Council. The most that the Council can do is to pass our recommendations on to the proper authorities. We should add that, in our opinion,



most of the remedial measures to be taken are essentially of a national character and fall within the purview of the Central Government and not within the purview of a local authority. For it is an accepted principle in South Africa that the Central Government should bear the cost of maintaining law and order - a principle which is enshrined in legislation relating to the Police, which provides for a national Police Force and not for local Police Forces."

I am bringing this report to the attention of the Commission because from this it is quite apparent that as far back as 1957 the tsotsi element in Soweto was a serious problem. Copies of this report were sent to the Hon. the Minister of Bantu Affairs. The only positive action that I have been able to trace to this report was the indignation of the Minister that Mr. Carr, the Manager of the Non-European Affairs Department, and a licensed officer, had given evidence in which he had criticised Government policy regarding the introduction of ethnic grouping.

Copy of letter written by  
Councillor P. R. B. Lewis,  
Chairman of the Non-European  
Affairs Committee of the  
JOHANNESBURG CITY COUNCIL.

Post Office Box 2543,  
JOHANNESBURG.

Saturday:  
April 9, 1960.

Dr. the Hon. M. D. C. de Wet Nel, M.P.,  
50 Marks Building,  
Parliament Street,  
CAPE TOWN.

Dear Dr. De Wet Nel:

When Mr. Koller and I interviewed you on the 24th March, you kindly asked me to submit a memorandum to you setting out the matters we raised in our discussions.

Our visit to you was three days after the riots at Sharpeville and Langa, and we felt it advisable to acquaint you of the position in Johannesburg as we saw it. Because of the huge population of 380,000 in our South Western areas, we were anxious to do all we could to prevent rioting spreading to that area.

With this purpose in mind we informed you of the meeting we had called for the afternoon of the 23rd March with the Joint Advisory Boards. We had asked the members to meet our Non-European Affairs Committee so that we could request them to do all they could to assist in maintaining law and order in our townships. We were very gratified at the responsible manner in which the Advisory Boards put forward their views, and the members said that they would do what they could, but pointed out to us some of the difficulties they experienced.

1. They voiced their feeling of frustration in that their function, only being advisory, they felt that from time to time the Municipal Council had not taken sufficient cognizance of their views.

2. They realised that a number of matters were beyond the jurisdiction of the Council and that they had no direct contact with the Government.

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3. They stated that their own people did not regard them as the true leaders, and were inclined to look upon them askance because they were prepared to serve on the Advisory Boards and thus collaborate with the Europeans.

4. They informed us that the Pan Africanist Congress was formed because some of the younger members of the African National Congress felt the African National Congress was too moderate. They stated that by the embodiment of the removal of the Pass Laws in their programme, the Pan Africanist Congress knew they would obtain the sympathy of a large number of the Bantu.

5. Regarding the Pass Laws themselves, the main difficulties appear to be as follows :

(a) The necessity to produce Reference Books on demand:

It is the enforcement of this provision which results in the summary arrest and jailing of many thousands of Bantu every year, their only crime being a technical one of not being able to produce their Reference Books on demand. In spite of previous announcements by the Hon. the Minister of Justice that the Police would be more lenient, we know of numbers of instances where Natives have been arrested and jailed for not being in possession of their documents when, in fact, these were reposing in the pockets of their jackets inside their houses or rooms when the Native in question was talking to his friend across the road, or had been sent on a short errand by his employer. This causes keen resentment.

(b) Exemptions:

The loss of the old "exemption certificate" to those specified classes of Natives previously entitled to this privilege, has been a source of considerable heartburn and resentment, and it was suggested that identity cards instead of reference books should be

issued to approved persons of proven character and standing in their community. Such a step, it was suggested, would win the support of the most influential section of the Native community and achieve the important effect of linking and associating such a class of man with the authorities, because being a recognised member of an elite class he would be most unlikely to participate in subversive activities which he knew would result in the loss of his most valuable and coveted privilege, namely, his exemption identity card which freed him from the requirements of the ordinary worker. The exempted Natives would form a law-abiding class who could be a stabilising factor in Native society.

(a) Naturalization of Foreign Natives:

It was suggested that consideration should be given to making it possible for foreign Natives who have been in the Union for a considerable period, who have been Union taxpayers for many years, and who are married to Union women, to become naturalized. These people claim to have voluntarily severed all connections with their erstwhile countries of origin and desire to be lawfully integrated into the Union's Native population. The present policy is to administratively relieve the foreign Native who has been in the Union since 1934 of the disabilities applicable to foreign natives, provided he can establish by documentary or other unassailable proof that he was lawfully in the Union at that date. The onus of proof is so heavy that in the large majority of cases the Native finds it impossible to discharge it, and there are many homes being broken up as a result. Facilities exist in practically every country in the world for foreigners to be naturalized on certain conditions, and it is suggested that the number of foreign Natives who would qualify for naturalization



along the lines outlined above would be small in relation to the whole population, and there is no doubt that such a concession would have a considerable moral effect, and would free the local authorities from the accusation of heartlessness which presently accompanies the strict action which has to be taken against these persons in terms of Section 12 of Act 25 of 1945.

(d) Witwatersrand as one Influx Area:

Considerable hardship is caused by each local authority on the Witwatersrand being a separate Influx Control area. We know this is a controversial matter as between local authorities, but as far as employers and the Native population are concerned this causes considerable difficulty and very great hardship.

(e) Freedom of Movement:

Hardship is often caused when a person who is in employment in Johannesburg loses his employment through no fault of his own, such as his employer going out of business or leaving the area, has to return to his rural area before he can again seek work in Johannesburg, when very often another employer is prepared to engage him immediately.

(f) Another example is where parents may qualify to enter Johannesburg, but their children do not. We had a recent example of a clergyman and his wife who were transferred to Johannesburg, but the family had to be broken up because the son was over 18 and did not qualify to enter the City.

To my mind one of the very real difficulties in this whole problem is that so many of the Native population are unaware of the detailed regulations which govern their

movement that they find themselves on the wrong side of the Law. Another difficulty is the number of channels through which permission has to be sought by the work seeker. It is felt that this matter was much simpler before the amendment of Section 10(I)(d) of the Urban Areas Act in 1957. Prior to this amendment the Municipal Control Offices had more authority, and it is felt that if a local authority was allowed more discretion it would not allow an unchecked flood of Native workers into its area, well knowing that such action would result in an additional strain being thrown on its housing, medical, welfare and recreation resources. We also find that very often officials who have to administer these Laws are themselves confused about the detailed regulations, and in their desire to deal with the large queues they have to handle, make arbitrary decisions which can have serious repercussions on family life.

I have detailed these matters as I think you will appreciate that the Native mind associates with his reference book the difficulties he experiences in many of the matters with which I have dealt.

When I reported back to the Advisory Boards on my interview with you, they again expressed the desire that direct consultation should be placed between them and representatives of the Government. I myself have found this consultation most valuable and trust it will be possible for you to give this matter your consideration. I feel the Advisory Boards have played their part in maintaining the relative calm that has prevailed in our townships during this difficult period, and I am sure that this was in no small measure due to my being able to report back to them so promptly that I had passed on their difficulties to you and the sympathetic hearing you had given me in Cape Town.

I read from the Press that you are appointing tribal representatives for the Urban areas, and while these persons will be able to act as liaison between the Chiefs and the persons resident in the Cities, the urban dwellers of long



standing feel that they would themselves like contact directly with you.

I am hoping that the Johannesburg City Council will be able to take steps to make more use of its Advisory Boards and thus give them a greater feeling of responsibility.

I shall be attending the SABRA Conference at Stellenbosch and should you wish me to furnish further details about matters raised in this letter I shall be only too pleased to see you at a time convenient to you.

I again wish to thank you for receiving me and discussing matters so frankly with me.

With kind regards,

Yours sincerely,

(Signed) PATRICK LEWIS.

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SHARPEVILLE:

In March 1960 the shootings at Sharpeville took place. The Johannesburg City Council was very anxious that the unrest at Sharpeville should not spread to Soweto, and on the day after Sharpeville, a meeting was called of the Advisory Boards in order to enlist their support in preventing unrest in Soweto.

At that meeting the Advisory Boards expressed the matters which were frustrating them and their people, and the writer and the Deputy Manager of the Non-European Affairs Department, Mr. Koller, arranged to see the Hon. The Minister of Bantu Affairs, Dr. the Hon. M. D. C. De Wet Nel to place the Advisory Boards' feelings before him. In a letter addressed to the Minister on the 9th April, 1960, the representations made at that meeting were recorded, and a copy of that letter is attached.

After the interview with the Minister a further meeting of the Advisory Boards was held where I reported back to the Board members that their views had been placed before the Minister, and I am glad to say there were no outbreaks of violence in Soweto on that occasion.

I am sure that evidence being placed before the Commission will re-state, as present difficulties, the matters brought to the attention of the Hon. the Minister sixteen years ago.



17th February 1964.

Dear Mr. Botha,

As Deputy Chairman of the Management Committee of the Johannesburg City Council I will be acting-Chairman of the Management Committee during the absence of the Chairman, Mr. Pieter Roos, during his year of office as Mayor. This will necessitate my vacating the Chairmanship of the Non-European Affairs Committee during the Municipal year commencing on the 6th March.

This will be quite a wrench for me, as I have been Chairman of the Committee for six years now, and my work in the Council has really hinged around the work of the Non-European Affairs Committee. During my period of office, I have tried to establish a relationship between our Council and your Ministry whereby a modus vivendi was preserved. In a large number of matters we have not agreed on policy, but I like to believe that where I have been able to put up a good case, my views have been respected as being views sincerely held, and I would like to thank you for the consideration you have given to my representations. I would also like to state that I have at all times received the utmost consideration from the members of your staff with whom I have had to deal.

There is one matter, however, which is weighing very heavily on my mind and that of many of my colleagues. This is in regard to the circular issued by your Department on the 13th February, 1963, in regard to trading in the Townships.

For some time past I have not been satisfied that all was well with the traders in the Townships. Firstly, a tremendous number of the Bantu who start to trade have not had sufficient experience. Secondly, they lack capital, and this difficulty is accentuated by the fact that in a large number

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of instances they have been called upon to erect their own premises. This often means that they have to resort to the raising of funds from money-lenders at high rates of interest. I therefore agree with you that the Council should assist in the building of premises in the majority of cases, but I still feel that where the individual has the capital to build premises to his own requirements, he should be entitled to do so. We are, at the moment, conducting a departmental enquiry to try and ascertain to what extent outside interests are financing the traders, and to ascertain whether the persons who in fact obtained the licences are the true entrepreneurs or mere nominees for outside interests. This enquiry has led me to investigate the legal position of the Council regarding the allocation of trading sites.

I am very conscious of the fact that in this country there are three tiers of Government - Parliament, the Provincial Council and Local Authorities. I am well aware that in terms of the Act of Union - legislation on the administration of Bantu Affairs is confined to Parliament. In terms of the Urban Areas Act, Section 37 is the clause which provides for trading in Locations or Bantu villages. In terms of that Section authority is granted to Urban Local Authorities regarding the letting of trading sites. If, however, the Minister wishes to lay down conditions, provision is made in that Section that after consultation with the Administrator, and after due enquiry, at which the Urban Local Authority shall be entitled to be heard, the Minister may prescribe conditions. In terms of the Act the Local Authority is given the right to publish regulations regarding the letting of sites.

It appears to me, therefore, that Parliament contemplated that these powers regarding the letting of sites should be in the hands of the Local Authority, and the onus is placed on the Local Authority in terms of the Act to administer that Section. It also appears to me that the intention of the legislation was that as a quid pro quo for being confined to a particular area,



the Bantu were given the right to cater for their own people within that area.

When considering the applications we receive for licences I therefore find myself in this position, that while certain responsibilities are placed on the Local Authority, I am unable to do what my conscience tells me is right, and I am unable to consider the applications before me in terms of the merits of the case. Why? Because of a circular which appears to me to be in conflict with the spirit of Section 37 which preserves for the Bantu the rights to trade within locations and Bantu villages. Cases which appear to me to cause particular hardship are those where applications are made for licences to be granted to partnerships, and Companies controlled by Bantu shareholders. Also the strict interpretation of the man one business policy causes great hardship. In my opinion, the fact that a partnership is formed, or a Company is formed, does not per se indicate big business. Are we not depriving the Bantu of the benefits of trading under what we today regard as normal business structures. The Council's regulations regarding trading make provision for partnerships. My Council took Counsel's Opinion regarding applications from Companies controlled by Bantu shareholders. A copy of the Opinion given by Mr. A. Douglas Davidson on the 12th October 1962, was forwarded to your Department on the 14th March, 1963, with a request that this Opinion be considered, but as yet we have had no reply.

My conscience is also troubled regarding decisions when applications are made where ethnic grouping is involved. I do not wish to go into this in too great a detail, but would quote an example of a Basutoland National lawfully trading in Soweto who wished to pull up his roots, sell up his business and return to his homeland. He found a purchaser who would pay him R6 000 for the buildings, fixtures, fittings, and the goodwill of the business, exclusive of the stock. But the purchaser was a Venda and of the wrong ethnic grouping and his application to sell was therefore refused.

I find myself in great difficulty in these decisions

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decisions based on ethnic grouping as I am given to understand that the decisions could be challenged legally. This is evidenced from instructions from your Department that if legal action is taken against the Council on these decisions your Department should be informed immediately (see your Department's letter 51/3131/N) (3) dated 15th May 1961) and in cases where we have done this we have been asked by your Department to reverse our decisions. This is exactly what happened in regard to the case I have mentioned above. Knowing this, what am I to do when a similar case is submitted for the decision of my Committee? Refuse and hope that the person is not aware that this could be challenged legally or grant the application which would be contrary to Government policy unless legally challenged. Similar cases arise in the sale of houses particularly in areas such as Dube which were built prior to the introduction of ethnic grouping. Real cases of hardship occur when a buyer can be found only to find he is of the wrong ethnic group and the sale has then to fall through and a buyer of the right ethnic group may not be forthcoming.

I know you have to regard these matters on broad principles. I find, however, that when dealing with individual cases broad principles are hard to apply.

You will recollect that at the last meeting of the Inter-departmental Committee, my delegation wished to raise the matter of the circular regarding trading rights, but you suggested that our officials should try and resolve as many matters as they could, and that you would then see us about any matters outstanding. I most sincerely regret, therefore, your letter to the Town Clerk refusing that interview, and saying that you felt no purpose would be served. In that letter you also referred to the fact that the interested Bantu entrepreneurs had welcomed the fact that unlimited opportunities were being created for them in their own traditional homelands. This is correct, but did those interested Bantu entrepreneurs agree with the suggested curtailment of their activities in the Locations? I am of opinion that in the long

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term, the development of the Bantu homelands will be established on sounder lines the more the Bantu can be trained in the Locations surrounding Urban areas.

May I again request that you receive this Deputation, as my conscience and that of many of my colleagues is troubled that we, as a Council, are not exercising our obligations as contemplated when the authority was given to us to control the granting of trading sites and licences. It may be that we have been interpreting the circular too literally: it may be that the circular was not intended to apply to Local Authorities where the locations were so far removed from white business areas and where so large a number of people are congregated.

At the last meeting of the Non-European Affairs Committee, the Town Clerk was asked to again approach you that you receive our Deputation, and I hope you will agree to do so. To me it would be a matter of regret that I should have to vacate my office as Chairman of the Committee feeling that an understanding had not been reached with you in this matter.

I trust you will accept that I have written at such great length because I felt compelled to do so.

I shall be writing you fully regarding the "Locations-in-the-Sky" within the next few days.

Kind regards,

Yours sincerely,

P.R.B.LEWIS, M.P.C.

Office of the Deputy Minister of  
Bantu Administration & Development

50 Marks Buildings,  
CAPE TOWN.

5th March, 1964.

Mr. P. R. B. Lewis, M.P.C.,  
Municipal Offices,  
City Hall,  
JOHANNESBURG.

Dear Mr. Lewis,

I am in receipt of your letter of the 17th of February and I have noted the contents thereof with interest. I appreciate it as a natural development that you as an able and experienced councillor is now needed as chairman of the Management Committee of Johannesburg. If this means promotion I would like to congratulate you on it. Nevertheless I am sorry that you will now not be in a position to continue as chairman of the Non-European Affairs Committee but I hope to see you back in that role in due course - hoping that that would not mean demotion! As regards the matters raised in your letter, i.e. trading conditions of Bantu in the Bantu residential areas, I am prepared to have a discussion with you at an appropriate time. It will unfortunately not be possible to arrange such discussion during the present session of Parliament because at present I have a heavy burden to carry and I foresee other heavy duties later during the session.

I hope you will be satisfied to wait until we can arrange a discussion during the coming recess, after July.

I will then approach you with a view to making the necessary arrangements for the discussions.

Yours faithfully,

(Signed) M.C.Botha

DEPUTY MINISTER OF BANTU AD-  
MINISTRATION AND DEVELOPMENT.



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