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21<sup>st</sup> August 1948. DURBAN.

Dear Mr. Hunt,

Thank you for your kind letter which I deeply appreciate. It is particularly encouraging to receive such a letter from a former senior officer in the Department of Native Affairs.

I enclose a copy of the notes which I prepared for my discussion on Wednesday evening. I shall be very grateful if you will comment critically on the method of presentation and on any statement of fact or opinion. The chief reason for preparing the notes in this form was to impress the recipients (students and the public) that the Fagan Commission's report does not represent a new or "revolutionary" approach to Native Affairs, and that it had the advantage of having a considerable body of expert opinion, both verbal and written, to guide it to inescapable conclusions. I don't think that I need state that this paper was compiled for a "citizenship" group, and I would like to draw your attention to the two passages that I have marked on page 13. In all discussions I have stressed the value of the statement made by the Natal Commission of 1852-3 on the importance of the Native Department and its need for public interest and support.

As a young man I have always regretted the fact that there is so little published material by former officers of the Department of Native Affairs dealing with their experiences and observations. There must be a mine of information buried in official reports by field administrative officers. Of special value would be views on the more positive side of administration, the obstacles to progress and the ways and means of overcoming them and of guiding Native development generally. Thank you again, sir,

Yours sincerely,

Kenneth Kirkwood



To D.R. Hunt, Esq., with compliments

H. Kirkwood

"FOR WE NEED THEM AND THEY NEED US".

(Rev. J.H.M. Stofberg.)

or "All faces the land .....

OBSERVATIONS ON THE REPORT OF THE FAGAN COMMISSION (NATIVE LAWS COMMISSION OF ENQUIRY) AND THE FACTS WHICH THEY CONSIDERED.

1. INTRODUCTION: The Policy of Forever Hamba.

Thinkers of the past, no less than thinkers of our own time, have seen as South Africa's most fundamental need, the development of a sound and progressive Native Policy. There is nothing more urgent in the Union than that citizens should appreciate the facts of the Natives' position. From a knowledge of the facts South African men and women will be able to determine, democratically, a Native Policy that will ensure the survival and growth of civilisation in South Africa. It is unfortunate that emotion, notably fear, coupled with ignorance have marked most South African action and expression on the "Native Problem".

Children in our schools receive little or no instruction on the Native peoples of South Africa as they are today. Certainly there are references to Shaka, Dingaan, Blood River, the Kaffir Wars and the Basuto Wars, but seldom, if ever, do European children have occasion to think about the position of the 7.8 million souls who comprise nearly 70% of our population of 11.4 million South Africans. In addition, children in our schools learn little or nothing of Civics. Entrants to our Universities, and even final year students, have no clear knowledge of the structure and functions of government in a democratic society. Many graduates have no knowledge of Native Affairs. In these fundamental respects our educational system has failed to educate citizens.

Anyone who is acquainted with the above facts is not surprised that South Africans are unable to approach discussion of our economic, social or political problems in a rational manner. There is no background of reality to South African thinking on these matters. For this reason one hears, ad nauseam, statements such as the following :

- "Send them all back to the Reserves, the towns are too full".
"Native crime is becoming alarming, we must tighten up the Pass Laws and chuck out the loafers and thieves".
"We can't let them have any more land, they've ruined enough as it is".
"The old Zulu was a good chap, these educated, or rather half-educated youngsters are a menace".
"A lot more sjambok and much less nonsense - the only thing they understand is a good hiding".
"They were happy as they were. Leave them alone, let them develop along their own lines".
"They don't know the meaning of gratitude. They're a pack of thieves and liars".
"They're dirty and diseased, why don't the Municipality make them all have medical examinations - their women too".
"Why don't the Government do something, things weren't like this in the old days".

Seldom does one hear a statement showing real knowledge of Native Affairs and very seldom a constructive comment.

2. SOME FIGURES:

Table with 3 columns: Category, Population, and Unit. Rows include Europeans (2.4 million), Natives (7.8 million), Asiatics (.3 million), Coloureds (.9 million), and Total (11.4 million).



"The popular notion that the Natives multiply more rapidly than other sections of the population is not borne out by the census returns. The increase of the total population of the Union including the Natives in the ten years from 1936 to 1946 was 18.79 per cent., and that of the Natives alone 18.32 per cent."

	<u>Native Population</u>	<u>Percentage of Native Population in European Areas</u>	<u>Native Areas</u>
Natal	1.7 million	45	55
O.F.S.	.7 "	96	4
Transvaal	3.1 "	80	20
Cape	2.3 "	38	62
Union	7.8 "	60	40.

3. THE RURAL AREAS: And the "Out of sight, out of mind" policy.

When all the land released for Native occupation under the Native Trust and Land Act, No.18, 1936 is added to the Native Areas scheduled under the Natives Land Act, No.27, 1913 the Native population will possess approximately 13% of the total land surface of South Africa. It should not be forgotten that the Government is experiencing great difficulty in purchasing even the remainder of the land released under the 1936 Act.

The Present State of the Native Rural Areas.

"The deterioration in the health of the community is now most evident. The well-developed, well-nourished, muscular figures of say fifty years ago have been replaced by weedy, undersized, deficient manhood. The food position in the Transkei is a very serious one and is exercising a most deleterious effect on the health of the community. Disease is on the increase".

(J.F. Herbst, former Secretary for Native Affairs in South African Medical Journal 1944).

"Male absentees from Union Native Reserves as percentage of male population aged 18-54 years is 53.9".

(Social and Economic Planning Council).

"The Native Reserves, at their present stage of development, are both overpopulated and overstocked".

(Landsdown Commission : U.G. 21/1944).

"The Native Reserves have been largely ignored and neglected.... At the present moment the majority of Reserve inhabitants are poor, illiterate and undernourished. Agriculture is in a sorry plight and in no single sense of the word is enough food produced for the most elementary requirements of Health. But even if an agricultural transformation was effected the Reserves could not provide an adequate living for all the existing population domiciled there, let alone make provision for increases in this population. A large number will have to give up all thought of having a right to arable and pastoral land, and will have to live on a residential site in one or other of the village or urban centres".

(Report No.9 : Social and Economic Planning Council. U.G. 32/1946).

"As has been repeatedly stressed elsewhere, most of the Native areas have fallen into a deplorable state. In many cases, it is a race with time, and some of the Reserves have reached a stage where a further ten years' delay will be fatal. The problem of over-population, overstocking and erosion is so urgent that unless the efforts commenced by the Department to arrest the deterioration of the soil, and to conserve natural resources, are sustained and expanded on an extensive scale, much of the land will be ruined beyond recovery. Further means of subsistence in industries and the creation of a permanent labour force at industrial centres will have to be found".

(Native Affairs Commission. U.G. 14/1947).



"Over perhaps 10% of the total area, the incidence of soil erosion may be described as slight, over 50% as bad, over the balance (40%) as nothing less than terrifying. There are over 14,000 families without arable land".

*Korlun* . (Assistant Director of Native Agriculture : Ciskei. Evidence to Fagan Commission).

"The part-time farming which results from the migratory labour system has left a trail of devastation through the country. The use of agricultural land will have to be reserved for those who devote themselves wholly to its cultivation and the non-farmers will have to be accommodated elsewhere".

(Latest Report, Native Affairs Department : Tabled House of Assembly, 13 August, 1948).

#### 4. THE URBAN AREAS: Urbanisation or the Drift to Cities and Towns.

"The movement from country to town is in our time a universal phenomenon. It is occurring, so far as we know, in all countries and amongst all nations. ~~As~~ the population of the earth increases, there is no room left for new generations to settle in virgin territory".

"The movement of Natives from the rural areas to the urban areas is, in proportion to their numbers in the rural areas, much less than that of the other races".

#### Urban Conditions from 1904-1948 or the Policy of More is Nog 'n Dag.

<u>Census 1904:</u>	%age of European population in Urban Areas	:	53.
	" " Non-European " " " "	:	15 (Natives less than 12.5%).

#### South African (Inter-Colonial) Native Affairs Commission : 1903-1905.

"The Natives who reside in or frequent these urban 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".

<u>Census 1911:</u>	%age of European population in Urban Areas	:	52.
	" " Non-European " " " "	:	17 (Natives less than 12.5%).

#### Commission : Assaults on Women, 1913.

"It is very desirable that in places where Natives are collected together in large numbers, the white man in his own interests should take care that they are enabled to live under clean, healthy and decent conditions of family and social life; that their surroundings be of a more elevating and less depressing character than as a rule they are at present; that, for instance, they be lodged in fairly decent houses instead of in miserable hovels and shanties, in which they are now frequently compelled to live; that decent roads be constructed, that trees be planted and gardens be allowed; and that water be laid on and light supplied".

#### Not the Broome Commission 1948, but the Tuberculosis Commission, 1914.

"We know of no municipal location which is entirely satisfactory". Defects enumerated: "ill-chosen sites, absence of any systematic lay-out, inadequacy or absence of sanitary services, lack of any proper water supply, uncontrolled keeping of animals".

"But it is with the character of the dwellings that the greatest fault must be found. With few exceptions they are a disgrace, and the majority are quite unfit for human habitation. Speaking generally, the dwellings are mere shanties, often



nothing more than hovels, constructed out of bits of old packing-case lining, flattened kerosene tins, sacking and other scraps and odds and ends. The dwellings are low, dark and dirty, generally encumbered with unclean and useless rubbish, mud floors are the rule, often below the ground level and consequently sometimes apt to be flooded in wet weather. Overcrowding is frequent; and altogether one could hardly imagine more suitable conditions for the spread of tuberculosis". (Identical comments were made by a Durban medical officer addressing a University audience on 11th August 1948 on the Social background of disease in Natal).

"The influenza epidemic of October 1918 afforded the general public a startling revelation of the distressing conditions under which Natives lived in urban centres and to what a great extent these conditions were a standing menace to the health of the whole population".

Census 1921: %age of European population in urban areas : 56.  
" " Native " " " " : 12.5.

Transvaal Local Government Commission, 1922.

"It is agreed :

1. That the treatment in regard to the housing and control of Natives in Municipal areas has been extremely unsatisfactory in the past.
2. That a statutory duty be placed in Municipal bodies to provide adequate housing accommodation for all Natives within their area, and that suitable powers be given to these bodies to control the ingress of Natives into their area.

It is recognised that the Native locations and townships form an integral portion of the town-planning problem of the whole community, and as such should be always subject to public control".

In 1923, The Natives (Urban Areas) Act, No.21, was enacted.

Briefly its purpose was :

- (i) To provide for the adequate accommodation of Natives in segregated urban areas.
- (ii) To ensure that the movement of Natives into the towns should be controlled.

(In 1948, 25 years later, it is quite clear that neither purpose has been achieved. The operation of economic forces, the demands of industry and commerce in particular have over-ridden the aims of the legislation, and this in the face of amendments which sought to make more stringent the conditions under which Natives should enter the urban areas).

Census 1936: %age of European population in urban areas : 65.  
" " Native " " " " : 17.

After referring to the division of responsibility between Central and Local Government the Departmental (Barrett-Young) Committee of 1935 asks:

"Is it surprising that Municipal Councils despair of finding a sufficiency of good housing, and that their shortcomings are exploited by the slum owner, who reaps a larger harvest by letting insanitary rooms to Natives than by catering for whites with greater demands and higher standards ?

The owners of slums are not confined to the alien, or the 'low class European', but include respected and well-to-do citizens still enjoying the respect of their fellows.

The cleaning-up problem is the despair of Councillors, police and social reformers, and will, we are convinced, remain insoluble until a definite policy in



regard to Natives in Municipal areas is adopted".

The following comments by this Committee are of great significance:

"Towards the creation of the towns, as of most other tangible forms of civilised development in South Africa, the white man has contributed capital and knowledge while the Native has provided labour. The Witwatersrand owes a special debt to Native labour, in that without it the development of the gold industry would have been impossible.

We agree with the Native Economic Commission 1930-2 that 'the Native Economic question is how best the Native population can be led onward step by step in an orderly march to civilisation'. And we see no ground for the claim that the towns are an exclusive achievement and possession of the white man".

"We disagree profoundly with the view that it would be sound policy to create a situation in which the great majority of the Natives in the towns would be male labourers, cut off from family life and without any sort of security of tenure".

(Note: Both Mr. Young and Mr. Barrett have distinguished records in the service of the state (Department of Native Affairs), and in subsequent public service on bodies requiring expert knowledge of Native Affairs).

page 3 1904

Census 1946:	%age of European population in urban areas	:	72.	53
	" " Native " " " "	:	23.	15

1942: Inter-Departmental Committee on Social, Health and Economic Conditions of Urban Natives (included Secretary for Native Affairs, Secretary for Public Health, Secretary for Social Welfare).

"The Committee has been gravely impressed by the evidence it has received of the high incidence of ill-health among urban Natives, of the inadequacy of the provision for dealing with declared disease and the comparative neglect of measures to preserve health. It has seen for itself in locations and other places where urban Natives reside, conditions which can hardly fail to produce chronic ill-health among the inhabitants and which favour the rapid spread of infectious diseases. What is most disquieting of all is that in many instances the very lowest standards of public hygiene are tolerated in locations belonging to towns in the other parts of which much higher standards are enforced as a matter of course. The saying that 'disease knows no colour bar' has been worn threadbare by South African publicists in health matters, but the practical results which should flow from the acceptance of this axiom are not yet in evidence in the great majority of South African towns".

1945: Report of the Department of Native Affairs.

"The Native supplies by far the biggest reserve of unskilled and semi-skilled labour in the country.

As long as so many of the Native people in the towns are compelled to live in rooms under overcrowded conditions and in inadequate shelters without any of those amenities which make for decent living conditions, vice, immorality and crime must necessarily prevail. In such circumstances, not only is their own health undermined, but they become a menace to the community as a whole.

1946-48: The Fagan Commission.

"At present there are 31,000 Natives of whom service contracts are registered in the Peninsula. 11,000 Are housed in Langa, and another 5,000 obtain approved accommodation from their employers. The rest (16,000) live mainly in dwellings that are not fit for habitation".

"When in 1947 the Johannesburg Municipality collected a number of squatters in an emergency camp at Moroka, it decided to make provision only for families whose



breadwinners were in employment in Johannesburg and had been in such employment for six months or more. A census was taken and only 4 $\frac{1}{3}$ % of these enumerated failed to pass the test.

Actually there are today in the controlled squatters' camps of Moroka and Jabavu over 50,000 people for whom the Municipality of Johannesburg has, on the test indicated above, accepted responsibility.

When our Commission visited Mossel Bay we found a 'Sakkiesdorp' near a factory. On inquiry it appeared that it was inhabited by Natives who worked at the factory.

We mention these cases merely as evidence of the fallacy of the popular notion that when we see a shanty town of Native squatters we have proof that these are 'redundant' Natives who have to be removed".

"Unfortunately an attitude of sullen resentment against those in authority is steadily manifesting itself among the urban Non-European population and the Natives are thus very receptive of the propaganda which is being disseminated by various political bodies".

(Report of the Department of Native Affairs, 1944-45).

V. MIGRATORY LABOUR: or Can we Afford the Gold Lines ?

"As a single disease entity, syphilis remains our outstanding problem."  
Dr.S.Kark : Polela Rural Health Unit.

"Venereal disease is one of the diseases whose incidence is aggravated by migratory labour, and it is significant that the Native name for it is 'the white man's disease'. According to Dr. Bennett of the Mount Coke Native Hospital (Ciskei) in his district ten years ago hardly 1 per cent. of rural maternity cases were syphilitic. Today 22.1 per cent. of maternity cases have positive Wasserman reaction'."

(Social and Economic Planning Council).

"Sample surveys indicate that in many urban areas the incidence of syphilis is somewhere about 30%. The incidence of congenital syphilis is appallingly high. At the King Edward VIII Hospital 22% of infantile deaths in 1941 were directly due to syphilis, excluding those in which syphilis was a secondary factor. Random samples of Native school children often give 20% or over who are positive to the blood tests for syphilis."

"It must be recognised that the appallingly high incidence of venereal diseases among urban Natives, through whom it is spreading back to rural Natives as well, is part of the price which has to be paid for the incorporation into the urban areas, for the purposes of industry and domestic service, of thousands upon thousands of rural Natives who leave their wives in the reserve."

"In both European and Non-European society, the family is the fundamental unit upon which the community is built. A system which runs contrary to the maintenance of this unit of social life is in essence unsound."

(Inter-Departmental Committee on 1942, The Social, Health and Economic Conditions of Urban Natives).

Natives in Urban Areas:

<u>Year</u>	<u>Men</u>	<u>Women</u>	<u>Total</u>
1911	410,161	97,981	508,142
1921	439,707	147,293	587,000
1936	784,769	356,874	1,141,643
1946	1,152,022	642,190	1,794,212



Note the disproportion between males and females. Readers should recall the high rate of venereal disease in the armies in the field during the recent war and should also consider the instability of many war-time marriages where partners to a union were long separated.

"If the migratory system prevents the Native from becoming a good farmer, it also makes him a poor industrial worker. The system is in fact wasteful of the country's greatest asset - its human resources. Industrial development will be retarded, and productivity and the national income will remain low, unless our labour resources are used more effectively.

As a result of migration the actual man-years which can be devoted to the industrial and agricultural development of the Union are only a fraction of its total labour potential".

(Social and Economic Planning Council).

"Loyalty and discipline are qualities to be found only in a stable labour force. Migration involves an obvious loss of working time, which in the course of a year probably amounts to millions of working hours. All this is inimical to production".

(Professor H.R. Burrows: Evidence to Fagan Commission).

"The whole substance of rural life is being undermined by interference with family life, due to the absence of large numbers of the males at industrial centres and the consequent drift of their families to undesirable surroundings in the towns. This absence of family discipline, with all its consequences, is an evil that presents one of the most serious problems which the Government has to face".

(Native Affairs Commission. U.G. 14/1947).

"It is particularly important that bold and effective policies for the development of agriculture in the Reserves should not be held up because of any fear of repercussions on recruiting for the gold mines. This would be mortgaging the future for the present, and linking up South Africa's progress too exclusively with one great industry."

(Social and Economic Planning Council).

The Fagan Commission does not recommend a sudden and compulsory termination of the migratory system, but it can see no single argument for maintaining the migratory system in respect of Natives who no longer have a home in the Reserves.

As they say:

"The fact remains that an economic urge is at work at both ends; on the one hand it is necessary for the reserves to be rid of people; on the other side it is necessary for the towns with their growing industries to have additional workers".

6. THE PASS LAWS: or the policy of "Halt, why are you here?"

"South African Natives are exceptionally law-abiding".

D.L. Smit, M.P. when Secretary for Native Affairs.

"In the three Northern Provinces, 348,907 arrests were made for contraventions of the Pass Laws in the three years 1939, 1940 and 1941 and in 318,858 of the cases, convictions followed.

These statistics indicate the tremendous price which the country is paying in respect of these laws, for apart from the actual cost of administration, there is the vast loss of labour due to detention during arrest and imprisonment. Fines paid constitute a drain on the Native's income which it has been shown he can ill afford. Apart from these considerations the harassing and constant interference with the freedom of movement of Natives gives rise to a burning sense of grievance and injustice which has an unsettling effect on the Native population as a whole. The



application of these laws also has the undesirable feature of introducing large numbers of Natives to the machinery of criminal law and makes many become familiar at an early age with prison.

These laws create technical offences which involve little or no moral approbrium. The Committee has reached the conclusion that rather than perpetuate the state of affairs described above, it would be better to face the abolition of the Pass Laws".

(Inter-Departmental Committee : S, H and E  
Conditions of Urban Natives, 1942).

A Pass is a document :

- "(a) which is not carried by all races, but only by people of a particular race; and which either
- (b) is connected with restriction of the freedom of movement of the person concerned; or
- (c) must at all times be carried by the person concerned on his body, since the law lays the obligation on him of producing it on demand to the police and certain other officials and the mere failure to produce it is by itself a punishable offence."

The Fagan Commission states:

"In considering the pass laws it is essential that we should clearly bear in mind the features that cause a document to be regarded as a pass. We might otherwise run the risk of overlooking the dividing line between provisions that are helpful and those that are restrictive."

"The name that we give a document is of minor importance; what matters is its substance".

"It therefore remains our duty, both in respect of the pass system as a whole and in respect of each of the different statutes, proclamations and regulations to ask ourselves the direct questions :

- (a) Is it necessary in this regard to have special laws for the Natives ?

As a Commission we take it that the principal of residential separation is a fixed policy in South Africa.

While, then, we take it that there can be legislation based on racial discrimination, we also believe that there are in particular two considerations - in addition, of course, to considerations of justice and equity, which obviously must always come into play - that have to be borne in connection with such legislation.

The first is that there should not be discrimination purely for the sake of discrimination.

The second must be a frank recognition of the fact that today we find Natives in all stages of development and all stages of adaptation to the European way of life and thought.

We can only ask our legislators to be very careful in the use of the wide word 'Native'. The two considerations that we have mentioned here link up well with one another, and together they point to the desirability of limiting legislation on a purely racial basis to the minimum required for the protection and promotion of the peculiar interests of the different races and for a proper regulation of the relationship between the races.

- (b) Are restrictions on the movement of Natives necessary ?

During the travels of our Commission through the country it was brought to our notice in an unmistakable manner that the feeling amongst the Natives against



the Pass Laws is a very violent one.

On the other hand it is equally clear to us that the abolition of the pass laws, unless it can come about after proper preparation and after the creation of alternative and efficient machinery to regulate, in an orderly and satisfactory manner, the migration of Natives, the settlement of Native communities in proximity to European ones, and contacts between the Europeans and the Natives, will be regarded by a large portion of the white population as a danger to the economic life of the country as well as a serious threat to law and order and even to personal safety.

In between these very divergent views we shall have to try to deal with the matter in a practical and objective way.

(c) Is it necessary to make the mere non-production of some document a punishable offence ?

We suggest that no penalty should be imposed for the mere non-production of a document.

That on a charge of contravening the statute or regulations in question the onus of proof should lie on the accused. A provision placing the onus on the accused in cases of this kind would be in accordance with the legal principle that the onus ought to lie on the person who has special knowledge of the facts of the case, and who, therefore, if he is innocent, should find it easy to rebut the charge, while for the prosecution it may be difficult or even impossible to obtain evidence of his guilt".

7. GENERAL:

The terms of reference of the Fagan Commission were:

"To enquire into and report upon -

(a) The operation of the laws in force in the Union relating to Natives in or near urban areas, and in areas where Natives are congregated for industrial purposes other than mining;

(b) The operation of the Native Pass Laws and any laws requiring the production by Natives of documents of identification;

(c) The employment on mines and other industries of migratory labour; its economic and social effect upon the lives of the people concerned; and the future policy to be followed in regard thereto;

and to draft such legislation as may be necessary to give effect to the recommendations of the Commission."

While confining themselves almost entirely to considerations within these terms of reference, related matters were touched upon by the Fagan Commission.

(i) Building of Houses for their Own Occupation:

"At some places, notably Port Elizabeth, Bloemfontein and Pietermaritzburg, we saw Native workmen, under European supervision, engaged on building work in the locations, and we were very favourably impressed by the results".

Earlier in the report the Commission made this significant observation :

"Amongst the witnesses who appeared before us were councillors of Municipalities in whose Native villages there are Native property owners, who said that those property owners are amongst the most orderly and the most reliable inhabitants of the town. This, indeed, is just what one would expect from people who have a permanent stake in the place."

The Commission stressed the importance of



(ii) "Cheap and adequate transport facilities for Natives who are compelled, partly by the mere expansion of the town, but in a great measure also by the system of separate residential areas, to live at a distance from their places of employment".

(iii) Kaffir Beer:

The Police Commission of Inquiry (u.G. No.50, 1937) is quoted :

"It would ~~not~~ be most desirable, in conjunction with any scheme for the provision of kaffir beer for Natives in urban areas, to devise means by which the Natives themselves should acquire a sense of responsibility for the proper working of the scheme. Wherever the system of domestic brewing has been successfully practised, much of the success has been due to Native headmen or blockmen (i.e. men in charge of blocks or areas of a location) and their honorary committees, who under the control of the superintendent of the location, have assumed a large degree of responsibility for the orderliness of the people, the smooth working of the scheme, the prevention of excess, the exclusion of adulteration, and the prohibition of native concoctions".

(iv) Liquor in General:

"Most of the Native witnesses objected to racial discrimination. It was not, they said, that they wanted their people to drink. The point they made was that the racial prohibition merely leads to exploitation of the Natives by the other races, amongst whom there will always be a number of unscrupulous people prepared to provide poisonous concoctions at exorbitant prices to those prohibited from using the ordinary channels; and it also means that a Native is punished for doing something which the other races around him may do with impunity. What some witnesses have suggested is a system of rationing for all races, say according to a division into economic classes".

#### FAGAN COMMISSION : MAIN CONCLUSIONS AND RECOMMENDATIONS.

1. Townward movement of Natives is simply an economic phenomenon, which is also occurring with regard to the other races - and in the case of the latter, in proportion to their number, to an even greater extent.
2. It can be guided and regulated, but it is impossible to prevent it or to turn it in the opposite direction.
3. We, therefore, have to accept the fact that there is a permanent urban Native population.
4. There are differences between the races to which legislation has to pay due regard and which make a measure of separation in administrative affairs necessary and advisable.
5. The law ought to make it possible for some responsibility in connection with certain administrative matters and in the maintenance of law and order in Native villages within the jurisdiction of a European urban authority to be delegated to the Natives themselves. We suggest regular consultation between the town council, or the Native affairs committee of the council, and a committee of Native representatives elected by the Native board. *We find Government taking little or no notice of the Native Representative Council & I fear that Town Councils will take little or no notice of a Native Board.*
6. The principle which the Union has inherited from pre-Union days, and which in the main is still preserved in our statutes, is that each municipality is locally responsible for the Natives within its area. The overflow, which is turned away from the towns, is nobody's care and nobody's responsibility.
7. It is now urgently necessary that the emphasis should be shifted from the local to the central authority, so that comprehensive, co-ordinated plans can be devised and put into operation.



8. We recommend that a Government sub-department should be established to exercise supervision over Native villages outside municipal areas. There will have to be legislation giving the Government the power to appoint a manager of a governing board, with the necessary officials, for such a village. The board will be subject to supervision by the sub-department, and account to it for its administration. The sub-department will have to receive money from the Treasury.

9. The large-scale movement of Natives is attended by difficulties that have become a country-wide problem. We consider it essential, in the interests of the population as a whole but particularly in the interests of the Natives themselves, that the movement should be regulated. Regulation is necessary for the maintenance of the principle of residential separation.

The emphasis must be shifted from local to central regulation; the emphasis must likewise be shifted from compulsory measures and from restrictive laws to machinery for advice, guidance and voluntary regulation; steps must be taken to ensure that everybody has some fit place to which he is entitled to go; while on the one hand the object should be to reduce restrictive measures to a minimum in respect of law-abiding people, there should on the other hand be strong and energetic action against idlers, disorderly persons and other lawless elements; and a really efficient system of identification should be instituted, both to assist and protect the honest man and to facilitate action against disorderly elements.

10. We recommend the institution of a wide but centrally organised network of labour bureaux.

11. We recommend a voluntary registration system, under which identity cards will be issued to people and a central record of such people will be kept.

12. We suggest that the Department of Native Affairs should from time to time, in consultation with the Department of Justice, go into the question as to how far the working of the proposed new machinery, the guidance and regulation of the movement of Natives, the creation of governing boards over communities which at present exist as uncontrolled squatters' villages, the removal of criminal elements, and the general stabilisation and improvement of conditions may create a position in which the use of identity cards may render unnecessary the carrying or even the issue of some particular pass, possibly of all passes and other similar documents, in certain areas or in the country as a whole.

We suggest that a standing committee of the two Departments we have mentioned should be called into being specially for this purpose. In particular representatives of the Natives - e.g. the Natives Representative Council and the Congress of Native village boards - should regularly be informed of the obstacles still standing in the way of the relaxation or the abolition of pass regulations, such as the congestion of Natives in certain centres, purposeless movement, squatting, vagrancy, crime; and the opportunity should be afforded them of submitting measures for removing such obstacles, of discussing them with the proposed committee, and of assisting in their application.

13. The conclusion is that the policy should be one of facilitating and encouraging the stabilisation of labour; but on the other hand, migratory labour cannot be prohibited by law or terminated by administrative action. There can be no compulsion one way or the other, but - (a) we advocate the continuance, and if possible the intensification, of the policy, of development of the Reserves; (b) we have expressed ourselves in favour of central guidance, inter alia by means of co-ordinated labour bureaux and a centralised registration system, for the purpose of turning the migrant stream into the most useful channels; (c) in addition to our suggestions for improving the relation between town councils and Native villages within their jurisdiction, we have advocated the establishment of a Government sub-department or division which can take control of, and give assistance to, squatters' camps and Native villages for which no other authority makes proper arrangements; and we ask that this division should be prepared to establish villages in the Reserves as well, for housing the families of absent migrants who have no right to land or who should be



derived of their right by reason of the fact that their land is not properly cared for; such housing to be under village conditions, and the families to subsist on the earnings of the absent migrants, so that they may not remain a burden on the tribal land and add to its overcrowding, its overgrazing and the erosion of its soil.

14. As regards the liability for the cost of the provision of housing for Natives in urban areas, we can lay down no definite formula for all circumstances. We look forward to a time when the increasing productivity of Native labour may lessen and ultimately remove the need for sub-economic adjustments.

15. Legislation with regard to the administration of Native Affairs should be wide and elastic, leaving room for experimenting, and for trying out and gradually developing new methods.

In respect of the integration of the Natives in the industrial system of the country, South Africa is at present passing through a period of disturbed equilibrium. In course of time the equilibrium will be restored. But the redistribution of the population has shifted the spear-point of our Native problem - or rather the problem of regulating the relation between European and Native. It is no longer in the Reserves; it is now in the towns.

The problem of the relation between European and Native in South Africa, only some aspects of which are dealt with in this report, is so wide and comprehensive that it is exceedingly difficult for any individual to obtain a balanced impression of the whole. We believe the data we have collected and set forth here should, on the one hand, make us realise how many-sided and intricate the problem is, but should on the other hand give reason for optimism. The destructive wars of Europe have shown that total territorial separation of peoples is no guarantee whatever of peace. A course of events that can no longer be changed has made South Africa the common home of races differing so radically from each other that there can be no question of assimilation, yet economically and territorially so intertwined that they are simply compelled, from moment to moment, to regulate their contacts, to bridge their differences, and to settle their disputes. The Reverend J.H.M. Stoffberg, who appeared before us as one of the representatives of the Dutch Reformed Church (Nederduitse Gereformeerde of Hervormde Kerk) of the Transvaal, motivated his rejection of the idea of total segregation with the significant words: "For we need them and they need us". Should we not build the best expectations for the future on this simple indisputable fact?

#### CONCLUSION.

Statements which illustrate the more positive aspect of our Native policy, the developments in Native education, the Transkeian system of administration and so on, are readily available. Mr. Rex Reynolds' "Searchlight on South Africa's Native Policy", for example, has been issued by the State Information Office and contains many excellent photographs. As with many other popular works of this nature, however, many basic facts are ignored or treated inadequately. A good example of this tendency is to be found on page 43 of Mr. Reynolds' "Survey" where Dr. Fick's conclusions on the learning ability of the Bantu are quoted, but Dr. Biesheuvel's critical analysis of Fick's findings and techniques are ignored.

The quotations which have been selected to illustrate this address are all drawn from responsible official sources. Many of these statements of fact are most disquieting. All voters should at least be aware of these facts and should make an attempt to reason out a solution to the problems which they pose, rather than to permit emotive catch-words to satisfy them. The members of Mr. Justice Fagan's Commission brought cold reason to bear on the facts and we should all be grateful to them. Most important they did not attempt to ignore human attitudes, European or Native.

Other important aspects of the "Native Problem" such as industrial legislation, political representation etc. were not included within the Commission's terms of reference. Authoritative views on such matters are available and should also be considered by citizens. It is also necessary to stress that no rational discussion of Native policy can take place unless individuals are aware of the nature and



extent of South Africa's natural resources, no less than of the nature and extent of our human resources. The shortage of water and of irrigable and arable land are serious limiting factors in our national development as the van Eck Commission and Dr. Kanthack have so ably demonstrated. The backwardness and inefficiency of our agriculture is not generally appreciated. Again, the late Dr. Bernard Price recently made some strong and very pertinent comments on the evil effects of our colour-bar legislation on industrial development.

There is no need for us to agree in all our conclusions. There is, however, most serious need for us to consider the available facts and to discuss them. Our work, our incomes, our health and happiness and indeed all that we value, material or spiritual, depends in the last resort upon the extent to which we fulfil our responsibilities as citizens.

There would seem to be no prospect of a reasonably secure and prosperous future for South Africa until citizens decide that it is imperative to make full use of all our available human material in developing a sound national economy. The general, almost pathological, reluctance to admit the realities of the Natives' position in South Africa, and the widespread disinclination to think of Natives other than in terms of one's domestic servant or ricksha boy are dangerous characteristics of European thinking on the "Native Question".

Those Europeans who give serious, scientific consideration to Native policy and the whole field of Non-European affairs are acting in the best interests of all European peoples in Africa. They are true "Witboeties". The many respected officers of the Native Affairs Department, and unofficial persons such as missionaries, teachers and doctors who are assisting actively in the progressive development of the Native peoples constitute the front line of the forces of civilisation in South Africa. They have achieved much despite indifference, adverse criticism and hostility.

But national policy and the legislation which is enacted by our Parliament are of fundamental importance and determine the path of economic, political and social development. We as voters are responsible for both. There is no greater truth than that contained in paragraph 13 of the "Report of the Inter-Departmental Committee on the Social, Health and Economic Conditions of urban Natives" of 1942, a Committee which included official experts on Native Affairs, Public Health, Social Welfare, Labour and Economics.

"European ignorance and indifference can only retard obvious essential improvements in existing conditions. Officials of the Union Government and of many local authorities who recognise the need for progressive measures cannot easily put even much needed measures into operation, if public support is lacking".

Kenneth Kirkwood.

NOTE: See Map attached.





Topographical, hydrological, soil, vegetation and population density maps should be considered with this map. The distribution of mineral deposits, industries and principal ports should also be noted. Rail, road and air communications link the important centres.

SKETCH MAP TO SHOW  
DISTRIBUTION OF NATIVE AREAS  
 IN UNION OF SOUTH AFRICA

NOTE: Areas shown include:  
 (i) Land scheduled under Natives Land Act, 1913  
 and (ii) Land released under Natives Trust and Land Act, 1936.  
 OE = European Area  
 → = Movement of population

R.K.



ANNUAL REPORT OF THE NATIVE AFFAIRS COMMISSION FOR THE YEAR  
ENDED 31st MARCH, 1946.

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1. This is the first report of the Native Affairs Commission to be issued since the conclusion of hostilities. The world is emerging from a fiery trial such as has never before been known in history. It is a very different world which is coming into being. The repercussions of the vast changes which are taking place all over the world in removing the barriers of the under-privileged, raising the economic lot of the worker, and transforming the international position of subject people, are bound to be felt and are, in fact, being felt in South Africa itself. And although South Africa has not at first glance been affected in the same revolutionary way, there is little doubt that we have "reached that point of life from which there is no turning back". Post-war planning is very much with us. In the opinion of the Commission, the most fruitful way in which our Native policy can be established during the years immediately ahead of us, is to see the Native people as an integral part of the planning of South Africa's future. Whatever stress may be laid, and may rightly be laid, on the differential factors in Native life, on the tribal system; on separate administrative machinery in the Reserves and the like, it is clear to the Commission that the integration of the Native into South Africa's economic life, and into its planning for its future, is of vital importance.

2. Planning for the future of South Africa is the work both specifically of the Social and Economic Planning Council and more generally of every live Government Department. Among the plans which have been put forward from these various sources which affect the future of the Native population may be mentioned the following :

- (a) the advancement of Education for all sections of the community;
- (b) the provision of an effective national health service available to every race in every part of the country;
- (c) the working out of social security measures in which a place is to be found from the beginning for the Native population;
- (d) the improvement of South African farming, including marketing, to the point where the need of the farmer for a fixed and reasonable price can be correlated with the needs of the lower income groups for adequate food;
- (e) the industrial development of South Africa on lines which will recognise the importance of the Native both as an operative and as a purchaser of manufactured goods;
- (f) the greater stabilisation of labour throughout the country;
- (g) the rehabilitation of the Reserves both by conserving and improving the land, and also by providing employment within or near the Reserves for those who cannot make a living on the land.

3. While only some of these points of policy fall within the detailed purview of the Commission, the Commission has a duty to interest itself in all matters affecting the well-being of the Natives, because all of them form an indivisible whole, and together provide that coherent and progressive policy, which alone can enable the Union of South Africa to face the changing post-war conditions, and to hold its head high in the councils of the world when the discharge of its obligations of trusteeship towards the Native people is under discussion. The Commission therefore wishes to place on record its approval of the general lines of policy indicated above, which constitute in fact the basic principles on which the life of the Native people is to be built during the forthcoming years.



29-8-48

Dear Mr. Kukumua

Your notes for discussion correspond closely with those that I myself had pencil-marked in my copy of the F Report. I do not know how you worked them into a lecture or an <sup>open</sup> speech or how you presented them to the public.

For your choice of notes I have ~~little~~<sup>no</sup> criticism to offer, you certainly supply your audience with a large mouthful of tough meat to chew. Whether you have given them a banquet or one meal or whether a more limited list of facts at one sitting would have been more digestible depends on how the discussion went. I cannot say.

The census percentages of population in Urban Areas from pages 3 to ~~page~~<sup>perhaps</sup> 5 could do with more concentration. I had forgotten the first by the time I came to the last & had to ~~turn back~~ look back to compare.

The Pass Law recommendations are a little obscure, but so they are in the F Report. S. African natives will never be happy or feel themselves free till Pass Laws are abolished.

You are right in saying <sup>in your letter</sup> that the F Report does not represent any new or revolutionary approach to N.A. My service memory takes me back to Sir Godfrey Layden's Commission of 1906-5. Since then there have been many N.A. Commissions under various names (Land, Economic etc) & all have reported on much the same lines. No Govt. had dared to carry out the recommendations of their Commissions till ~~South~~ a few months ago <sup>when</sup> Smuts said he would implement the F. Report, but now it seems that it will ~~be~~ be pigeonholed like all the others as it clearly shows the impossibility of Malan's apartheid. ~~plan~~. Later on another Commission will be appointed to collect the usual evidence.

~~Mr. Struycken who is now thin of face~~

The trouble is that our Europeans have one form of view of natives & one only - that of labour, labour for Europeans.

~~Many people~~ People ask me "Is there any hope for the natives?" I do not understand the question. Hope for what?



Perhaps the answer would be "Becoming civilized" but what is civilization when applied to a native? The real question intended is "Do the natives ever going to <sup>be allowed to</sup> become sufficiently advanced & trained <sup>to</sup> still ~~be~~ <sup>remain</sup> useful & paying to ~~us~~ Europeans. This is the real & only idea - labor for Europeans -

~~In W Africa I understand that in W Africa things are different. There they are being trained & are still to a certain extent working for European companies.~~

At present ~~with~~ the Color Bar, Pass Laws & present state of <sup>Union</sup> European opinion ~~that~~ the natives' prospects remain dim - ~~you are still young & it is for~~ ~~away & may see a change.~~ ~~Highways is right.~~

~~S. Africa will have to change or get a big shock.~~

Instead of <sup>the Union</sup> ~~our being~~ ~~setting~~ the ~~best~~ the ~~best~~ of showing the rest of Africa how to administer natives we are looked upon <sup>by the rest of Africa</sup> ~~as~~ the shocking example <sup>to</sup> ~~of how~~

~~for the rest of Africa to apply~~ ~~to do it~~ → S. Africa will have to change or a big shock is coming to it before very long.

Meanwhile I hope you will continue your work of enlightening the youthful mind. There is <sup>the</sup> ~~the~~ way to effect a change.

There will have to be a radical change in the SA viewpoint or there will be a big shock before very long.

Local Councils

~~But~~

It gave encouragement when some of their suggestions were carried out, under the planning calling of it.

Doctors of all Dist. Chiefs, Heads

Pass Laws.



You are right in saying that the F Report does  
represent a new or revolutionary approach to  
N.A. My <sup>service</sup> memory takes me back to Sir Godfrey  
Layden's Commission of 1904-5 which included  
Stanford, Scoulan, Storer, Taberner & others. Since  
then there have been many N.A. Commissions under  
various names (Land, Economic, etc) & all have  
reported on ~~identical~~ <sup>more or less the same</sup> lines. ~~the one exception~~  
~~being the Stallenborn Commission~~ <sup>but No Govt had dared to carry the recommendations of their</sup> ~~Commission.~~ <sup>Commissioners.</sup>

<sup>till Smith</sup> The Fagan is the latest & has been imposed because  
a ~~political party~~ <sup>political party</sup> agreed to adopt its  
recommendations. ~~till Smith~~ a few months ago said he  
would implement this Fagan Report, but now I doubt if ~~the~~  
Malan will go against the wishes of the Stellenbosch Deacons.

Thus the Fagan Report will go the way of all others & <sup>only</sup> ~~another~~ <sup>still</sup> another Commission will follow the ~~same~~ <sup>path</sup>  
European have one point of view of nature  
that of labour - labour for Europeans.

### Frenchman's report on S.W.A.

3<sup>rd</sup> - B<sup>nd</sup> needs 3" 2 3<sup>rd</sup> - B<sup>nd</sup> allegiance

As an old N.C. ~~settler~~ <sup>settler</sup>, 20 years as such, I had  
once thought of writing the true ~~story~~ <sup>pre-1914</sup> life  
of a N.C. but it would have been rather a sad  
story of ~~large~~ <sup>large</sup> ~~disasters~~ <sup>disasters</sup> ~~but still with a few successes, few would  
read it & fewer would believe it. I like to think  
I did ~~bring~~ <sup>bring</sup> my people to tribal peace & by land  
purchases saved <sup>the</sup> ~~them~~ <sup>the</sup> ~~from~~ <sup>from</sup> the thralldom of Co. for  
me paying.~~

~~compare closely with~~  
Your notes for discussion ~~are~~ <sup>are</sup> largely those that I myself had  
pencil-marked in my copy of the Fagan Report. I do not know  
how you worked them into a lecture or a speech or how you presented  
me →



them to the public. For your choice of notes I have little criticism  
to offer, you certainly supply your audience with a large <sup>mouthful</sup> of tough  
meat to chew. Whether you have given them a surplus or not ~~or~~  
whether a ~~more~~ more limited list of facts <sup>as one might</sup> would have ~~been~~ <sup>been more digestible</sup> ~~in their minds~~  
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time I came to the last & had to turn back to look.

The Pass Law recommendations are a little obscure but so they  
are in the Fagan Report. S. African natives will never be happy till Pass  
Laws are abolished. Port Elizabeth with its <sup>large</sup> New Brighton location, Bulwer's  
Elizabethville do witness passers.

Page 20 Rich Casced for benefit of poor.



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