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M. Sheppard

REPORT

OF THE

RIOTS COMMISSION.

JOHANNESBURG.

MARCH/APRIL 1958.

EXPLANATORY NOTES.

"Fagan Commission" means the Native Laws Commission presided over by the
Hon. Mr. Justice Fagan (U.G. 28/1948)

"Holloway Commission" means the Native Economic Commission presided over
by Dr. J. E. Holloway (U.G. 22/1932)

"Lansdown Commission" means the Penal and Prison Reform Commission presided
over by the late Hon. Mr. Justice Lansdown (U.G. 47/1947)

"Tomlinson Commission" means the Social-Economic Development of the Bantu
Areas Commission, presided over by Professor F. R. Tomlinson
(U.G. 61/1955)

TO THE CITY COUNCIL OF JOHANNESBURG.

REPORT OF THE COMMISSION APPOINTED BY THE CITY
COUNCIL OF JOHANNESBURG TO ENQUIRE INTO THE
CAUSES AND CIRCUMSTANCES OF THE RIOTS WHICH TOOK
PLACE IN THE VICINITY OF THE DUBE HOSTEL IN THE
SOUTH-WESTERN NATIVE TOWNSHIPS OVER THE WEEK-END
14th/15th SEPTEMBER, 1957.

The Commission has the honour to present the following report:-

CHAPTER I.

I N T R O D U C T O R Y :

1. During the week-end of September 14th and 15th, 1957, riots, which resulted in considerable loss of life, took place in the vicinity of Dube Hostel in the South-Western Native Townships.
2. The Non-European Affairs and Housing Committee of the City Council took a grave view of the riots and caused the following letter to be written to the Private Secretary of the Honourable the Minister of Justice on September, 20th, 1957:-

" The Non-European Affairs and Housing Committee, which is responsible to the Council for the administration of the Native areas of Johannesburg, has been considering what measures should be taken to prevent a recurrence of the grave disturbances last weekend in those areas which led to the loss of so many lives and the infliction of severe injuries on so many people.

" The Committee has consulted the Deputy Commissioner of Police, senior officials of the Department of Native Affairs and members of the Executive Committee of the Joint Native Advisory Boards of the several locations which make up the south-western areas:

" The Committee was most favourably impressed by the manner in which the situation during the weekend was handled by the South African Police; and it has accepted the assurance given yesterday by the Deputy Commissioner of Police that adequate measures have been taken for the coming weekend. Nevertheless it realises that it would not be practicable for the Police to maintain so strong a force indefinitely in the areas; and the Committee can therefore not overlook the possibility that after a period of quiet certain elements may be quick to take advantage of any material reduction in the strength of the Police patrols.

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" For this reason the Committee believes that additional measures must be taken and that the immediate causes of the riots should be investigated so that preventive action may be planned in the fullest knowledge of the circumstances. But the Committee is convinced that even this may not be enough, for it believes that the weekend riots are merely a symptom of underlying conditions of unrest which if not remedied may lead to even graver disturbances in future.

" The Committee has accordingly resolved:-

"That whereas in the riots which took place in the South-Western Native areas over the weekend 14th and 15th September, 1957, more than forty lives were lost and many persons were severely injured, and neither the Council nor the public of Johannesburg can view with equanimity the possibility of further riots, the Non-European Affairs and Housing Committee requires the Town Clerk to make immediate representations to the Hon. the Minister of Justice for the appointment of a judicial Commission of Inquiry to inquire into the immediate causes of the riots and into the root causes of the conditions of unrest in these areas which have given rise to these riots."

" I have accordingly to request that the Hon. the Minister may be pleased to take whatever steps are necessary for the appointment of a judicial commission of inquiry.

" A copy of this letter has been forwarded to the Hon. the Minister of Native Affairs for his information."

3. The Private Secretary of the Honourable the Minister of Justice replied to the above letter on September 26th, 1957 as follows:-

" 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."

4. The reasons given by the Honourable the Minister of Justice for declining to appoint a Judicial Commission call for some comment. Two reasons are given. The first reason is that previous inquiries had been instituted "when similar occurrences took place." Judicial Commissions of inquiry into riots in Native locations have from time to time been appointed but as far as the present

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Commission is aware no such Commission has been appointed to inquire into riots which took place after the coming into operation of recent legislation and of directives issued by the Government which have profoundly affected the lives of Natives and one or more of which, according to a number of witnesses who have given evidence before us, were a serious contributory cause of the riots. Moreover it is not the case (as seems to be assumed in the reasons under discussion) that the causes of all riots in Native locations are the same.

5. The second reason advanced by the Honourable the Minister of Justice for refusing the appointment of a Judicial Commission of Inquiry is that the "facts of the present events" are "known". It is not stated to whom the facts were known. It is clear that the Council had certain information from its own officials in regard to the riots but, apart from the fact that this information did not cover all aspects of the question, the Council rightly wished to have all available evidence from outside sources to enable it to take such action as might be within its powers in order to prevent a recurrence of rioting in the Native townships under its control.

6. The negative attitude adopted by the Honourable the Minister of Justice is surprising in view of the fact that the riots extended over two days and resulted in a great loss of life.

7. On October 22nd 1957, the City Council adopted the following recommendation of its Non-European Affairs and Housing Committee:-

"That the Council appoint at its own expense, an independent commission of inquiry, consisting of either one, two or three members at the most, preferably to be presided over by a retired judge, to inquire into:

- (i) the immediate causes of the riots which took place in the south-western Native areas during the weekend of 14th and 15th September, 1957;
- (ii) the root causes of the conditions of unrest in the south-western Native areas which have given rise to the riots; and
- (iii) what remedial measures may be necessary and advisable to avoid similar happenings in the future."

8. On December 12th 1957, the City Council published in the Press a notice which set forth the names of the undersigned as the Commission to enquire into the riots and invited members of the public to give evidence before the Commission. In Annexure "A" there will be found a list of witnesses who responded to this invitation. Annexure "B" sets forth the names of the officials of the City Council who gave evidence.

9. On the same day as the advertisement was sent to the Press letters were sent to the Secretary for Native Affairs and the Commissioner of Police in which it was stated that "in view of the standing of the Commission and the Council's obvious desire to have an entirely unbiased and worthwhile inquiry into this important matter it is sincerely hoped that your department will be prepared to co-operate with the Council and with the Commission of Inquiry by making available to the latter such relevant evidence as you may have available."

10. The Commissioner of the South African Police replied that his "Department has no relevant evidence at its disposal which it is desirous of making available to the Commission and will consequently also not submit any memorandum on the subject."

11. The proper construction to be placed upon the South African Police Commissioner's reply seems to be that his Department was unwilling to make available to us any relevant evidence which it had at its disposal. He could not have meant that his Department had no relevant evidence at his disposal, for as will be shown later, the South African Police were, before the main rioting took place, fully aware of the growing tension in the neighbourhood of Dube Hostel and actually took an active part in quelling the riots. The Commission has, however, had access to the record of the case of R. v John Ndhlovu and twenty others, (Regional Court, Johannesburg) where the accused were charged with public violence in connection with the riots and where eleven members of the South African Police gave evidence which is relevant to this inquiry.

12. The Secretary for Native Affairs replied that "in view of the fact that the Honourable the Minister of Justice, after consultation with the Cabinet, did not consider the appointment of a Judicial Commission of Enquiry necessary, I am unable to accede to your request that this Department submit memoranda to the commission appointed by your Council.

For the same reason I am also not prepared to allow any officer of my Department to give evidence at the inquiry."

13. It is clear from what we have stated that neither the Government nor the Heads of the two Departments which are closely concerned with the events which we are considering were willing to co-operate in any manner with the City Council in its endeavour to arrive at the cause or causes of the trouble. One would have thought that, if those authorities considered that they were wholly blameless in respect of the riots, they would have welcomed the opportunity of placing relevant evidence before the Commission. It is the considered opinion of this Commission that it was the moral duty of the authorities, who are, after all is said and done, the servants of the public, to have placed before the Commission all the evidence at their disposal, whether such evidence was favourable or unfavourable.

14. This Commission has not the power that may be conferred on a Government Commission of subpoenaing witnesses. We were therefore unable to obtain the evidence of members of the South African Police or of public servants in the service of the Department of Native Affairs. Our task in arriving at the truth has obviously been hampered by the attitude adopted by the Government and its Departments of State. In view of the fact that the subject-matter of this inquiry is of great interest and importance not only to the City Council of Johannesburg, other public bodies and the general body of citizens of South Africa, but also, one would have thought, to the Government of the Union, the reasons for this attitude are difficult to understand.

Two alternative explanations suggest themselves to us. The first is

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that the Government had not sufficient confidence in the personnel of the Commission to rely on a proper investigation and an unbiased report. We are naturally at a disadvantage in discussing this question. The second is that, the Minister of Justice having refused to appoint a Judicial Commission, the Government felt that it would "lose face" if it did not dissociate itself entirely from the proceedings; this is an attitude that we must leave to speak for itself. There may be a third alternative, viz:- that the Departments concerned and more especially the Native Affairs Department, might have felt that they would not emerge unscathed from an interrogation in regard to their part in the proceedings in relation to the townships that culminated in the riots.

15. The maxim audi alteram partem does not literally apply to these proceedings as there are strictly speaking no parties to them but it was obvious from the outset that questions would arise as to the extent, if any, of the responsibility of the Government and the City Council for the state of affairs which culminated in the riots. Although we are of the opinion that the Council has placed before us all the relevant evidence at its disposal, whatever the tendency of that evidence was, we have felt ourselves hampered in the task of arriving at the truth by the attitude of the Government and its Departments in refusing to make available to us the information at their disposal and the evidence of their officials and officers. In the course of this Report we shall indicate when it has been impossible to arrive at a definite conclusion owing to the absence of this information.

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CHAPTER II.

THE NATIVE TOWNSHIPS AND HOSTELS.

16. The area with which this enquiry is chiefly concerned is occupied by a number of municipally-owned native townships lying to the South-West of Johannesburg. These townships are shown on a map (Annexure "F") and are situated outside the municipal boundary of Johannesburg, but for purposes of administration they are subject to the jurisdiction of the Johannesburg City Council. There are twenty of these, of which the nearest to Johannesburg, Orlando East, is situated about ten miles from the centre of the City while the most distant of them, Naledi and Emdeni, are about 15 miles from that point. Orlando East, in addition to being the nearest to the city, is the oldest of the townships, having been established in or about 1930. The next to be established in order of date was Orlando West, which adjoins Orlando East on its western side and came into existence at the end of 1944. The remainder, of which all are not yet fully occupied, have been established by the Johannesburg City Council at various dates between 1945 and the present time. Because of its importance in this inquiry mention may be made of Dube Township, which adjoins Orlando West on its Western side, and was established in 1946. The remaining Townships lie to the South of Dube or stretch away to the West as far as Naledi and Emdeni which have already been mentioned.

17. It is anticipated that the population which will eventually be housed in the area with which we are dealing, when fully occupied, will amount to approximately 300,000 persons.

18. There are in addition to the townships in this area, several other townships, as well as a number of hostels for unattached male natives, owned by the Municipality of Johannesburg, but as these have no connection with the subject matter of this enquiry it does not appear necessary to refer to them further than to mention their existence.

19. Adjoining this area on its northern side, and lying to the West of Orlando West and north of Dube, is Meadowlands Township, which is not

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municipally owned, but falls under the jurisdiction of the Resettlement Board established under the Natives Resettlement Act No. 19 of 1954.

20. A number of Native families have been, or are being transferred by this Board under the Natives Resettlement Act, to this township from certain Non-European townships such as Sophiatown, Martindale, Newclare and Pageview in the Johannesburg Municipal area. It is understood that it will in due course house a population of about 60,000 persons. The township is repeatedly referred to in the evidence relating to the disturbances with which the Commission is concerned, and it is mentioned at this stage for that reason.

21. Though the townships within this municipal area are all municipally owned, the conditions under which they are occupied by the residents are by no means uniform, and a brief description of the various modes of tenure which obtain in the various townships will perhaps not be out of place. In those townships which were established between 1930 and 1945 (Orlando East, Orlando West and Jabavu) the houses were built by the Council and are let to tenants on a monthly tenancy. In those established from 1946 onwards the system adopted was that the resident obtained a lease of his residential plot for a period of thirty years at a fixed monthly rental. He was then entitled either himself to build a house on the plot or to have one built for him by the City Council at a fixed price, contracting to pay off the cost of the building in monthly instalments spread over the period of the lease. He acquired no freehold rights, the ownership of this property being vested in the Municipality. His rights at the end of the thirty years period have not yet formed the subject of any resolution of the City Council, but according to Mr. Carr, the Manager of the City Council's Non-European Affairs Department, it is possible that he, or his successors in law, may be given some right of renewal. The Commission was informed by Mr. Carr that in one at least of the townships in which this system applies the intention of the City Council had been to grant 99 year leases, and that in fact a small number of leases for that period had been entered into. Owing, however, to a directive by the

Union Government that no leases for periods longer than thirty years were to be granted these leases had to be cancelled, and all leases are accordingly now for thirty-year periods. The townships in which this system applies are Orlando West Extension, Dube, and Mofolo.

22. The townships founded later have all been established on what is known as the "Site and Service" principle. Under this system a local authority having purchased a suitable area of land and cut it up into residential plots, provides the main access roads, a sewerage system, water and electric current, erecting upon each residential plot a brick water closet with water laid on. The residential plots thus equipped are then let to the residents either on thirty-year leases or on a monthly tenancy. When all the plots in a neighbourhood unit, which consists of between 1200 and 2000 plots, have been let, a loan to cover the cost of building houses upon these plots may be obtained from the Bantu Housing Board, and the local authority then proceeds to erect a house upon each plot.

23. During the period which elapses between the letting of a site to a resident and the building of the house upon it the resident is entitled to erect a temporary structure, which he occupies until the house is built, and which he is obliged to demolish after he has moved into the permanent building. The average size of a residential plot is 40 feet by 80 feet, and the economic rental is based upon the capital cost of the property. The Townships built upon this system lie mainly to the West of the group previously described, and are named Zondi, Jabulani, Moletsane, Moroka, Mapetla, Phiri, Senaoane, Dhlamini, and Chiawelo. In certain portions of some of these townships a slight modification of the system outlined above has been rendered possible by a loan of £3,000,000 made by a group of mining houses to the Johannesburg City Council. This has made it unnecessary pro tanto to apply to the Bantu Housing Board for housing loans, with the result that the erection of the house upon a site when let can be undertaken without delay, and the intermediate period of existence in a

shack is thus eliminated.

24. The townships to which reference has so far been made mostly consist of permanent dwellings, the great majority of which are small cottages each standing upon its own plot. In addition to these there are two settlements of a more temporary character to which reference must now be made. These both owe their existence to the shortage of Native housing which became acute during the latter stage of the Second World War and which was due to the great influx into Johannesburg of Natives attracted by the expansion of industry which took place during the War years. The shortage of housing led directly to what is known as the "squatter" movement, in which Natives unable to obtain housing in the Native townships spilled over on to private or municipal property in the vicinity, upon which they proceeded to erect temporary shelters of their own.

25. In 1944, in an attempt to remedy this state of affairs, the Johannesburg City Council erected a number of shelters approximately 10 feet by 10 feet in size made of "breeze" blocks loosely formed into walls and roofed, upon an area of vacant ground lying between Orlando East and Orlando West. The accommodation thus provided was intended to be temporary, and about 4,000 families were thus accommodated. This settlement was named "Orlando Temporary Shelters" and is commonly known as "Shantytown".

26. A similar settlement was established about the same time at Moroka on the Johannesburg-Potchefstroom main road. Here, however, the City Council did not erect shelters; it surveyed the area into plots measuring 20 feet by 20 feet, it provided water and sanitation upon a communal basis and it allotted the plots to families, which were then allowed to erect their own temporary buildings or shacks upon the allotted plots. Over 12,000 families were thus accommodated in what is called the Moroka Emergency Camp.

27. The inhabitants of both of these settlements are now in process of being removed into "Site and Service" townships, at the rate of about 200 families per week. Approximately one-third have already been removed, and it

is expected that the two areas will be completely cleared in the near future, whereupon the ground thus vacated will in its turn be developed upon the "Site and Service" system.

28. The great majority of the residents in the townships, being of low wage-earning capacity, are unable to pay rentals assessed upon an economic basis and in consequence they are charged sub-economic rents. Although for the purpose of sub-economic housing schemes the Union Government has fixed the upper limit of the sub-economic group throughout the Union at a wage of £15 per month, for purposes of rental in its townships the Johannesburg City Council has adopted an upper sub-economic limit of £20 per month. It is estimated that 80 per cent of the residents in the townships now under discussion fall into the sub-economic group in terms of this ruling. The Commission was informed that the sub-economic rent charged for a typical four-roomed cottage in one of the Townships amounted to approximately £2.10.0. per month, whereas the rental charged for the same property to a tenant above the sub-economic limit would be about £4 per month. The cost to the City Council of this concession to tenants in the sub-economic group amounts to about £80,000 per annum.

29. Although there is at the North-Eastern corner of the area now under description a small municipal township (Noordgesig) for residents of Cape Coloured origin, all of the townships with which we are dealing are reserved for occupation by Natives. Until the year 1955 no attention was paid by the municipal authority entrusted with the letting of the site to the language or tribal origin of any applicant for accommodation. In the older townships therefore (the Orlandos, Dube, Mofolo, Jabavu and Moroka) representatives of all tribes and language groups lived side by side as individuals, and there was no grouping according to language or tribal origin.

30. Included within the township area are two hostels for unattached male Natives, named respectively the Dube Hostel and the Nancefield Hostel, which figure prominently in the events with which this Commission is concerned. These

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are both planned upon the bungalow system, and consist of a number of separate single storeyed houses, each containing accommodation for sixteen men, with separate lavatory and ablution facilities upon a communal basis. The Dube Hostel houses 5,152 men and the Nancefield Hostel has accommodation for 4,976. The former of these hostels came into existence as a consequence of the passing of the Natives (Urban Areas) Amendment Act, No. 16 of 1955 which is commonly known as "Sky Locations" Act, and it was built partly in order to accommodate Natives employed in flats and other buildings in the city who had to be moved out of the European area in consequence of the passing of the Act. It is situated on the North side of Dube township and between that township and Meadowlands. During the hearing of the evidence put before the Commission considerable criticism was directed towards the siting of a hostel containing thousands of single male Natives in the midst of a family area, but as this aspect of the matter is discussed elsewhere in this Report it is unnecessary to deal with the criticism at this stage. The hostel is set aside for men of the Nguni group ^{who are members of that group.} and practically all of its inmates are Zulus/ The Nancefield Hostel is allocated under the ethnic grouping scheme to men of the Sotho group, but it has been found necessary to use it for accommodation of men of the Nguni group removed from the central City area, and the great bulk of its inmates are also Zulus.

31. The townships and hostels owned by the City of Johannesburg are managed by the Non-European Affairs Department of the Johannesburg Municipal Service, and this Department falls under the jurisdiction of the Non-European Affairs and Housing Committee of the Johannesburg City Council. At the head of the Department is its Manager who is responsible under the Committee and the Council for the administration of all the Native townships and hostels owned by the Municipality as well as all other aspects of Non-European administration in the city. Under him there are in the townships a number of Senior Superintendents, each responsible for an area comprising about 10,000 families, and having subordinate to him five superintendents, each responsible for the administration of 2,000

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families. Each hostel has its own superintendent. These officers are Europeans and have their offices in the townships or in the hostels as the case may be, and they are assisted by a force of Non-European Municipal policemen and by administrative staffs and welfare officers. In each Township there is a Native Advisory Board consisting mainly of elected but partly of nominated members, constituted under Section 21 of the Natives (Urban Areas) Consolidation Act No. 25 of 1945.

32. The Commission paid several visits of inspection to the area described, including the hostels which have been referred to. The conditions found in "Shantytown" and that portion of Moroka Township known as "Moroka Emergency Camp" were by no means beyond criticism, but it was obvious that these slum areas were in process of evacuation, a considerable proportion of the shacks which had previously existed on these sites having already been demolished. These were the only spots where anything in the nature of slum conditions could be observed, and it seemed to the members of the Commission that on the completion of the process of evacuation there should be no reason for the development of such conditions in any part of the area. With the exception of these two areas the townships as a whole made a very favourable impression upon the members of the Commission. The majority of the houses are detached four-roomed cottages substantially built of brick or prefabricated materials, and standing each upon its own plot of ground. Except in the more recently established townships well established and carefully tended small gardens were a common feature of the dwellings and gave the impression that the properties were regarded in a true sense as homes and not merely as places of temporary residence. Here and there were houses erected with their own funds by more prosperous members of the community, which would not have been out of place in some of the middle class European suburbs of Johannesburg. Although the streets are not all lighted, and water and electric current have not yet been laid on to every house, the Commission was informed that a ten-year programme for the lighting of all the streets

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and the reticulation of electric current to all houses had been approved by the City Council at an estimated cost of £2,743,000.

33. Each township has one or more shopping areas in which shops built by the City Council are leased to Native traders. Here a variety of businesses are carried on. The shops seemed clean and well conducted and the shopkeepers appeared to be doing reasonably well.

34. There seemed to be a sufficiency of open spaces for the provision of the necessary number of playing fields. We were informed by Mr. Carr that the ratio of open spaces to space occupied by houses was as laid down by the National Housing and Planning Commission. A large number of sports fields, athletic tracks, childrens' playgrounds, recreation halls and club premises have already been provided and more are planned for the current year.

35. Although Meadowlands is not under the jurisdiction of the Johannesburg City Council the Commission was allowed to inspect this township, and found that in general conditions were substantially similar to those in the Municipal townships which we have described above. In respect of lighting, this township is in fact somewhat in advance of the Municipal townships. This area also created a favourable impression on the members of the Commission.

CHAPTER III.

THE DUBE HOSTEL.

36. It appears from the evidence before this Commission of Mr. Carr that the City Council had had under consideration for a number of years before 1955 the problem of finding accommodation for unattached male Natives living within the urban areas. There were several categories of these Natives for whom accommodation was necessary; for example municipal Native employees, Natives employed in business premises in the city, and Natives living without proper authority in the backyards of European dwelling houses in municipal areas. No good purpose would be served by going in detail into the long and tortuous history of the various proposals and negotiations upon this topic which is contained in numerous resolutions of the City Council and its Committees. It is sufficient to say that at an early stage the Council had considered the possibility of building hostels for these Natives upon three sites on the Southern outskirts of the City; one near the Nourse Mine property, one adjoining the Eastern Native Township, and one described as the Wolhuter Women's Hostel site. This scheme was shelved by a resolution of the City Council in 1948 to the effect that the hostels should not be put in or nearly adjacent to certain European residential areas in the Eastern portion of the City, and in pursuance of this resolution the Non-European Affairs and Housing Committee passed a resolution in April, 1949 in which the opinion was expressed that no Native hostels should be erected within the municipal area but that they should be situated adjoining or in the Native areas. In June, 1952, however, the scheme for building hostels on the sites mentioned was revived and was discussed by the Council, which rescinded the resolution of 1948. It does not appear however whether the Council took any definite step at that time towards the carrying out of the scheme. In November 1952 the Non-European Affairs and Housing Committee of the City Council considered a proposal for the erection near Nancefield Station of a hostel of 3,000 beds for the

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accommodation mainly, though not exclusively, of municipal employees, but this proposal came to nothing. Early in 1953 a scheme was considered for the building of a hostel for municipal employees and a Works Depot for the City Engineer's Department upon the site which is now occupied by the Dube Hostel, but this proposal eventually fell away.

37. Early in 1954 the Council appears to have considered a scheme for building the proposed hostels upon a piece of Crown Mines land, but this was vetoed in a letter dated the 15th July, 1954, received from the Secretary for Native Affairs, from which the following is an extract:-

" it is assumed that the intention of your Council is to erect the proposed hostels on the sites marked 1, 2 and 3 on the plan which indicates the land to be released by Crown Mines. If this assumption is correct I must inform you that the policy of the Department is that all development for Natives in urban areas must take place within the areas set aside for Native occupation, and as your Council's present proposal is in conflict with this policy the Department is unable to agree thereto. In the circumstances it would seem that a discussion on this question will serve no useful purpose."

38. Other proposals for the erection of the necessary hostels within the Municipal area were also being considered at this time, but upon the 16th November, 1954, the Secretary for Native Affairs wrote to the City Council in these terms:-

" It is observed from your letter No. 51/4/104 over 122/6/1 of the 10th September, 1954, that your Council has made representations to the Land Tenure Advisory Board for the setting aside of areas in certain portions of the Municipal area for Native hostel purposes. In this connection I must point out that the Mentz Committee has already recommended the areas to be set aside for the occupation by Natives employed in the Johannesburg Municipal area and you were advised in my Minute No. 934/312(2) of the 9th November, 1953, that the Honourable the Minister of Native Affairs had approved of the areas so recommended. It will be essential therefore that all future hostel accommodation for Natives be located within the approved areas."

39. The letter went on to say that the Department would be prepared

to submit for ministerial consideration proposals for hostels in the area adjacent to the Eastern Native Township (referred to above) to provide accommodation for Natives employed in existing (but not in new) industries in that vicinity upon certain conditions which are not material to our inquiry. The areas recommended by the Mentz Committee for setting aside are included in the township area with which we are concerned.

40. After receipt of the letter dated the 15th July, 1954, the City Council appears to have accepted the position that it would be obliged to erect the necessary hostels in the Native township area and would not be permitted to site them within the municipal area, and in November, 1954, it selected eight sites in the South-Western group of townships to be reserved for hostels, among which were included those upon which the Dube Hostel and the Nancefield Hostel were eventually built. Upon the 12th November, 1954, it approved a recommendation of the Non-European Affairs and Housing Committee which was in the following terms:-

" Consideration has been given to the serious shortage of hostel accommodation for single male Natives in Johannesburg. There are 13,500 names on the official waiting list for beds in hostels and immediate steps should be taken to set aside four sites for the establishment of hostels, and the necessary financial provision made to erect at least two hostels on these sites during the next financial year.

Because of the instructions of the Minister of Native Affairs regarding the siting of hostels in the location areas, the following sites as shown on the plans to be laid on the table, are suggested for the establishment of future hostels."

41. The sites listed included the site adjoining Eastern Native Township which has been referred to above and the sites upon which the Dube and Nancefield Hostels were subsequently built. It was also recommended that the plans be prepared for the first of the hostels, to be built in Dube, and that application be made to the National Housing and Planning Commission for the allocation of the necessary loan. These recommendations

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were also adopted.

42. We have gone into the history of this matter in some little detail because some of the witnesses before the Commission were inclined to lay the blame for the siting of the Dube Hostel in the township area upon the shoulders of the City Council. It is indeed the case that the scheme for erecting the proposed hostel upon the Dube site was put before the various Native Advisory Boards at a meeting called for the purpose of enabling them to consider it, and that it met with opposition, on the ground that the use for this purpose of the Dube site, or any other site in the residential areas, would have a disruptive effect upon family life in these areas. This objection was duly conveyed to the City Council and by the Council to the Native Affairs Department; but the scheme nevertheless proceeded. The facts related above show however that in view of the instructions from the Government that the hostels were to be sited in the Native areas the City Council had no option in the matter.

43. Some witnesses maintained that this Hostel could have been put in some other part of the township area and that it should not have been placed upon the boundary of Dube Township, which was said to have been planned as a better-class residential township.

44. The position however, was that Act No. 16 of 1955, which amended the Natives (Urban Areas) Act and is known as the "Sky Locations" Act, came into force in May of 1955, and the City Council was faced with the immediate necessity of erecting hostels in order to comply with the Act. Mr. Carr explained that the Dube site was selected because it was the only site which complied with the following requirements:

- (a) Its proximity to a railway station.
- (b) The possibility of immediate sewerage connection.

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- (c) The possibility of speedy connection with the existing electric light and water reticulation systems.

45. These considerations appear to us to be a sufficient answer to the criticism last referred to. The other selected sites in this township area were all open in greater or less degree to the same objection which was raised in regard to the Dube site, namely that they were in the midst of or closely adjacent to residential areas, and none of them offered the advantages referred to above to the same extent as the Dube site.

46. The Dube Hostel covers an area of about 70 acres and, as mentioned above, is built on the bungalow or cottage system. It consists of a number of single storeyed bungalows, each accommodating 16 men, and containing a common kitchen furnished with a coal stove. Each man is provided with a bed without mattress and has a locker for his personal effects and a smaller locker for his food and cooking utensils. In addition to the bungalows and detached from them are an adequate number of lavatories and of ablution blocks, with hot and cold water laid on, shower baths and facilities for washing. When the Commission inspected the Hostel it found that there was an improvised open air beer hall within the hostel precincts, but that a more permanent and convenient one was in course of construction. The Commission was informed that the new beer hall when completed would be open not only to the hostel inmates but also to the neighbouring residents, but that the system of ingress and egress would be such that outside residents would not be able to enter the hostel by way of the beer hall. A tarred roadway runs East and West through the hostel grounds but the side roads are untarred. There are street lamps, and electric light is laid on to each bungalow and to the lavatories and ablution blocks. The rent charged to the inmates is £1 per man per month. As already stated this hostel accommodates 5152 men. The Nancefield

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Hostel houses a somewhat smaller number, but it is built on exactly the same system.

The impression gained by the members of the Commission on their inspection was that the accommodation afforded in these hostels was adequate, though not as comfortable as that available in the Denver Hostel, which was also inspected, and which is of the barrack type. There the dormitory accommodation is arranged in smaller units. Cooking is by gas burners, which are of course more convenient than coal stoves, but the cost of the gas is said to be heavy.

48. The Commission was informed that the City Council had proposed to build a more comfortable but more expensive type of hostel at Dube, but that the National Housing and Planning Commission considered this too elaborate and made it a condition of the necessary loan that the bungalow type of hostel, which was a standard type, was to be built.

49. The process of transferring unattached male Natives from the City area to the Hostel began shortly after the 1st July, 1956. Apart from other reasons to which reference is made later, a great deal of dissatisfaction in regard to the amenities in the hostel arose among the first inmates owing to the facts that the electric light installations in the bungalows were not ready, and that some of the bungalows were without stoves, because a sufficient supply of these articles could not be obtained through the normal trade channels. Substitute arrangements had accordingly to be made, and after a few weeks these deficiencies in the equipment of the bungalows were made good. It is unfortunate that the transfer of the Natives into their new quarters could not have been delayed until the hostel was completely ready for their reception, but although in this way the scheme received a bad start, this cause of discontent disappeared at an early stage, and it does not appear that the dissatisfaction caused by it at the

time had any important influence upon the course of events which began to develop about six months later.

50. The "Sky Locations" Act (No. 15 of 1955) was promulgated on the 6th May, 1955, and took effect from that date. It amended the Natives (Urban Areas) Act of 1945 by inserting a new subsection (3) bis in section 9 of that Act, and the effect of the new provision was to prohibit any owner of a building in Johannesburg from permitting more than five Natives to reside in his building at any time. In the case, however, of a building which was in existence at the commencement of the Act, the owner was allowed to keep in the building as many Natives as he was entitled to have resident there at that time, for a period of one year or such longer period as the Minister might determine, either generally, or in respect of buildings in a particular area. The year's grace thus allowed expired on the 6th May, 1956, and does not appear to have been extended by the Minister.

51. The Minister was given power by the Act to consent to the residence in any building of a larger number of Natives than five, and was entitled to delegate such power to an urban local authority in respect of buildings within the jurisdiction of the local authority. Under this provision the power in question was delegated to the Johannesburg City Council.

52. The Commission heard some criticism of the City Council for having applied for the delegation of this power; it was contended that the Council should have declined to have anything to do with the implementation of the Sky Locations Act. It appears to the Commission however that by accepting this power the Council was able to some extent to mitigate the severity of the measure in the interests of both building owners and their employees, and that it was justified in taking this course. The Council, having its whole administrative organisation on the spot and being fully

conversant with local conditions was in a better position to carry out the transfer than a Government Department would have been.

53. Before the expiration of the year's grace allowed by the Act it became apparent to the City Council that the Dube Hostel would not be ready to receive inmates by the 6th May, 1956. The Council, therefore, acting under the delegated power referred to above, took steps to grant temporary consent to all persons who had previously been licensed to accommodate more than five Natives to continue to do so, the position to be reviewed on the 30th June, 1956. On the 21st June, 1956 the Non-European Affairs Department of the City Council notified these persons that a certain amount of accommodation would be available in the Dube Hostel from the 1st July, 1956, granted consent to their retaining, each, a reduced number of Natives until the 31st December, 1956, and called upon them to take steps for the transfer of those over the reduced number to the Hostel. The resulting transfer to this Hostel began shortly after the 1st July, 1956.

54. About this time numerous complaints were made by building owners, and more specially by the owners of residential hotels and flats, that the reduction in the number of servants resident in their premises would cause serious dislocation of their businesses. Representations were made to the Council by these owners and also by business associations with a view to postponing the operation of the Act, and in July, 1956, the Council resolved, subject to the approval of the Minister, to postpone the reduction in the number of Natives lawfully accommodated in buildings until all Natives who were illegally accommodated had been rehoused. Had this course been approved Natives illegally resident in domestic backyards and city buildings would have been transferred to Dube Hostel first, and the surplus Natives, legally accommodated in flats and business buildings,

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would have followed them. The Minister was however not prepared to agree to this and he issued a directive which in effect required the Council to proceed with the filling of the hostel with Natives resident in the so-called "Sky Locations" and Natives illegally accommodated in backyards in equal proportions. The re-housing of Natives in Dube Hostel proceeded thereafter on those lines.

55. The most important section of Natives removed to Dube Hostel under the "Sky Locations" Act consisted of the men employed as cleaners in the numerous blocks of flats throughout the city. The majority of these "Flat boys" were Zulus of the primitive type from the Reserves in Natal, who had left their families behind and retained their tribal affiliations. A mass of evidence was led before the Commission to the effect that the removal to Dube Hostel inflicted hardship upon these Natives. They had been housed in Native quarters in the flats where they worked, with comfortable living accommodation and convenient facilities for cooking their meals. Their wages were adequate and duties not onerous, and they were able to augment their earnings by performing services for tenants resident in their flats. As a rule they were under the control of a head boy or induna of their own race who understood them and kept them in order without difficulty.

56. The accommodation at Dube Hostel contrasted unfavourably with what they had in the majority of cases enjoyed in the flats where they were employed; the cooking facilities were less convenient and they were obliged to buy their own fuel; there was less security for their personal possessions and they suffered from thefts of these. They were no longer able to supplement their earnings by services rendered to flat tenants. They were obliged to spend between two and four hours per day in travelling, so that in many cases they had to leave the hostel at 5 o'clock in the morning and

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only reached it after work at 7 or 8 o'clock in the evening. There was insufficient accommodation on the trains for the number of people compelled to use them and in the circumstances of overcrowding they were subjected to robbery and assaults by gangs of "tsotsis" who infested the trains. They suffered also from the depredations of the gangs who hung about the precincts of the railway stations and attacked them on their way home.

57. Giving evidence on this part of the inquiry a lady in the employ of the City Council as a welfare worker, with long experience in that capacity and life-long and intimate knowledge of Natives, said "..... there was terrific resentment, as you know, on the part of the flat boys who were forced to go out there. They had to get up very early in the morning, as you know transport is still not very adequate, they are expected to have offices and even flats clean very early in the morning before we come to our offices. It seems that they have to queue up sometimes even at four o'clock in the morning in order to be in time, clean the offices before the offices open at eight o'clock. During the day when their work is finished they haven't got much to do but they feel it is too expensive to go back again to Orlando and back again into town because one doesn't know whether they are going to have to be on duty again. Then they have to start cleaning again later on in the late afternoon, only get back to the hostels very late, are feeling tired, are feeling nervy. They resented being pushed out of their flats. I know intimately a few indunas among the Zulu boys here One of them particularly is a friend of mine and he is a very respectable citizen of one of the large centres in Natal, and while in Johannesburg where he is headboy to a certain flat he is the chief uncrowned king of all the men and boys who came from his district. In past years whenever one of their lads was known to have gone to the townships, shebeens or to women, he was ostracised and in many

cases was even returned back home because it was felt that he would go astray. He would not be true to his own tribe and to his people and in those days I really felt that, with exceptions of course, these older men, indunas, who were up here representing their village or their district, working in flats of course, were able to keep discipline among the majority of the flat and office cleaning men and boys When these flat boys, flat men found themselves on the trains feeling tired and depressed, really annoyed at having to be pushed out to Dube when they were quite comfortable in their kayas on top of the flats, they met the clever youth of Johannesburg, who robbed them, who assaulted them. You know the trains, especially the Friday night, Friday afternoon trains are real death traps for any African men and women. You invariably get assaulted Now these very unsophisticated flat servants who started going on these trains, well they were not used to that type of thing. They hear about tsotsis but they had led rather protected lives in the flats and in the buildings in town. Now they suddenly find themselves assaulted on the trains, off the trains on the station platforms and on their way to the hostel. The feeling of resentment grew."

58. Though the circumstances of the Natives employed in buildings other than flats were not precisely the same as those of the flat boys, what has been written of the latter applies to a large extent also to the former. In the circumstances it would not have been surprising if in the months immediately following the transfer of these Natives to the Dube Hostel the general attitude was one of resentment and discontent. In a report prepared for submission to this Commission the Manager of the Non-European Affairs Department put the position thus:-

"Having regard to the fact that previously these Natives were accommodated in relatively small numbers in the different blocks of flats and offices throughout the City area and are now being housed together in

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large numbers in hostels far removed from the City area, it is perhaps understandable that many are resentful of being removed from their old homes and of the more stringent supervision to which they are now subjected. For many of these people it is their first experience of having to comply with regulations and the normal system of municipal supervision applicable in the Native areas, and they have not taken very kindly to their new conditions of life. It is not going too far to say that at the outset the hostel superintendents and the other authorities concerned, were confronted with a sullen, resentful population, impatient of any control and intolerant of any restriction. These circumstances, coupled with the distance from town and the inadequacy of the transport system, made the administration of the Native hostels very difficult until such time as the inmates had settled down and accustomed themselves to the new surroundings. There is also little doubt that because of the lack of suitable leisure time and recreational facilities, many resort to illegal practices, illicit liquor dealings, gambling and other nefarious activities, and because of the inadequate numbers of municipal police available to supervise the hostel, it becomes necessary for the Superintendent to invoke the assistance of the South African Police from time to time to intervene, carry out raids and prosecute those apprehended for criminal offences."

59. We refer at a later stage to an occurrence on the 11th May, 1957, when a Native inmate of the Hostel was killed during a fracas between the South African Police and some of the residents of the Hostel. Witnesses before this Commission maintained that the trouble which arose on this occasion was caused by tactless handling of the Natives by the Police, but it does not appear to be necessary in this context to discuss whether this charge is well-founded or not. The facts, as they would present themselves to the hostel inmates, were that the Police had been

sent for to rid the hostel of the undesirable elements which were causing a nuisance, and that instead of doing this the Police had tried to disarm the inmates, who were not responsible for the nuisance, and arrested a number of them, and that in the ensuing disturbances one of their own number had been killed by the Police. Added to the fact that the Police were failing to protect them from the tsotsi gangs, this would have the natural effect of fanning their antagonism to the Police, and their general resentment caused by the conditions in which they were expected to carry on their occupations.

60. There is abundant evidence that the railway facilities between the township area and the City were at the time of the removal to Dube, and still are, quite inadequate to carry the Natives employed in the City to and from their work in reasonable comfort. The trains were so overcrowded that Natives were at times compelled to travel on the foot boards or on the couplings until that practice was stopped, and they are so tightly packed inside the compartments that it is almost impossible to move. Neither ticket inspectors nor railway policemen travel in the trains. In consequence, not only do the passengers travel in the utmost discomfort, but in the overcrowded conditions the tsotsis are able to rob their victims practically without resistance, and to escape unchecked with their spoils. The Commission feels no doubt whatever that the irritation which was the inevitable result of this state of affairs contributed materially to the tension and the angry feelings which culminated in the riots of September, 1957.

61. The Railway Administration is at present engaged in extending the railway line so that it will serve the whole of the township area, and in doubling the line between Johannesburg and Dube station. These developments will bring about a material improvement, but they will not be

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completed, we were told, until about the end of the present year, or later.

62. According to Mr. Carr the insufficiency of the railway facilities was pointed out to the Government before the move to Dube Hostel was effected, and the Municipal authorities had made it a practice, for years, to keep the Railway Administration, through a Joint Executive Committee, au fait with the City Council's development schemes, in order to enable the Administration to keep abreast of the necessary transport requirements. The Committee referred to is composed of representatives of the City Council and of the Railway Administration and according to Mr. Carr is usually attended also by representatives of the Native Affairs Department. It cannot be said therefore that the Governmental department or departments responsible for the preparation of the legislation and its implementation were taken by surprise by the inadequacy of the railway facilities. It must have been patent when the legislation was being prepared that if the provisions of the "Sky Locations" Bill became law, thousands of Natives would have to be removed to the township areas, that accommodation for them would have to be built and that increased transport facilities would be required. Yet the Act demanded the removal of the displaced Natives within one year after its passing, and neither the necessary hostels nor the increased railway facilities were ready at that time. The discontents of the hostel inmates were largely due to the fact that their removal was carried out before adequate arrangements had been made for their transport to and from work and for this the responsibility appears to rest upon the shoulders of one or both of the Government Departments concerned. The City Council was able to delay the removal to some extent and to mitigate the inconveniences suffered by the inmates, by using the delegated authority which has been referred to above; but the discretion which the Council was allowed to exercise under this provision of the Act does not appear to have been intended to authorise a wholesale or indefinite

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postponement of the removal, and it appears to the Commission that the Council had probably gone as far as it could when it postponed the later stages of the removal first to the end of June and then to the end of December, 1956.

CHAPTER IV.

THE RIOTING.

63. There appears to be little doubt, on the evidence put before the Commission, that the main immediate cause of the tension which led eventually to the riots with which we are concerned lay in the attacks to which Zulu residents in the township area, and more particularly those in the Dube Hostel, were exposed at the hand of the so-called "tsotsis". There is a large hooligan, or "tsotsi" element in the population of the townships, and the tsotsis made a practice of assaulting and robbing men in the trains, or on their way between the railway stations and their homes, more especially on their way home from work and on pay days. The chief sufferers from this practice were Zulus of the more primitive type, such as were employed in Johannesburg as flat-boys or on the staffs of building-blocks, and who had been removed to the Dube Hostel from the accommodation previously occupied by them at their places of employment. Although the tsotsis were not necessarily of Basuto origin, at some stage they are said to have adopted the Basuto blanket and to have held themselves out as "Russians" - this being the name adopted by certain Basuto fighting gangs. The motive for this is not clear from the evidence. One witness suggested as a reason that the Basuto had the reputation of being fighters and killers and that their guise was adopted by the tsotsis in order to impress and terrorise, and so aid them in their robberies. However that may be, the adoption by the tsotsis of the Basuto dress or style led the Zulus who were their victims to the conviction that they were being attacked and robbed by their traditional enemies, the Basuto.

64. It also appears, as a subsidiary cause of ill-feeling, that trouble arose between the inmates of the Dube Hostel and the residents in the surrounding township areas as a result of the visits of the former to the family areas of the townships in search of beer and the society of women. This applied more particularly, though not exclusively, to Meadowlands, where home-brewing of beer

was and is allowed. In the case of Meadowlands this ill-feeling tended to take an anti-tribal turn because there is a considerable Basuto population in that township, and the brewing of beer is an art in which Basuto women are said to be adept.

65. In the Native Townships under the jurisdiction of the City Council home-brewing of beer is prohibited. In these townships the beer, made by the Municipality, is sold to the residents. Mr. Carr stated in evidence that he was totally opposed to home-brewing and that if it were introduced on a large scale in these townships it would precipitate the chances of trouble and would add immeasurably to the City's already very difficult problems, but we cannot on the meagre evidence produced to us on this question express any opinion on the relative merits of home and municipal brewing. We are, however, of opinion that it is highly undesirable that different systems should be in operation in adjoining townships and that the City Council should point this out to the Native Resettlement Board, which controls Meadowlands, in order to endeavour to arrive at a uniform policy.

66. According to Mr. R.C.W. Martin, the Assistant Manager of Native Areas (Townships), in the course of a quarrel which probably resulted from beerdrinking two inmates of the Hostel were shot in a house in Meadowlands on the 6th January, 1957, and this marked the beginning of animosity between the men of Dube Hostel and the Meadowlands residents. Between the date mentioned and August, 1957, Mr. Martin's records contain references to a number of incidents in which Hostel inmates were assaulted in Meadowlands, some of these incidents being referred to by other witnesses.

67. On the 11th May, 1957, an occurrence took place which, though it does not form part of the pattern of tribal ill-feeling, is mentioned here because it probably had some influence upon the subsequent behaviour of the Zulu residents in the hostel. It had become the practice of some of the more disorderly elements of the local population to gather in the hostel lavatories and ablution rooms for

the purpose of gambling, to the inconvenience and annoyance of the inmates. At the request of the Superintendent of the hostel a party of police was sent to deal with this nuisance, but according to the evidence led before the Commission, when they arrived they proceeded to take possession of the sticks of a number of hostel inmates, and arrested a number of them. This led to a violent clash between the police party and the hostel inmates. Police reinforcements were sent for, and in the course of the ensuing disturbance several members of the police force were seriously injured, fire arms were used by the police, and one of the hostel inmates was killed.

68. Under the provocation which they suffered at the hands of the tsotsis the Zulu began to band themselves together for protection against and reprisals upon their supposed attackers. It appears from the evidence of Mr. Martin and other municipal servants that this process began about August, 1957. Clashes are said to have occurred in the vicinity of certain railway stations between bands of Zulus and gangs of tsotsis during August and on the 1st or 2nd September, 1957, and sporadic fighting in which Zulus were ranged against Basuto appears to have begun about the first week of September. This reached its climax on the 15th September, when thirty-three men lost their lives in the course of the wide-spread rioting which took place on that day.

69. The course of the tension and rioting which took place over this period was described by police witnesses in the case of R. v. John Ndhlovu and twenty others to which reference has already been made. According to the police evidence the first clash between hostile gangs which resulted in loss of life appears to have occurred on the 8th September, 1957, but Detective Sergeant Botha, one of the witnesses for the prosecution, told the Court that before that date he had received information that Zulus resident in Dube Hostel had been attacking Basuto on the evening trains from Johannesburg to the townships.

70. On the afternoon of the 8th September, 1957, a fight occurred in Meadowlands between gangs of Zulus and Basuto, in the course of which two Zulus and one Basuto lost their lives, the Basuto being a leader of the Basuto community

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living at Meadowlands. After that, according to Captail Moolman of the South African Police, who was also a witness, almost every morning the police picked up mutilated corpses of members of both factions.

71. About 9 p.m. on the 13th September, about 200 armed Zulus were found in Meadowlands threatening to attack the Basuto living there. They were running riot, broke the windows of a bus and assaulted the passengers, and had to be dispersed by the police.

72. On the 14th September fighting broke out in Mofolo North, after which the mutilated corpses of seven Zulus were found lying in the streets.

73. On the 15th September, the Basuto of Meadowlands, having arranged to bury the body of their leader killed on the 8th September, applied to the police for a police escort for the funeral procession, and this was promised them. About 2 p.m. on that day fighting occurred at Jabavu between gangs of Zulus and Basuto, which resulted in the death of four Zulus. During the same afternoon there was fighting in Moroka North, described by policemen who were eye witnesses, which resulted in three deaths. The Basuto funeral procession had in the meantime been making its way under police escort from Meadowlands over a gravel track leading West from Meadowlands to a point where it joined the tarred road leading Southwards from Roodepoort into the township area. There the procession turned in a southerly direction along this road towards Mofolo township. When approaching the outskirts of this township the procession found its way barred by a crowd of Zulus who refused to let it proceed through Mofolo. The funeral party, which was at this stage being escorted by a force of about fifteen European and Non-European policemen, halted, and a message was sent which resulted in the arrival on the scene of Captain Moolman with a few other policemen. Captain Moolman found a party of Zulus across the road, who at first refused to let him pass through but eventually permitted him to do so. He found the funeral procession with its police escort waiting upon the road, and proceeded to conduct it on its way. At this stage the European members of the police force were on the

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left side of the procession, that is the north-eastern side of the road, while the Non-European Policemen in a police van brought up the rear. As the cortege approached Mofolo township a large mob of armed Zulus, estimated to be about one thousand in number, began to appear from behind houses on the north-eastern side of the road and approached the procession in a threatening manner. Other armed Zulus appeared, until the force reached a number estimated by the Police authorities to amount to about two thousand. Their principal leader was told to take his men away and was warned by Captain Moolman that no fighting would be allowed. Notwithstanding this warning, stones were thrown at the funeral procession from the Zulu side. The leader was again warned to take his men away, but made a threatening reply, and proceeded to rush at Captain Moolman with an uplifted weapon in his hand. About the same time several shots were fired by the Zulus. On this the police were ordered by Captain Moolman to fire, several bursts were fired from Sten guns, the hostile mob was dispersed and the funeral cortege proceeded on its way. Six Zulus were killed by the fire of the police.

74. After this the Zulus were seen to be congregating in large numbers near a rocky ridge in open ground to the west of Meadowlands. A party of policemen under a Colonel of the South African Police proceeded to the spot and were asked by the leader of the mob to be allowed to get at the Basuto for ten minutes. They were told to disperse, and proceeded to do so, the bulk of them returning to Dube Hostel, from which and from Nancefield Hostel they had apparently come.

75. The funeral party had in the meantime reached the cemetery, where the body of the dead Basuto was buried. The procession, still under police escort, then left on its return to Meadowlands.

76. For some reason not explained in the evidence, the route followed on the return was different from that taken on the outward journey and it led the procession past the eastern gate of the Dube Hostel. As it approached this gate, with its escort, a number of Zulus inside the hostel grounds, who were apparently

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among those who had returned from the gathering outside Meadowlands, rushed out of the gate and proceeded to attack the returning Basuto with stones. An order was given to fire, a few shots were fired by the police, the Zulus were again dispersed and the funeral procession was allowed to continue on its way back to Meadowlands. Three Zulus were killed by the fire of the police in this encounter.

77. After this, fighting continued between small groups of Zulus and Basuto, the police receiving reports of general fighting until late in the night. On this day, according to Detective Sergeant Botha, in addition to the nine Zulus shot by the police in the two attacks on the funeral procession, twenty-four Natives were killed in the fighting between the two factions.

78. On the following two days reports were received by the police of fighting at various places, and the townships had to be patrolled, but eventually the fighting died down. In all, the death roll between the 8th and 15th September appears to have been at least fifty, if the figures given by the police witnesses are correct.

79. For this description of the course of events between the beginning and middle of September we have relied upon the evidence led for the prosecution in the trial of the rioters in the Regional Magistrates Court, to which reference has already been made.

80. It may be mentioned here that the clashes which occurred during this period were not confined to residents in Dube Hostel and in the areas immediately surrounding it. For example, according to evidence led before the Commission, on the morning of the 15th September there was fighting at Tshabalala's store in Mofolo Township between Zulus from Mofolo North and resident Basuto. On Monday the 16th September there was a clash between Zulus resident in Senaoane and Basuto living in Phiri, which was stopped by the police before any serious fighting took place. There was a similar clash, after the riots, in Jabavu between Basuto resident in that township and Zulus from Zondi.

81. Several of the witnesses who gave evidence before this Commission alleged,

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or suggested, that in attempting to disperse the Zulu mob on the 15th September the police should have exhausted other measures before using fire-arms and that the firing upon the attackers was premature. So far as concerns the first episode, when the funeral procession was attacked upon its way to the cemetery, we are unable to agree with this contention. The Zulus were armed with knobkieries, battle axes, cane knives, and one or two of them apparently with fire arms; they were in a mood, and were threatening, to make an overwhelming attack upon the Basuto party, and their leader was shot in the act of rushing at Captain Moolman who was doing his best to prevent the threatened attack. This occurrence was witnessed by Messrs. Nicholas and Barnfather, who are respectively the Senior Superintendent of the Orlando area and the Superintendent of Pimville township, and who both expressed the opinion that the shooting was necessary in order to avert an attack on the police and the funeral procession. Another eye-witness, the Revd. Mr. Hayes, told the Commission that if the rush made by the Zulus towards the funeral party had not been stopped there would have been a massacre of the Basuto. In our view the action of the police on this occasion was justified, and probably averted more serious loss of life than actually occurred.

82. An allegation was also made before this Commission that the firing of the police on this occasion lasted for a period of between three and five minutes and that it continued while the members of the crowd were running away. No evidence to this effect seems to have been led at the trial in the Regional Court, and the allegation appears to us to be baseless. Mr. Barnfather told the Commission that there were one or two bursts of Sten-gun fire and that the firing lasted a matter of seconds.

83. In so far as the second shooting affair is concerned the evidence is less clear. Evidence led before the Commission was to the effect that when a clash seemed likely to occur between the funeral party and the Zulus inside the hostel the Municipal policemen on duty shut the gates in order to prevent the Zulus from getting out. It is however not clear on this evidence whether they were in time to prevent any of the inmates from reaching the street. What

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seems clear however is that the three Zulus who were killed were shot when inside the hostel gates. No witnesses either before this Commission or before the Regional Magistrate testified to any effort by the police to dissuade the Zulus from attacking before resort was made to fire arms. In the Regional Court no evidence was directed to the question whether the police or the funeral party were in any imminent peril, nor as to whether or not it would have been sufficient to fire over the heads of the attacking mob. This however may have been due to the fact that it was the conduct of the alleged rioters and not the conduct of the police which was in issue in that Court. Moreover, this Commission has not been given the opportunity of examining any of the policemen who took part in the incident under discussion. In these circumstances we are not in a position to arrive at any conclusion on the question whether the shooting at this stage was or was not premature or excessive.

84. The members of more than one of the deputations which gave evidence before the Commission maintained that in clashes between groups of Natives in which the South African Police intervenes, or between Natives and the Police, tear gas and not fire-arms should be used in the first instance. In our view the use of tear gas in such circumstances should be seriously considered by the police authorities if it has not already received such consideration. We are not however in a position to express any opinion upon the question whether or not it would have been expedient or possible to use it during the attacks discussed above, by reason of the fact that we have not been enabled to examine any members of the Police Force, and that we have no information as to its effects and the circumstances in which it can usefully be resorted to. We have considered the contention advanced by Mr. Davidson, who was appointed by the City Council to lead the evidence of witnesses, that the police should not have allowed the Basuto to conduct the funeral procession through this area to the Doornkop cemetery, but should have directed them to bury the deceased elsewhere. We are not satisfied however that this is a valid ground of criticism of the conduct of the police.

85. We have referred to criticisms of the conduct of the police in dealing with the actual riots but there is evidence as to a failure to take steps, in spite of warnings, before the riots which might have had a considerable effect in preventing the riots or lessening their extent. Mr. L.J. Coetzee is employed by the Council as Security Officer and was a member of the S.A. Police from 1914 until his retirement in 1951 when he had attained the rank of First Grade Sergeant. He says that on the 10th and 13th September he warned the S.A. Police of impending trouble and suggested police patrols; furthermore that on Saturday the 14th September he saw groups of Basuto and of Zulus walking about the streets of the townships armed with heavy sticks, battle axes, "sharp pointers like daggers" and sharp-edged pangas. He says he reported this to the S.A. Police and told them the place in Phiri and in Zondi where these dangerous weapons were being made. As far as he knew (and the performance of his duties gave him ample opportunity for observation) he did not see that the Police took any steps for disarming the Natives or raiding the places where he says weapons were being made. We see no reason for disbelieving this witness, but, in the absence of evidence from the members of the Police to whom he is alleged to have given the information, we can come to no more positive conclusion on this point.

CHAPTER V.

LAWLESSNESS AMONG NATIVES.

86. As we stated in an earlier passage of this report, the evidence shows that the principal immediate cause of the tension which led to the disturbances under discussion was the extent to which the Zulus had suffered from the attentions of the so-called "tsotsis". Numerous witnesses testified to the fact that lawlessness was rife in the townships, that crimes were committed almost with impunity and that the tsotsi gangs were able to carry on their criminal activities almost unchecked. We have accordingly thought it advisable to consider what causes there were for the existence of this state of lawlessness and the reason why these criminal gangs have been able to carry on their depredations upon the public without effective restraint.

87. In our view the main causes contributing to this state of affairs are the socio-economic conditions affecting the young, the insufficiency of police protection, and the unwillingness of the inhabitants of the townships to co-operate with the Police.

Socio-economic conditions affecting the Young.

88. About eighty per cent. of the inhabitants of these townships exist on or below the poverty line, and in a large proportion of cases it is necessary for the mother of the family to go out to work, either on every day or on two or three days of the week, in order to augment the husband's earnings. Schools are insufficient to cater for all the children of school-going age, and it would appear from figures furnished by the City Council's Non-European Affairs Department that approximately one-third to one-half of these children receive no schooling at all. The school facilities available appear to have been inadequate at all times, and at present the lower primary schools are conducted on the

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double-session system, under which one set of children receive instruction for three hours in the morning while a second set is taught later in the day. By this method, it is true, twice as many children receive some schooling as would have received it if there had been only one session, but when not receiving instruction these children, like those who get no schooling at all, are, we were told, in a large proportion of cases, owing to the absence of their parents from home, at liberty to roam the streets free of parental control.

89. It is open to doubt whether the double-session procedure is calculated to ensure proficiency in instruction. We understand that the same teacher is in charge of both sessions, and in view of the shortness of the sessions it is difficult for him or her to establish that personal contact with each individual pupil which is so necessary in the case of the very young. In addition to this, it must be borne in mind that the system of double sessions is apt to impose an intolerable burden on the teacher, whose teaching is bound to be affected thereby. Inefficiency in educational matters tends to be a contributory factor to crime.

90. The position will naturally improve as more schools are built, and more teachers are engaged, but we are dealing here with the state of affairs as it has existed up to the present.

91. Recreational facilities and spare-time occupations are scanty. The City Council makes grants-in-aid to a large number of voluntary welfare associations. Voluntary organisations, among which may be mentioned the South African Association of Youth Clubs and the African Self-Help Association, do invaluable work in this sphere, but the resources of such organisations are insufficient to enable them to cover more than a portion of the whole field. Youth organisations such as the Boy Scouts and Girl Wayfarers Associations are said to have a footing in the townships,

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but the contribution which they are able to make in this connection is apparently small.

92. Evidence was put before us to the effect that there had been of late a noticeable weakening of filial discipline resulting in many cases in a complete breakdown of parental authority. Conditions such as we have described are, naturally, likely to contribute to such a development. While on this topic we may remark that more than one witness expressed the view that the lack of respect shown nowadays by children to their parents was in fact inspired by the undignified treatment to which the parents are subjected on occasion in their own homes by members of Police squads engaged in searching for liquor or on similar duties. There appears to be substance in this complaint, and in a later portion of this report we refer to allegations made as to the treatment of Natives by some members of the Police force. There are of course other factors which may, and probably do, contribute to the weakening of parental authority, but it does not seem necessary to embark upon a full discussion of these.

93. There is very little provision for vocational training of children in the township area after they have left school. The City Council conducts an excellent Vocational Training Centre in Dube Township, which the members of the Commission inspected, and in which youths are trained as bricklayers, carpenters, tailors, motor mechanics and plumbers, but the number of pupils is less than two hundred, and this institution can do no more than touch the fringe of the problem of training for employment.

94. Too much stress cannot be laid on the importance of providing greater facilities for the vocational training of Native youths. We were greatly impressed by the evidence given by Miss McClarty whose pre-eminence in the educational field is well-known. She said that the question of vocational training "links up with the whole problem of African youth unemployment. These boys are full of energy; they are full of the adventurous spirit of life that one looks for in boys of

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that age, whatever the colour of their skin, they have no training and no outlook for their natural faculties and desires. Then they turn to adventure - the adventure of crime."

95. The cost of providing facilities for vocational training should fall on the State and not on local authorities. That is a generally accepted principle. It is clear that the Natives, who are the poorest section of the community, cannot be expected to shoulder the whole burden of the cost involved. It is a burden which must rest on the State, as it does in all civilised countries. There can be no difference in principle between the cost of providing facilities for vocational training and the cost of providing other educational facilities and it is generally recognised to-day that the State must bear the main burden of the cost involved.

96. There used to be in existence a very useful organisation which succeeded in placing in employment a large number of Native youths. We refer to the now defunct Native Youth Board. That Board was compelled for financial reasons to close down in 1952 after an existence of only four years. The Board employed professional Non-European Social Workers who maintained contact with the employer and the employee to see how the latter was shaping in his job. If the employee left his work inquiries were made as to his reason for doing so and attempts were made to surmount such difficulties as these were. There is no doubt that this Board did extremely useful work and we feel that every endeavour should be made by the City Council acting in conjunction with the Native Affairs Department to resuscitate the Board.

97. Another contributory factor to crime is the fact that the majority of Native youths between the ages of 14 and 18 neither attend school nor are in employment. There is great force in the following observations made by the South African Institute of Race Relations in a memorandum submitted to the Commission:

"The major problem in regard to urban African youths centres in effecting their transition from school to employment without permitting an intervening period of idleness: for there appears to be widespread evidence that in this period, roughly from the age of 14-18 years, marked deterioration sets in."

"The normal process in a modern society is for young people to remain at school until at least the legally enjoined school-leaving age, usually 16 years, and then to take up employment. This is not the normal process among Africans. There is no compulsory schooling. There is, unless a youngster or his parents are fired by ambition and inspired by a fervent belief in "education" - and there are still many such - no particular incentive to continue schooling because, apart from teaching and other professions, employment opportunities are not related to educational attainments."

98. We should in parenthesis say that it was noticeable that most of the witnesses, either deliberately, or as a matter of course, used the word "African" when referring to the tribes which, until comparatively recently, were called "Natives". This matter of nomenclature appears to be a controversial one, which this Commission does not think it is required to try to settle. The word "Native", e.g. in the Native (Urban Areas) Act and other Acts and in the name of the Native Affairs Department, and the word "Bantu" in recent legislation are the only words that have legislative sanction, while the use of the word "African" is a new departure; we have therefore used the word "Native" throughout in this report except when quoting verbatim from the evidence.

99. The natural result of these conditions is the existence in the townships of a class of Native youths who are idle, uneducated, undisciplined, unused to work and disinclined to enter regular employment, and it is, of

course, from such a class that the tsotsi gangs are likely to draw their recruits.

INSUFFICIENCY OF POLICE PROTECTION.

100. To serve the whole of the township area with which we are concerned including Meadowlands, there are two South African Police Stations, one in Orlando East and one in Moroka, and according to the information given to the Commission the total force assigned to the area numbers about two hundred, of which the majority are Native policemen. A third station is in course of being built in Meadowlands but is not yet manned.

101. In addition to this South African Police force the City Council employs in the area about eight hundred Municipal policemen, all of whom are Natives. Though these policemen are peace officers and have powers of arrest, they are not normally employed in the prevention and discovery of crime, their function being to assist in the administration of the townships by the Municipal officials responsible for this duty.

102. The Commission was informed that the South African Police do not carry out any foot patrols of the area at night, but that during the day patrols of four to six men are to be seen, though not frequently.

103. There is abundant evidence to satisfy the Commission that, whatever the reason, the Police force available has been unable to cope with the gangs which infest the townships. Witnesses complained that the tsotsis were left unmolested by the Police and that on occasion crimes had been known to have been committed in the presence of Native policemen, who had not ventured to interfere. This, it was said, was due to the fact that Native policemen as a rule do not carry firearms, while the tsotsis are known to be armed with lethal weapons.

104. More than one witness expressed the opinion that the Police spent a disproportionate amount of time and energy upon such matters as liquor raids

and pass inspections and devoted insufficient energy to the prevention and detection of more serious crimes, but as the Commission has not been given an opportunity of receiving evidence from the Police authorities it is unable to express an opinion upon the question whether or not this contention is justified. There were also complaints that the Police had repeatedly failed to act upon information given them which would have led to the identification and arrest of the persons responsible for serious crimes; but without careful investigation of each such charge it would be impossible to say whether or not the complaint was justified, and the Commission is not in a position to make such investigations. It is however clear on the evidence that lawlessness is rampant in the township area and that the activities of the Police are insufficient to suppress it.

105. That determined action by the Police will result in at least a diminution of this evil is clear from the following occurrence. On the 20th June, 1957, the Public Utility Transport Corporation, Ltd., which was running a system of feeder bus services between the Native townships and Nancefield station, wrote to the Manager of the City's Non-European Affairs Department that it was considering the suspension of ~~the~~ bus services after 6 p.m. on Fridays, Saturdays and Sundays, on account of "the very grave interference caused by Tsotsi gangs who frequent the bus terminus". The Company stated that its Non-European traffic staff had given notice that they were not prepared to work after dark on these nights of the week as their lives were endangered and they were robbed of their cash takings. Upon receipt of this communication the Manager of the Non-European Affairs Department made representations to the Police authorities as a result of which a force of policemen was detailed to surround the station precincts and round up suspicious characters. A number of suspects were arrested and dealt with, the infestation of this area with tsotsi gangs was stopped or

at least reduced, and the Company has since been able to continue the operation of its services without serious interference of the nature described. It seems doubtful, however, whether operations of this nature could be regularly carried out without a substantial increase in the Police force allotted to this township area.

106. It may be mentioned in this connection that a conference of representative organisations called by the Johannesburg Chamber of Commerce in September, 1957, to discuss means of combating crime in Johannesburg expressed the view that there was a lack of sufficient patrols in Non-European townships and that Non-European police should be detailed to patrol bus terminal points and railway stations and should also be present on the railway trains themselves. Evidence led before this Commission fully supports these suggestions.

107. We were informed that the residents had, through the Advisory Boards, expressed a desire to form a body of Civic Guards, subject to control by the Police, in order to assist in the suppression of crime, but that their offer to do so had been refused by the Police authorities. We shall refer to this matter at a later stage.

UNWILLINGNESS OF NATIVES TO CO-OPERATE WITH POLICE.

108. There is considerable evidence that as a whole the residents in the townships are unwilling to assist the Police by giving information directed towards the arrest of wrongdoers. Various reasons were advanced for this, but it seems that the main cause is the fear of reprisals by the criminals concerned or their friends and associates, there being no guarantee of Police protection of the informants.

109. A contributory cause is the existence of a definite attitude of hostility on the part of the inhabitants towards the South African Police.

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This attitude is of long standing, as will appear from the references which follow, but there is reason for the belief that it has been exacerbated recently. This may be due to the fact that there is an increasing number of educated Natives who resent ill-treatment by the police more than the primitive Native did, coupled with the fact that, according to evidence led before us, some of the police seem to regard the educated Natives as a fit subject for ill-treatment and insult.

110. On Page 191 of "Western Civilisation and Natives of South Africa", which was published in 1934, the late J.D. Rheinallt Jones, an acknowledged authority on Native affairs, wrote:

"To the serious student of Native life the bitter relations which now exist between every section of the urban Native population and the police force cause grave concern".

111. In paragraph 121 of the Report of the Lansdown Commission of 1947 it is said:

"The Commission is compelled, by the mass of statements on the matter, to the conclusion that there are many policemen who consider it not beyond their function to speak discourteously and often abusively to Non-European persons, whether witness or accused, in a charge office or on police premises, and to rough-handle those whom they are required to take in charge".

112. The Commission was told that the Natives generally regarded the Police not as their protectors but as their enemies. This unfortunate attitude is no doubt due in part to the nature of the duties which the South African Police are called upon to perform; more particularly in the enforcement of the liquor laws and what are known as the Pass Laws. There is, however, considerable evidence that it is largely due to the manner in which individual members of the Police Force - Non-European as well as European - carry out these and other duties. Complaints were made that Natives called upon to produce their passes were assaulted and abused and subjected to indignities,

and that searches for liquor were carried out without respect for family privacy. The Commission was much impressed by the evidence on this point of three Native social welfare workers. These men were all respectable, intelligent and well-educated, and one of them (the holder of an exemption certificate) described the manner in which he personally had been dealt with on one occasion when stopped at night on his way home and required to produce his pass. He was addressed contemptuously, taken to a Police Station where he was detained for several hours (although he had produced his exemption certificate on demand), and abused when (not being conversant in Afrikaans) he replied to a question in English. These three witnesses made it clear that they had no complaint against the commissioned officers of the Police force, who, they said, had always treated them with courtesy and consideration. The objectionable treatment was at the hands of some of the more recently recruited European members of the Force.

113. Evidence substantially to the same effect was given by the lady to whom we have already referred, who said:

"I wish to pay tribute to a great number of policemen, of the South African Police, Europeans and some Non-Europeans, but especially Europeans, among the older ones, the senior ones, but even among some of the very young ones, whom I have found so sympathetic, so kind, so ready to help and so courteous ... But unfortunately, as you know, people are always judged by the evil done by themselves or their brothers rather than by the good done, and unfortunately, to counterbalance these good policemen, there are a number of brutes among them and especially among the very young There are some of these young policemen who, to my mind, are nothing but glorified ducktails, or shall I say ducktails in respected uniforms, who do not know how to behave. Their authority has gone to their head I don't want to say that all the young ones are bad So many others have a feeling of authority that has gone to their heads, and in handling Natives use rough, coarse language, think it an enormous joke to kick a man

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man with a black skin no matter who he may be. I always remember one, he has left me now but he was one of my senior African workers. He arrived at the office rather dirty and a bit late He said "Oh, mother, the usual. This morning one youngster stopped me - "Kaffir where is your pass?" - so I showed him my pass. He looked at it and said "Hah, I don't like educated Kaffirs". So he throws the pass - it had been raining - on the ground and as I bent to pick it up he kicks me and because I fall, terrific guffaws of laughter".

"He said, "Oh well, mother, I afforded him a little bit of pleasure and amusement, so all is well". I said "Didn't you lose your temper, did you kick him, did you hit him, I would have". He said "If I did, I would be in goal now and even you wouldn't get me out". That attitude is what brings about this resentment against the policemen's uniform and the good ones are blamed for the sins of the other ones. This attitude of the police towards the Africans has another result and a very dangerous one. You have parents insulted, men or women, and kicked in front of the youngsters. The youngster, like all teenagers ... the teenager says, "Well being rude, using coarse language, is obviously a sign of authority and importance". And I have actually known of cases where the children have adopted towards their parents the same rough, rude, vulgar attitude that the police adopted and I have actually known of children who have defied their parents and who have gone off the rails simply because they were present at a time when father or mother were humiliated in front of them."

114. We have very little doubt that it is the younger and less experienced policemen who are mainly responsible for the harsh and inconsiderate treatment which forms the subject of complaint, and it seems probable that the offenders in this respect form a minority of the members of the Force.

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Unfortunately, the conduct of the few has reflected upon the whole of the Force, and has helped to build up the feeling of antagonism which undoubtedly exists at the present day. Whether justified or not, the effect is to impair that willing co-operation of the inhabitants of the townships with the Police which is essential if crime in the townships is to be controlled.

115. We may add that the need for a more humane treatment of alleged offenders among the Natives was emphasized by the Secretary for Native Affairs (Dr. W.W.M. Eiselen) in an address which was read at the Sixth Annual Conference of the Institute for Administrators of Non-European Affairs, held in September, 1957, Dr. Eiselen said:

"The heads of responsible State Departments (including the Police) and heads of municipal administrations have been particularly exercised about this conflict and antagonism that exist vis-a-vis the authorities, and attempts have been and are continuously being made to prevent actions by Government and other officials that may cause friction because of irritating or petty methods employed in implementing the law, when by the exercise of more tact or circumspection or regard for individual rights all this could to a large extent have been avoided".

116. We welcome the attempt that is being made by the authorities to prevent causes of friction between Natives and themselves and especially the South African Police. Special emphasis should be laid in the training of recruits for the police force on the necessity of avoiding any action which is likely to exacerbate feelings of hostility between Europeans and Non-Europeans. Similarly it should be impressed on every public servant who comes into contact with Natives that he should act courteously towards them and with due regard to feelings of humanity. No doubt it is the few both amongst the police and among public servants who by their actions embitter

racial relations, but these few cause irreparable harm. If the attempt that is now apparently being made to prevent causes of friction fails, the result can be nothing but grave for our country.

117. In fairness to the municipal authorities (including the municipal police) we should point out that the burden of the evidence was that the City Council of Johannesburg was fortunate in having officials in its Non-European Affairs Department who deal with the Natives under its charge in a sympathetic and tactful manner and that the municipal police are regarded by the Natives as their protectors rather than their enemies.

118. During the course of the hearing, one Native witness who testified to his ill-treatment by a member of the South African Police was asked why he did not report the incident to the authorities. His answer was that as the police no longer bore numbers on their uniforms he could not identify his assailant. We were unable to get information as to the reason for this departure from what has been the practice, throughout the life-time of the members of this Commission, in this country and in other countries. Some explanation was given some time back in the press, which was far from satisfactory. It mentioned no positive reason for the removal of numbers but confined itself to a statement that the removal would not prevent the identification of any member of the force because the authorities always could trace from their records what duties were being performed by each one of its members, at particular times and places. Obviously this does not apply where a large number of the Police is engaged at one time and place on one particular duty. Moreover, members of the public, more particularly ignorant Natives, do not necessarily know of the all-seeing eye of the authorities and the absence of a number may prevent a complaint being lodged, as was alleged by the witness to have happened in the case referred to.

119. There were frequent references, more especially by the Native witnesses, to the protection that would be afforded to the law-abiding element in the townships by the use of Native civic guards, but on the evidence as a whole it is clear to us that it would be out of the question to use these guards unless they were under the strict control of the Police and discharged their duties only under the supervision of a member or members of the force. With these safeguards, the desire testified to by a number of witnesses, on the part of the law-abiding inhabitants of the townships, to assist in this way in the enforcement of law and order, could well be given effect, not only in such enforcement but also in improving the unsatisfactory relations between the Police and the inhabitants.

120. Some step in this direction or a greatly augmented police force, with adequate patrolling of the streets (whether by members of the force or civic guards under supervision) appears to us to be essential to prevent or lessen the dangerous conditions now prevailing.

121. There is another aspect of the matter which has caused us grave concern. Many Natives gave evidence to the effect that the Native community is not consulted in the passing of many laws which place all kinds of restrictions on their actions, liberty of movement and opportunities for employment, that contraventions of these laws do not carry with them any moral stigma and that as a result contraventions of such laws are not recognised as being morally wrong. It does not lie within our terms of reference to express any opinion whether any or all of such laws are required for the peace, order or good government of the State, but we cannot shut our eyes to the fact that such laws have caused grave resentment among the Native population. The step from disregard of and disrespect for such laws to a disregard of and disrespect of all laws is often regrettably short. That this is causing anxious thought in the highest

quarters is evident from the remarks made by the Secretary for Native Affairs in his address to which we have already referred. He said:

"We have to accept as a fact that the number of offences committed far exceeds the safety margin. A society in which such a large percentage of its members are prosecuted, convicted and fined or imprisoned must necessarily suffer irreparable harm as the punitive system ceases to have any educative or remedial effect. The people implicated are no longer subject to any social stigma and therefore these sanctions lose their deterrent value. It is consequently of the utmost importance to have the process reversed so that contravention of laws and regulations will once more become the exception rather than the rule".

122. We have ventured upon an analysis of the causes of the prevalence of crime in the townships, because of its bearing upon the events that culminated in the riots. There is no doubt that it was the criminal activities of the tsotsi gangs and the failure of the Police to protect the Zulus against them which primarily led to the formation of the Zulu bands and so eventually to their clashes with the Basuto.

123. We are constrained to add that we view with the very gravest concern the existing state of affairs in the Native townships. As things exist to-day there is a large body of children growing up in these townships who either have no schooling at all or insufficient schooling and who are allowed to wander about under no control, whether parental or other. Many of these children will inevitably drift into the criminal classes and unless something generous is done to provide greater facilities for education and to increase wages for Natives so as to obviate the necessity for their wives to seek employment in order to add to the family income we fear that in the future the incidence of crime may be far worse than it is even at the present time. It is obviously in the

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interests of both Europeans and Natives that something must be done to remedy the present state of affairs. The criminal elements among the Native population do not apply the principle of apartheid and they prey upon European and Non-European alike.

124. We cannot deceive ourselves with the thought (so comforting to some sections of the Europeans) that the Natives are residing only temporarily within a European area and that in the foreseeable future there will be no Natives in that area. As far back as 1932 the Holloway Commission pointed out in paragraph 500 of its report that "It is perfectly clear that a considerable number of Natives have become permanent town dwellers. No good purpose is served by disregarding this fact, or by acting on the assumption that it is not a fact. In the interest of the efficiency of urban industries it is better to have a fixed urban Native population to the extent to which such population is necessary than the present casual drifting population. It is therefore, better in the national interest to organise the urban areas in such a manner as to give the most satisfactory results. To continue employing Natives in urban areas, but to treat them as if they should not be there, is both illogical and short-sighted."

125. Not only has the recent Tomlinson Commission finally disposed of the theory that Natives are temporary residents within urban areas, but the Government itself by permitting the granting of leases to Natives for a thirty-year period has indicated that in its view Natives will be resident in European areas for a considerable time. Today we are suffering at the hands of criminals as a result of our neglect in the past to make proper provision for the education and care of Native children. Tomorrow, owing to the natural increase in the Native Urban population, we shall in all probability suffer to an even greater extent as a result of our present neglect.

126. It came to the notice of the Commission that charges were being made publicly that the City Council was responsible for the unsatisfactory condition of affairs in the Native townships because it had (a) allowed large numbers of Natives to enter the townships who were not entitled to enter it, and (b) failed to remove large numbers of idle Natives who were not entitled to live there. Though these accusations were not made by any witness before the Commission we consider it desirable to examine them, because if they are well-founded we would have to consider whether the alleged failure of the City Council to do its duty was an immediate or root cause of the riots.

127. With regard to the first allegation, it appears to us that the City Council has no legal power to do more than enforce the statutes, and regulations lawfully passed thereunder, which control the entrance of Natives into the area or areas under the Council's jurisdiction. No evidence came before the Commission to suggest that the Municipal Department responsible for this function had at any time been lax in the administration of the influx control legislation or regulations; and the Manager of the Non-European Affairs Department gave evidence that the control procedure was rigidly enforced by his officials and that his office was subjected to frequent surprise inspections by officials of the Native Affairs Department who scrutinised all aspects of the procedure followed and had not reported to him any laxity in the administration of the statute or the regulations.

128. We were informed that owing to the strictness with which the influx control regulations were being enforced employers of labour were now complaining that they were unable to obtain the labour which they needed, and that the City Council itself was experiencing difficulty in this respect.

129. As to the second allegation, it was stated in Parliament (Hansard, February 3rd 1958) that there were 36,000 or more unemployed Natives on the Rand who were the cause of much of the crime that is prevalent today, and

that the Johannesburg City Council had not exercised its right to remove such Natives from its area.

130. It is clear from the report in Hansard that this allegation is based upon Section 29 bis which was inserted into the Natives (Urban Areas) Act by Act No. 69 of 1956. This gives power to an urban local authority to order a Native, whose presence in the urban area is in the opinion of the urban local authority detrimental to the maintenance of peace and order, to depart from the area and not to return to it without the permission of the urban local authority. The power is purely permissive and no obligation is laid upon the urban authority.

131. From the provisions of the Section it would appear that this power is intended for use against agitators who provoke disturbances, and in view of the arbitrary nature of the provisions the power is one which a local authority with a proper sense of responsibility will only exercise with the greatest restraint. It is not in our view suitable for use against unemployed Natives on the mere ground that criminals are to be found in their ranks. It does not appear to have occurred to the Parliamentary critic that, undesirable though the presence of workless Natives in the municipal jurisdiction may be, such persons could not be dealt with under the Section referred to without evidence satisfying the local authority that their presence was detrimental to "peace and order"; in other words that they were trouble-makers or agitators. Mere proof that they were unemployed would not be sufficient.

132. Moreover if it were possible to use the Section in the way suggested the City Council would be obliged to set up its own criminal department and establish a police force parallel with and carrying out the same functions as the South African Police.

133. We do not know whether or not the figure of 36,000 is an accurate estimate of the number of workless Natives on the Rand. In reply to an

inquiry made by the Commission after the evidence had been concluded the Manager of the Non-European Affairs Department of the City Council reported that it was not possible to determine with any accuracy the number of Natives lawfully in the Johannesburg area who were eligible for employment but unemployed, and that no machinery existed whereby the Department could obtain this information. He expressed the opinion however that the number could not be very large in view of the difficulty being experienced by all employers of labour in securing Native employees.

134. Assuming however that the figure of 36,000 is an accurate estimate, it illustrates the magnitude of the problem with which the City Council would be faced if it were to undertake the expulsion from its area of all workless Natives, as this critic seems to suggest that it should.

135. The procedure for dealing with this class of person is to be found, not in Section 29 bis of the Act, but in Section 29, which provides for the removal from any urban or proclaimed area by order of a Magistrate or Native Commissioner of Natives found to be idle or undesirable. The South African Police have men detailed specially for this duty and it is a regular and recognised function of that Police force to enforce this Section. It is not in our view the responsibility of the urban local authority.

136. Nothing was put before the Commission to suggest that there was any real substance in either of the two charges which we are discussing, and we regard them as unsubstantial.

137. We think it will not be out of place to refer here to another matter which was brought to our notice during the course of the hearing. As already stated the City Council makes grants-in-aid to a large number of voluntary welfare associations and many of these are controlled by committees or boards upon which Europeans sit. There was evidence from more than one Native witness that the work of Europeans in this direction was welcomed and appreciated by the Natives associated with them. We were

referred to a memorandum (No. 1176/313) recently issued by the Native Affairs Department on "Social Welfare and Recreation Facilities for the Benefit of Natives in Urban Areas" in which the policy of the Department is set out as follows:-

"It is the policy of the Department that Natives should, in cases where these services are not provided by the urban local authority itself, be encouraged to initiate, conduct and control their own social, social welfare and recreational services. The provision and conduct of such services by a body of Europeans or a joint or mixed committee of Europeans and Non-Europeans, is contrary to policy and cannot be approved."

138. The memorandum goes on to say that Europeans interested in assisting Natives in this respect can operate as a separate Advisory Committee, and it makes other suggestions which it does not seem necessary to discuss in the present connection.

139. In our view the Natives in the municipal area have not as yet reached a stage of development at which it is possible for them to dispense with European guidance and assistance in the day-to-day running of associations of this nature, and the proposed separation of Natives from Europeans in their governing bodies will not conduce to efficiency, and may in fact lead to inefficiency and waste of money. In addition, it breaks a form of contact between European and non-European which it appears to us to be desirable to retain, and which is in the highest degree unlikely to lead to any undesirable consequences.

140. Some evidence was directed to the problem of reducing the number of idle youths who are to be found hanging about the streets of the townships by putting them into employment. We were informed by the Manager of the Non-European Affairs Department that the Registration Section of his office in Johannesburg carried out the functions of a Labour Bureau and that there were also several Municipal Labour Bureaux at various points in the township area. No evidence was led, however, to show how efficient these institutions were in bridging the gap between employers and possible employees.

141. A number of suggestions was made by the witnesses with a view to the provision of means for putting this type of young Native into useful employment. Some of these we have already dealt with, e.g. the provision of vocational training for youths between the ages of 14 and 18, and the resuscitation of the Native Youth Board.

142. Other suggestions were:

- (a) Closer collaboration between the Labour Bureaux and employers with a view to the placing of Native youths into employment and to the better use of their services when taken into employment, e.g. by the application of aptitude tests.
- (b) The use of "field officers" by the Labour Bureaux with that object.
- (c) The establishment of Labour Battalions or Youth Training Brigades under military or semi-military discipline, either on a compulsory or on a voluntary basis.

143. Mention may usefully be made in this connection of a mobile patrol established by the Manager of the Non-European Affairs Department. This patrol, which consists of six to eight specially trained municipal Native policemen with a motor van, is entrusted with the task of rounding up young Natives found gambling, card-playing or idling about the streets, who when caught are taken to the Superintendent's office. Their parents, if any, are sent for, and efforts are made by the municipal staff to find employment for them, which are usually successful. The number of youths dealt with in this way in a period of just under three months was 523. Mr. Carr stated that this procedure appeared to have resulted in some diminution of the number of loafers in the streets. It is perhaps somewhat early to judge whether this essay in eliminating the idle youths is likely to produce permanent results, but we suggest that it be watched with a view to extension if this should appear to be justified by results.

144. In view of the paucity of evidence put before us on the problem with which we are dealing, we find it impossible to formulate any definite recommendations directed to the improvement of the means of putting the young unemployed Native into employment. We think, however, that a conference between municipal officials, representatives of the Native Affairs Department and representatives of commerce and industry should be able to evolve a satisfactory scheme, and we suggest that the City Council take steps with a view to the calling of such a conference.

145. In view of the trend of Government policy, which is to restrict the influx of Natives from the country into the towns, and to force urban employers to rely upon the Native urban population for their labour supply, it is of great importance that the fullest possible use should be made of that supply and that everything possible should be done to prevent the waste involved in the continued existence of a considerable body of unemployed and unproductive young men. This, of course, is a matter which concerns commerce and industry, and the domestic employer, as much as it does the City Council.

CHAPTER VI.

ETHNIC GROUPING.

146. A great deal of the evidence was directed towards the policy of ethnic grouping. This policy which was, as the evidence shows, accepted with reluctance by the City Council, was imposed on it administratively by the Government and not in pursuance of any law. It was stated in the evidence that the fact that the policy of ethnic grouping was implemented was one of the causes which led to the serious rioting on September 14th and 15th, 1957. We shall now proceed to relate how that policy came to be implemented.

147. On April 13th, 1954 a letter was received by the Town Clerk from the Secretary of the Advisory Committee for Western Areas Clearance and Resettlement Scheme in which it was stated that "it is the Minister's wish that settlement of the Meadowlands/Diepkloof area should take place with due attention to the Ethnic Groups of the Natives concerned." The letter requested the co-operation of the City Council.

148. The Manager of the Non-European Affairs Department in his report on the above letter recommended that "the Secretary, Advisory Committee for Western Areas Clearance and Resettlement Scheme be advised that the Council regrets that it cannot agree with the suggestion of the Hon. the Minister for Native Affairs that the settlement of the Meadowlands/Diepkloof area should take place with due attention to the ethnic groups of the Natives concerned for the reasons set out in this report." A copy of the report is annexed marked "C".

149. On July 27th, 1954, the Manager's recommendation was adopted by the City Council.

150. On July 28th, 1954, "Die Transvaler" reported a statement made

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by the Hon. the Minister of Native Affairs to the effect that the lay-out of the Meadowlands/Diepkloof area would be on an ethnical basis and that the Johannesburg City Council had no say in the matter. The statement went on to say that it was not practical to consider each racial group separately with regard to accommodation in urban locations but settlement according to the most important language groups would be sufficient.

151. On August 18th, 1954, the City Council caused a letter to be sent to the Hon. the Prime Minister requesting him to receive a deputation in order to discuss the statement made by the Hon. the Minister for Native Affairs. This request was refused.

152. On August 26th, 1954, the Secretary for Native Affairs sent to all local authorities in the Union a letter, a copy of which is annexed marked "D". That letter is, in effect, a directive to all local authorities to apply the policy of ethnic grouping, as therein defined, in planning residential areas for Natives.

153. The Manager of the Non-European Affairs Department of the City Council made a report on the above letter. A copy of the relevant portion of his report is annexed marked "E".

154. In pursuance of the first recommendation made by the Manager a meeting of the Non-European Affairs Committee and the Joint Native Advisory Board was held on November 20th, 1954. At that meeting the Joint Board passed the following resolution:-

"The Joint Board reaffirms its previous resolution rejecting in toto the creation of ethnic grouping of Africans, as such a policy is ostensibly intended by its authors to divert the Africans from the acquisition and adoption of the Western way of life, which is the ultimate cultural goal which the less advanced countries are striving for in order to make their contribution for the good of mankind."

155. On January 25th, 1955, the City Council resolved, on the recommendation of its Non-European Affairs and Housing Committee, that "the Secretary for Native Affairs be informed that this Council will undertake to apply ethnic grouping based on language groups on the lines indicated in his circular dated 26th August, 1954." In the minutes of the meeting of the City Council on January 25th, 1955, there appears the following passage:-

"Notwithstanding this opposition" (i.e. of the Joint Native Advisory Board), however, since it is now the policy of the Government that ethnic grouping on the language basis should be applied by all local authorities and that moneys provided by the Government for the accommodation of Natives will be allocated only on condition that the policy is applied, the Non-European Affairs Committee considers that in the interests of the Natives who are not yet properly housed the Council should accept the Government's assurance that there will be no serious disorders and should undertake to apply ethnic grouping on a language basis in terms of the circular."

156. In pursuance of its resolution the City Council caused a map (Annexure "F") to be made showing the residential areas which have been demarcated for the three main groups viz. Nguni, Sotho and "Others". In some of the older townships (e.g. Orlando West and East, Dube, Mofolo, Jabavu and Moroka) the Natives living there belong to various language groups. The reason for this is that when the Government issued its directive these townships were already fully occupied. We were informed that as and when houses become vacant in these townships, they will be assigned for occupation by members of the appropriate language group.

157. A great deal of evidence was led objecting on various grounds to ethnic grouping. The witnesses urged with great force that the policy of ethnic grouping will result in antagonism between the different groups - an antagonism which the Natives themselves are anxious to forget and bury.

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It was pointed out that when members of specific language groups are assigned to separate areas quarrels between a member of one group and a member of another group are likely to lead to fighting between the two groups and that such fighting is likely to develop on a considerable scale.

158. A few quotations from the evidence of Native witnesses will indicate how they regard the policy of ethnic grouping. One witness said: "An African wants to be referred to as an African and quite often when you ask them what language they speak they say 'Well, I am an African' and that's all. It is because they don't want to be divided into small ethnic groups, that they have a common heritage and a common destiny."

159. Other Native witnesses alleged that the real motive behind the policy of ethnic grouping was the desire to apply the maxim "divide and rule". With one possible exception, not a single Native had a word to say in favour of the policy. The possible exception was a woman who stated that she was in favour of tribal but not ethnic grouping. Apparently she thought that "things would not be so bad" if, for instance, there were separate residential areas for the various subdivisions of the different ethnic groups e.g. if the Zulus and Xosas, who belong to the Nguni, were separated. Her evidence on this point did not impress us.

160. Perhaps the most significant evidence on the point we are now considering is contained in a report made by Mr. Carr to the Non-European Affairs and Housing Committee of the City Council. It appears from that report that three leading Basuto Chiefs and three leading Zulu Chiefs addressed their respective followers at the instance of the Native Affairs Department and the Non-European Affairs Department of the City Council and exhorted them to refrain from any further rioting during the weekend of September 21st and 22nd, 1957. The six Chiefs reported to Mr. Carr on

Monday, September 23rd and stated that they had formed the impression that ethnic grouping was causing friction between the different tribal factions and that ethnic grouping was one of the material factors in the disturbances which had arisen. They requested that serious consideration be given to this factor as well as to other factors which they mentioned.

16. It was also pointed out by the Native witnesses that inter-marriage between members of different ethnic groups was a frequent occurrence. It is interesting to note that it appears from paragraph 16 of the Summary of the Report of the Tomlinson Commission that even in the Native areas intermarriage takes place. The Commission said:-

"Whereas young Bantu formerly had to select a partner for life within their own ethnic group according to a preferential marriage system, now-a-days they marry even outside ethnical limits."

162. With one exception all the European witnesses strongly objected to the policy of ethnic grouping. Most of these witnesses had spent many years in doing welfare work among the Natives and were in our view qualified to give evidence on the matter. The exception was a missionary of the Church of the Nazarene. He stressed the importance of accepting the laws of the country (a view with which no reasonable person can disagree) but he was equally definite about an abstention from any criticism of those laws. Be that as it may, his attitude towards the existing state of affairs does not appear to be consistent for in a memorandum submitted to the Commission he advocated inter alia as "Helps towards curing the Tsotsi problem", "(a) compulsory education to a certain level, (b) opportunity for unlimited education (c) equal pay for equal work and (d) equal opportunity to all work". What appeared to bulk largely in his approval was the convenience to his Church of having congregations consisting entirely of

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people speaking the same language. He said: "If I speak in a Church which has several language groups, I must have interpreters for all of them. I must carry about a suitcase full of hymn books" (presumably in different languages). He went to the length of saying that there is less likelihood of tribal fights when one area is populated exclusively by Basuto and another area separated from the former area only by a road is populated exclusively by Zulus - a view which we find very difficult to accept. He did, however, in a memorandum submitted to the Commission before he gave evidence state "ethnic grouping, perhaps, assisted once the fighting had started" and in evidence on this passage he said that "in the mind of the Native, to begin with, it was a tsotsi problem. Then in his mind, when the changes came he said it was a Sotho problem and it being a Sotho problem he said, 'This side is Sotho; they are our enemies' and 'Here are the Zulus; they are our enemies'. It degenerated into that."

163. The lady to whom we have already referred and who has done a great deal of social work among the Natives and speaks Sesuto, Zulu and Xosa and to some extent Shangaan, stated that "in principle ethnic grouping is an excellent principle." She explained that by ethnic grouping she meant tribal grouping and that it might have been introduced about 30 years ago but "since then, I'm afraid life has changed very much in our Native townships and I very much fear that much of our approval of ethnic grouping has come far too late." She proceeded to say: "All I think the ethnic grouping has resulted in doing is to awaken not discipline, not pride of tradition, not something solid. It may eventually settle down, I don't know, but I feel that it is rather late because as I say the elders have no say, they are old-fashioned and nobody wants to listen to them, but the young bloods have only taken the ethnic grouping as an excuse for fostering nationalism. They are not taking what is good out of it because they

do not want their customs, they do not want their languages". Later in her evidence she said:- "Ethnic grouping in Johannesburg is purely artificial. It doesn't apply, because if you go to hospital, there is no ethnic grouping there, the nurse may be Sesuto speaking or Zulu speaking. If you are a good Johannesburger you will have a smattering of both. If you go to work there is no ethnic grouping".

164. On the evidence placed before us it seems that the continued application of ethnic grouping in residential areas is bound to cause antagonisms to arise between different ethnic groups but for reasons already stated we have not had the advantage of examining by means of question and answer any officer of the Native Affairs Department as to the reasons why it was decided to apply the policy of ethnic grouping. We have before us, however, the reasons given by the Secretary for Native Affairs in his circular letter of August 26, 1954 (Annexure "D"). These reasons were dealt with by witnesses who gave evidence before us.

165. In the letter it is stated that "there are a number of advantages attached to the ethnic grouping system of which a few of the more important may be mentioned".

166. The "more important" reasons given by the Secretary for Native Affairs are listed under -

- "A. Education.
- B. Tribal Discipline.
- C. Bantu Authorities.
- D. Municipal Control."

167. Under the heading of "Education" it is stated that "education of children in the home language will be simplified and improved and the

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benefit they will derive from education will be enhanced accordingly". As a general statement it is true that the use of the home language of the child for the purpose of instruction is a sound policy, especially in the lower standards. But against this it was stated in the evidence given on this point by the Native witnesses that the children in those townships which were established before the application of the ethnic group system and whose inhabitants belonged to different language groups were conversant with several Native languages and would have little, if any difficulty, in following lessons given in any of those languages.

168. One of the Native witnesses who was a graduate of the University of South Africa and a member of the now defunct Native Representative Council gave the following evidence:-

"The African people generally recognised the need for a unifying force through language and they recognised English and to some extent Afrikaans as the medium which would unify them, so that when the children went to school the fact that they had to sacrifice their home language was not much of a complaint of the parents or the children. Then both Sotho and Zulu were generally spoken in the townships today, in the urban townships we know a certain amount of Sotho and we know a certain amount of Nguni and that obtains for all the children, and so when they get to school, if the medium of instruction was Nguni, generally all the children understood Nguni, and if it were Sotho then they all understood Sotho, and that of course would hold for a year or two in a primary school or kindergarten, then after that as soon as they had acquired a working knowledge of the official languages they would transfer to the official language as the medium of instruction."

Similar evidence was given by other Native witnesses.

169. Another reason given by the Secretary for Native Affairs in his circular letter under the heading of "Education" is that "it will lead to the development of an intensified community spirit". It is not clear

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what is meant by this. It may well be that the ethnic group system will lead to the development of an intensified sectional spirit which will tend to breed discord and disharmony among the Natives and that it will not lead to the development of an intensified community spirit among the Natives as a whole.

170. Under the heading of "Tribal Discipline" in his circular letter the Secretary for Native Affairs states that "better contact can be kept with tribal authorities". There seems to be some confusion of thought. Ethnic grouping is not the same as tribal grouping. All the Ngunis are put under one umbrella whether they are Zulus, Xosas, Swazis or Ndebeles. Furthermore each one of these sub-divisions is subdivided into different sub-groups. In paragraph 8 of the Summary of the Report of the Tomlinson Commission it is pointed out that the Nguni embraces the following sub-groups : the Xosa and related tribes of the Eastern Cape, the Zulu and related tribes of Natal, Eastern Orange Free State and Southern Transvaal, the Swazi of Swaziland and neighbouring portions of the Transvaal, Southern Ndebele who are scattered over the districts of Bronkhorspruit, Middelburg, Bethal and Belfast and the Northern Ndebele living in Potgietersrust and Pietersburg areas. Apart from this apparent confusion of thought it would appear that the reasons given under the heading "Tribal Discipline" ignore the fact that the majority of the inhabitants of the townships in Johannesburg are detribalised and have severed their connections with the areas from which they originally came. Moreover many of these inhabitants were born and brought up in the Johannesburg area and know nothing about tribal discipline. It remains to be seen whether it is possible to put the clock back and turn urbanised Natives into tribalised Natives and whether the maintenance of tribalism in urban areas is compatible with the advance of civilisation.

171. Most of what we have said in the preceding paragraph applies to the reasons given by the Secretary for Native Affairs under the heading of "Bantu Authorities". We should add that "The decision to grant the Bantu in urban areas some measure of self government" may be satisfied in various ways and that the implementation of the ethnic group system does not appear to be the only way.

172. As regards the last heading ("Municipal Control") under which it is stated that "this control will be simplified and improved" we may refer to the evidence of Mr. Carr who said that he could not subscribe to the theory that municipal control will be simplified and improved by means of ethnic grouping. Proceeding Mr. Carr said:-

"I think ... that, with great respect to the Department of Native Affairs, their emphasis, their administrative emphasis, is still directed to rural administration as opposed to urban administration. Now our job is quite different - even those people, the primitive, rural types, who come to our areas, very rapidly throw off their rural affiliation and allegiances as we were discussing a moment ago; it has often astonished me how quickly they became, shall I say, assimilated, integrated, into an urban environment. So that the importance of an official having had experience let us say, in the Transkei solely and then transplanting that administrative experience to Johannesburg, can in my opinion be overemphasised because here a local superintendent is concerned not only with the particular details of administration as applicable to the Transkei; but to be any good in his job at all, he has got to apply equal consideration to the other aspects, to the other people, to the other tribes ...

I have seen examples over many years of an administrator who is fluent in a particular language, who is thoroughly rooted in one particular

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ethnological background of the tribe not making as good an administrator as a man with a more general experience and more general knowledge ... What we want in the urban areas is diversification of knowledge and not this narrow sectionalism as far as a particular tribe is concerned ... In a large department such as this (the Non-European Affairs Department of the City Council), it is becoming increasingly difficult to recruit staff, suitable staff, trained staff with the necessary background, the necessary sympathetic outlook towards the African people etc. Now these people are not easy to come by; in part they are very difficult to obtain. If I have Mr. A. who is perfectly suitable for employment let me say, in a Nguni area - to make my point - and a vacancy occurs in a higher notch in Zone B, which is a Sesuto area, then I think enough has been said to show that Mr. A. is not suitable for promotion. Now just as an administrator, that doesn't make my job any easier ... As people rise in the hierarchy obviously they cannot be concerned with the administration of a particular ethnic group. A Chief Superintendent, as his name implies, is responsible for a number of areas and obviously he is responsible for more than one ethnic group."

173. In paragraphs 5 and 6 of his circular letter the Secretary for Native Affairs says:-

"5. A certain measure of anxiety still exists with some local authorities that clashes will occur when the system of ethnic grouping is applied. The Department is, however, not aware of a single instance where faction fights originated solely because members of the two sides belonged to different ethnic groups or even tribes. Thorough analysis of the few instances where unrest occurred in the past in certain urban areas showed that the cause could not be attributed to tribal enmity but rather to the

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absence of discipline which would have been in force had ethnic grouping been in operation.

6. For the reasons mentioned above this system has for many years been applied on the mines where Natives are housed in compounds in separate ethnic groups. Had the system led to faction fights, and consequent loss of working hours, the mining industry would, without doubt, never have applied it."

174. The reasons advanced by the Secretary for Native Affairs in para. 5 of his circular letter appear to us to be unsound in respect of the Native townships under the control of the Johannesburg City Council. When that letter was written the policy of ethnic grouping had not been applied by the City Council and, as in our view ethnic grouping will have the inevitable effect of maintaining and encouraging antagonisms, it is idle to rely on the causes of past disturbances in support of the contention that ethnic grouping is not likely to result in clashes between different ethnic groups. There is nothing to substantiate the suggestion that disturbances would not have occurred in the past had ethnic grouping been in operation.

175. As regards para. 6 of the circular letter of the Secretary for Native Affairs it is fallacious to contend that because the policy of ethnic grouping works satisfactorily on the mines it will therefore work satisfactorily in urban Native townships. Before such a contention can have any validity one must be satisfied that the conditions on the mines are the same as the conditions in the Native townships. The Manager of the Non-European Affairs Department of the City Council correctly pointed out in Annexure "E" that "one must not lose sight of the fact that the

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mine authorities are able to exercise far greater disciplinary control over their 'single compounded' employees than a local authority can over its thousands of tenants living under family conditions."

176. Mr. Carr when he was superintendent of Wemmer Hostel, which housed Natives who were not living under family conditions, had a foretaste of the evils attendant upon tribal grouping. In his evidence he said that firms employing migrant labourers used to book accommodation for them in the Hostel. The result was that Zulus, Xosas, Pondos and Basutos were accommodated in separate parts of the Hostel. There was continual fighting and clashes between them. In view of this unsatisfactory state of affairs it was decided to follow another policy viz. of not accommodating different groups in separate parts of the Hostel but of splitting up the groups. The result was that the fighting ceased. This policy followed in moving Natives from the slums of Prospect Township to Orlando. Mr. Carr said: "From the day that the first families moved into Orlando, until the riots which broke out in 1946, occasioned by the squatting, we never had a faction fight in any of our locations."

177. There can to our mind be no doubt that the implementation of the policy of ethnic grouping was one of the causes which led to and facilitated the rioting. The fact that the Basuto were concentrated in a portion of Meadowlands and the Zulus were concentrated in Zondi and the Dube Hostel in the immediate vicinity enabled both sections to gather in force in order to attack one another. It is significant that the rioting did not extend to the Orlando township where ethnic grouping had not yet been implemented.

178. We are prepared to assume that there would have been a concerted attack by the inhabitants of the Dube Hostel on the tsotais or the group that they identified with the tsotais, even if the vast majority of the Hostel inhabitants had not been Zulus, but if this had taken place the fight would not have developed into an inter-tribal one as in fact it did, and we are satisfied that the ethnic grouping which had taken place played a large part in the development of the disorders of the 14th and 15th September. We are also satisfied that there is a strong probability that in the future inter-tribal fighting on a large scale will follow minor disagreements and brawls in the townships which but for ethnic grouping would not go beyond such brawls and disagreements. There is a wealth of evidence to support this view. Apart from this evidence it seems to us clear that any sectional grouping, whether it be in schools or in sporting clubs or any other institution or localities is likely to produce sectional feelings, which in a comparatively primitive or uncivilised people are prone to develop into dangerous antagonisms and concerted displays of violence. In these circumstances it would require proof of advantages so great in other respects as would outweigh this very potent objection to ethnic grouping. The advantages claimed are set out in the letter of the Secretary for Native Affairs on the 26th August, 1954. As this was a circular letter to all local authorities written with the intention of demonstrating the merits of ethnic grouping, with the knowledge that at any rate the Johannesburg City Council was opposed to the scheme, it must be assumed that the Secretary put forward the best case for the scheme that in his opinion, was warranted by the facts.

179. We have dealt with the points put forward in this letter on the evidence led before us, without having had the benefit of such evidence, both of fact and opinion, as the Department may have been able to adduce. It is possible that such evidence would have materially weakened or even destroyed the effect of the evidence led before us in regard to these

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advantages. Whether it could have been successfully contended, on behalf of the Department, that these advantages outweighed the dangers of ethnic grouping to which we have just referred, is a matter of speculation, a realm in which we must leave the question, except to say that it seems unlikely to us that it could.

180. In "Bantu" (November 1957) which is described on its cover as "An informal publication of the Department of Native Affairs" there appears an article on the cause of the riots. In that article it is stated that "in the Report of the Riots Commission appointed by the Government in 1950, in a long list of 'immediate causes' and 'causative factors' in the background tribal and ethnic causes were never mentioned." The words underlined appear in the article in black type, the implication being that in the present instance ethnic causes could not have been one of the causative factors. It is sufficient to say that it is not surprising that "tribal and ethnic causes were never mentioned" in that Report for the simple reason that ethnic grouping had not been introduced in the Native townships where the rioting occurred.

181. The article in "Bantu" proceeds to state that "as major causes the Commission found inter alia the following: 'the Advisory Board of Western Native Township had a strong feeling of resentment towards the Johannesburg City Council.'" This leaves the readers of the article under the impression that the City Council had done something which caused the Natives to nurse a strong feeling of resentment against it and which was thus a contributory cause of those riots. One would have thought that care would be taken that any periodical which is published under the aegis of the Native Affairs Department would accurately set forth the facts relied on. When one turns to the Report of the 1950 Commission (U.G.47/1950) one finds in paragraph 45 what that Commission said was that "the Advisory Board of Western Native Township had a strong feeling of

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resentment towards the Johannesburg City Council because they were not directly represented on the Council." The words underlined were omitted in the article in "Bantu". Had those words been included the intelligent reader would have realised that there was no real cause for resentment against the City Council, as it has no power to allow Natives to be represented on it either directly or indirectly.

182. We should, perhaps, add that it goes without saying that any remarks we have made on the policy of ethnic grouping naturally apply only to the area with which the Commission is concerned in the City of Johannesburg and the Native townships under its jurisdiction. We are not concerned with the question whether that policy is or is not a sound policy in regard to other urban areas or in regard to rural areas. Having regard to the enormous size of the Native population under the control of the Johannesburg City Council, the diversity of racial origins, the degrees of westernisation and urbanisation attained by a large proportion of the permanent residents and the number of well-educated persons to be found among them, the position of that Council is, we think, unique and its problems different from those which other municipal councils may be called upon to face in the administration of their Native townships.

CHAPTER VII.

THE MIGRATORY LABOUR SYSTEM.

183. Evidence was given condemning the migratory labour system and recommending that it should be abolished. By that system is understood a system whereunder Natives who obtain work in urban areas live there temporarily and retain their homes in the Native Reserves. Some of them are married and have their wives and children in the Reserves: others are single men. In the present case attacks were made on the Basuto funeral procession mainly by Zulus who were resident as migratory labourers in the Dube and Nancefield Hostels. The fact that they were migratory labourers was probably a factor which led to the rioting. For men who are not subject to the immediate restraints of family life and have few facilities for healthy recreation are more prone to indulge in an adventurous life than those who enjoy the comforts of home life. The large number of migratory labourers results in a concentration in a single institution of an excessive number of Natives who are still to a large extent tribalised and who have not yet learned the sanctions of civilisation. Such a concentration, especially when it takes the form of ethnic grouping, constitutes an inherent danger to the Natives in whose townships the hostels are sited. The question naturally arises whether it is possible to avoid such a concentration. The answer to this question seems to be in the negative as long as migratory Native labour is encouraged, and as long as the Government insists on the hostels being sited in the Native townships. It would certainly be a very unusual thing to find as many as 5,000 unattached Europeans living in an institution like Dube Hostel. There are, no doubt, many unattached European men in Johannesburg. They are free to live where they want to in the European areas of the City and are not herded together. Hotels and boarding houses are open to them. With the Native the position is different. He must live where he is told to live. The houses set aside for the Natives in the townships are not large enough to cater for the unattached Native as a boarder. The migratory labourers cannot therefore be imperceptibly

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dispersed throughout the townships.

184. The problem of satisfactorily housing migratory Native labourers is a difficult one and no easy solution can be found. There would be no such problem if migratory labour could be abolished. Abolition is, however, impracticable. We are in substantial agreement with the following remarks made by the Fagan Commission in paragraph 61 of its Report :-

"Legal provisions or an administrative policy calculated to perpetuate migratory labour and to put obstacles in the way of the stabilisation of labour are wrong and have a detrimental effect. The policy should be one for facilitating and encouraging stabilisation. On the other hand, however, migratory labour cannot be prohibited by law or terminated by administrative action. The most that can be done is to try and provide facilities e.g. by an energetic continuation of the housing programme for workers to house their families with them if they so desire; and to turn legislation and administration into a direction which will make the worker feel that in the town where he works he can find a home, not merely a temporary dormitory from which he may in the near future be expelled."

185. The Holloway Commission seems to have taken much the same view as the Fagan Commission. In paragraph 694 of its Report it said :-

"Views have been expressed which would mean that the Natives should live in a part of the country set aside for them, and that individuals should be admitted into the European area on a temporary permit to work: they should not, however, make their homes in the European area, and those who have so made their homes should gradually be transferred to the Native area. Your Commission cannot give any support to this view. Besides being impracticable, it would be

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unfair to Natives who have already become permanent town-dwellers or dwellers on European farms. Moreover it would mean that Native labour in the European area would always be casual labour, and if this were to continue there would be great difficulty in the way of increasing its efficiency. This would be a very bad outlook for European industry since the maintenance of the present low state of efficiency of Native labour must, as long as it stands, continue to be a dangerous drawback to the attainment of higher efficiency in industries as a whole."

186. The migratory labour system was also condemned by the Social and Economic Planning Council under the Chairmanship of Dr. H.J. van Eck. The Council said in paragraph 185 of its Ninth Report (U.G. 32/1946) :-

"From a long-term point of view, the Council regards the system of migratory labour as morally, socially and economically wrong and it looks forward to its ultimate disappearance. It cannot be right to force the separation of the worker for many months on end. The migratory system is resulting in the breakdown of Native family life. Widespread prostitution and marital instability, adult crime and juvenile delinquency, venereal disease and sexual perversions are among its effects, which are aggravated by the abnormal sex ratios in urban and rural areas."

187. The ideal to be aimed at is to discourage, as far as practicable, migratory labour and thus to lessen the numbers of unattached Natives who have to be housed in hostels. A sufficient reservoir of Native labour provided by the children who are born to Native parents who are resident in the townships will facilitate the adoption of this policy.

CHAPTER VIII

ADVISORY BOARDS.

188. In terms of the legislation starting with the Natives (Urban Areas) Act, 1923, Native Advisory Boards have been established for the municipally owned townships in the area with which this inquiry is concerned, and constitute part of the administration of these townships. These boards consist of from 6 to 12 members in each board. The members are elected annually by popular election in each township, and, according to the evidence, the elections excite a considerable amount of interest in the area. The City Council has the right, in terms of the regulations framed under the Act, to appoint two members to each board to represent those inhabitants of each township who may not otherwise be adequately represented on such board. The boards meet once a month and in all the townships except Moroka, they meet under the chairmanship of the Superintendent of the township who is a Council official. In the case of Moroka, the regulations provide that a chairman may be elected who is neither an official nor a City Councillor and this has in fact been done throughout the life of this township. Once a month also, all the boards meet, as a joint board, under the chairmanship of the Manager of the Non-European Affairs Department of the Council and these last-mentioned meetings are frequently but not always attended by one or more City Councillors. It was stated in evidence that it would afford satisfaction to the members of the advisory boards and their constituents if these meetings were attended more often by Councillors. In addition to these meetings, once a quarter the joint boards meet with the Non-European Affairs Committee of the Council. At all three classes of the meetings referred to, the members of the boards draw up their own agenda and are free to raise and discuss any matter affecting the Native population of the City. The boards are entitled to place before the Council any recommendations they wish to make; these recommendations either go through the Manager or in the last-mentioned class of meeting, through the Councillors present.

:- Sub-section ...

Sub-section (2)(a) of Section 21 of the Native (Urban Areas) Act, 1945, defines the matters upon which the boards "shall consider and report".

189. The Fagan Commission dealt with the advisory boards and does not appear to have formed a high opinion of their usefulness. In its report, which is dated the 19th February, 1948, the following passage appears in paragraph 32, in regard to these boards : "At practically all the places we visited" (these included Johannesburg) "the evidence both of Europeans and of Natives was to the effect that this system, in its practical application, has proved a failure. The Europeans say that the Natives take no interest in the election of members of the advisory board, that only a very small number of the Natives who have the franchise exercise their vote, that the elected members show no sense of responsibility and do not devote their attention to measures for the improvement of their township but busy themselves merely in putting forward grievances and impossible demands and cause trouble when their demands are not acceded to. The Natives say that the lack of interest on their part is due to the fact that the board has no administrative powers but is merely advisory, and they complain that no notice is taken of its resolutions."

190. We have already referred to evidence, which at first sight appears to be in conflict with a portion of this extract where it says that the Natives take no interest in the election of members of the advisory boards. That evidence was given by Mr. Carr, the Manager of the Non-European Affairs Department of the City Council, who also said that on the whole he has found that the advisory boards work satisfactorily from the Council's point of view, that the Natives appear to feel that they are taking part in the government of their own areas and that he would regard the advisory board system as being a step in the evolutionary development of the government in these areas by Natives. He went on to say : "And over the last couple of years as a result of active encouragement and training on the part of my department a very high standard of man has come forward to serve on the boards.

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There are of course exceptions, as is to be expected. But by and large very fair-minded and intelligent men have come forward and are serving on the boards today and they have been of material assistance to me and to the Council in the administration of these areas". He also said that he felt that these members provide a definite means of contact between the Council's officials and the inhabitants of the townships and that if the latter had grievances, they aired them through the boards.

191. Other evidence shows that there is no conflict between this evidence and the findings of the Fagan Commission, which related to a state of affairs before the date of the report, viz. : February 1948. This appears in the first place from the evidence of another witness, Mr. Pela, who was in the Government service as a clerk in the Native Affairs Department for 15 years, and has been on the Orlando Advisory Board for the last 10 years. When the passage that has been cited from the Fagan Commission report was read to him, he said that it was correct but that it did not apply to the position in Johannesburg since Mr. Carr had become the Manager. The witness said that Mr. Carr had taken the advisory board into his confidence, that he was accessible to all the members of the Board at any time, that very many requests and recommendations made by the Board had been met, whereas in the past the position had been different. It should be added that Mr. Carr was not the Manager either before February, 1948, or for some years thereafter. Other witnesses including members of one or other of the advisory boards criticised the system on the ground that the boards had no executive power and that their rights in regard to the administration of the townships were limited to consultation and advice. Some of them claimed that the inhabitants of the townships should be entitled to elect their own representatives as members of the City Council. But none of them expressed the desire that in spite of their limited powers, the boards should cease to exist with nothing in their place, and apart from the negative aspect

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that none of them said that the Council or its officials failed to consult with them and gave them a proper hearing, one of them, Mrs. Mavimbela, a member of the African Self-Help Association, said that from her experience of Johannesburg of over ten years, the Johannesburg City Council had been "very lenient and sympathetic to the advisory boards" although she complained that some of their recommendations are not carried out.

192. Another witness who supported the evidence given by the Manager was Mr. Molyneaux; he has since last August been the location superintendent of the Ndola Municipal Council in Northern Rhodesia. Over a long period of years before that date he had been in the employ of the Johannesburg City Council, mainly with its Non-European Affairs Department and finally as a Senior Superintendent. He said that just after the war the inhabitants of the townships were rather apathetic towards the advisory board elections but that interest had grown since then and that the elections are now keenly fought. At a later stage of his evidence he said that in different areas one might have different conditions in regard to keenness in election fights "depending on whether the local authority adopts a sympathetic or unsympathetic attitude towards the African population".

193. All this evidence satisfies us that what was said by the Fagan Commission as to the interest of the inhabitants on the advisory boards does not apply at present to the townships with which we are concerned.

194. Mr. Molyneaux's evidence shows a marked difference in the attitude of the inhabitants of the Dube Hostel to something similar to the advisory board system that he tried to set up in the Hostel, viz - an advisory committee of tenants that would act as a liaison between them and the Council and would see what could be done in regard to their grievances. Up to the time of his leaving, his attempts received practically no support from the tenants and we had no evidence that anything further happened after he left. This difference of attitude may well be due to the fact that the hostel

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inhabitants (a) were tribalised Natives not accustomed to an institution of this kind (b) had not had sufficient experience of the sympathetic attitude of the Council's representatives.

195. There was also a great deal of evidence, both from the Natives and the Council's officials, of the good relations between the latter and the inhabitants, of the ease of access to these officials and of the freedom with which grievances were reported to them by the inhabitants. One of these witnesses, Mr. Nicholas, who is the Senior Superintendent of the Orlando area and has had 38 years of experience of Native administration with the Council added that the advisory boards were helpful now but had been "different" in the earlier years.

196. In the Fagan Commission Report, following the passage in paragraph 32 that has already been quoted, various steps are suggested to improve the position of the inhabitants of the townships. It is unnecessary to refer to them again; we propose to confine ourselves to those that were put before us.

197. There were repeated references by the Native witnesses to the desire that the Natives should have actual representation on the Council; this is a matter of major policy which, for a variety of reasons, we do not feel called upon to discuss. But there are suggestions of a different kind which do not fall in this category.

198. The Manager gave it as his view that additional matters that could be entrusted to the advisory boards are :-

- (a) The power to make recommendations in regard to the allocation of houses, trading stands and premises.
- (b) The framing of preliminary estimates of expenditure for capital works in their own area.
- (c) The power to make recommendations in regard to the amounts to be expended, within the framework of the estimates, on welfare, recreation and social amenities and the type of

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such services.

(d) The power to make recommendations in regard to the priorities to be observed in executing capital and welfare projects.

(e) Representation on local school committees.

199. Mr. Molyneaux said in his evidence that in the equivalent of the advisory boards in Northern Rhodesia, the boards have been given control of the football fields, they take in the gate money, keep the fields and equipment in repair and have to account to the town treasurer for their financial activities. We do not feel competent to recommend that these suggestions should be adopted; all that we can say is that, within our limited knowledge, we see no objection to them and recommend them to the consideration of the Council.

200. The adoption of measures which will give the advisory boards greater powers and put additional responsibilities on them is calculated not only to ensure better administration in the townships but to encourage a spirit of co-operation between the inhabitants and the authorities. We have been told by more than one witness that there has been evidence latterly of an unwillingness to co-operate on the part of the inhabitants and this attitude may be remedied by the measures suggested. It should be stated, however, that there was evidence from responsible Native witnesses that guidance from Europeans in matters concerning welfare work was desired and appreciated.

201. Mr. Carr also said that, in order to enable the Department of Non-European Affairs to secure the goodwill, friendship and co-operation of the inhabitants of the Native areas and their welfare, the Department required to be afforded major status in common with the other major departments of the Council. We were informed by him that this major status would necessarily involve an increase in his own salary. We have no reason to think that this factor in any way affects the bona fides of his suggestion.

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We have very little material before us to enable us to express any opinion on the merits of the suggestion, which is a matter of internal municipal administration. What has become clear to us is that the Department is one with enormous responsibilities covering a vast scope of duties calling for skilled and tactful administration over areas that are breeding places of danger and lawlessness and on this ground it seems to us to have a claim for major status, but on this footing we can do no more than recommend to the Council its consideration of the suggestion.

202. It has been suggested that, in place of the Advisory Boards there should be Indunas, appointed on ethnic principles, presumably by the government, who would serve as a liaison between the urban authority and the inhabitants and as some kind of controlling officials of the townships. The objection to this on the part of the witnesses, both European and Natives, was unanimous. The grounds of the objection were that these Indunas would be suspect as being entirely subservient to the government, that the urban Native wants the choice himself of his liaison officer and would have little respect for the government nominee; the suggestion was also resented by a number of the Native witnesses on similar grounds to those against ethnic grouping, viz: that in relation to urbanised Natives it is a retrogressive step. The existence of this feeling was supported by the European witnesses. On the evidence before us we found nothing to support the suggestion.

203. On our visit to the Government-owned township of Meadowlands, we were informed by its manager that it had an advisory board or boards whose members were not elected by popular vote but were nominated by the Government. For reasons already given, it is clear to us that this would be less satisfactory to the inhabitants of the Council townships than the system of election which prevails there.

CHAPTER LX.

SUMMARY.

204. In this Chapter we shall summarise our findings in relation to our terms of reference.

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 (Paragraph 63).
- (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. (Paragraph 70). 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. (Paragraph 177).

205. The second term of reference is "the root causes of the conditions of unrest in the South-Western Native areas which have given cause to the riots." It is evident from what we have said in this Report that we have interpreted this term of reference widely as we had no doubt that it was so intended to be interpreted by the framers thereof.

206. 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 (paragraph 88)
 - (ii) insufficiency of schooling facilities (paragraph 88 and 89)
 - (iii) inadequate recreational facilities (paragraph 91)
 - (iv) breakdown of parental authority (paragraph 92)

:- (v)

- (v) inadequate facilities for vocational training (paragraph 93)
- (b) Insufficiency of police protection (paragraph 100 - 107)
- (c) Unwillingness to co-operate with the Police (paragraph 108 - 114)
- (d) The feeling which exists among Natives that contraventions of many laws specially applying to them are not morally wrong (paragraph 121)
- (e) Migratory labour (paragraph 183)

207. 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 (paragraph 96)
- (b) Insistence on treating alleged offenders among the Natives in a humane manner (paragraph 115)
- (c) Better Police protection (paragraphs 119 and 120)
- (d) Increase of wages of Natives (paragraph 123)
- (e) Better schooling facilities (paragraph 123 and 125)
- (f) Greater recreational facilities (paragraph 91)
- (g) Greater facilities for vocational training (paragraph 94)
- (h) Improvement of the means of putting young Natives into employment (paragraph 144)
- (i) Reconsideration of the policy of ethnic grouping (paragraph 177) et seqq.
- (j) Discouragement of migratory labour (paragraph 187)
- (k) Granting of further powers to Native Advisory Boards (paragraph 200)

208. 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

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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.

209. In conclusion we wish to place on record our high appreciation of the services rendered to us by Mr. Carr in placing before us information which we asked him to furnish. The City Council of Johannesburg is fortunate in having as its Manager of the Non-European Affairs Department a man who has devoted the best part of his life to matters relating to the administration of Natives in the City and a man who, through his patience and tact, has won the goodwill of the Natives.

210. We also wish to place on record our great appreciation of the services rendered to us by Mr. Haupt who was the Secretary of the Commission.

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Ans. L. ...
CHAIRMAN.

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Leo ...
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Ed ...
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JOHANNESBURG.

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