

**"TRYING NOT TO BE CRUEL": LOCAL GOVERNMENT RESISTANCE TO
APPLICATION OF THE GROUP AREAS ACT IN UITENHAGE, 1945-1962**

by

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The 1950s have been seen as a period of extension and consolidation of central state control rather than a period of implementation of a "grand plan" of apartheid.¹ While in agreement with such a general view, the paper argues that a discussion of the state must be grounded in an account of the struggles through which such control was achieved. The apartheid policies of the National Party generated considerable resistance within the state itself.² Elected on a minority of the popular vote, ruling by virtue of a coalition in parliament, without experience as a governing party, facing opposition-controlled councils in the largest cities, the NP Government had to put its own house in order. To date, there has been little understanding of the contours of opposition within the state, nor how it was overcome.

In examining the application of the Group Areas Act to Uitenhage, the paper takes up one particular venue of conflict between the central state and a municipality over policy towards Africans and Coloureds in the 1950s and early 1960s. The conflicts waged there were symptomatic of efforts by the central state to assume control over the reproduction of the urban black working class, and of the contradictory and uneven results achieved. Despite "consolidating and extending the ambit of (its) control", the state was unable to remake the world as it wished.

Introduction

The institutional means available to the central state to enforce the new apartheid policies forced it to rely on relatively undependable local authorities as essential sites of delivery of services and exercise of control. Local authorities were nominally responsible for maintaining immediate conditions of accumulation for industry and commerce, and for reproduction of the white as well as black working classes. These tasks were conducted, if not more commonly avoided, under severe structural limitations of dependence on white ratepayers. As the decade passed the Government eroded municipal fiscal and policy independence even further.

But if the NP government ruled through these local institutions, they could not dictate to them. Local constituencies heavily shaped municipal responses to central policies, and local officials varied widely in their ability or willingness to comply, especially within UP strongholds. A political process of accommodation was necessary, though, it will be argued, increasingly on terms defined by the central state. Local compliance with government initiatives was not a mere function of structural factors or reaction to the storm of repression after Sharpeville; it was also the result of a rough and tumble political process of coercion and concession.

I Housing Policy Before 1948: the Rise and Fall of Faganite Paternalism

Before 1936, most blacks in Uitenhage resided in four proclaimed locations: Kabah (the oldest and largest), Doornhoek, Gubbs, and Oatlands (Table 1), situated respectively to the north, west, south, and east of town (Map 1). The Municipality could not upgrade housing nor bear the cost of administering four geographically

separate and dispersed locations without taking the politically difficult step of adding to the deficit on the Native Revenue Account. Between 1936 and 1938 the Municipality consolidated the communities by forcing residents to move to Kabah.

Table 1: Uitenhage Population Growth 1921-36; Locations Population, 1935⁴

Race	1921	1936	Kabah	Gubbs	Doornhoek	Oatlands	Location Total
African	3187	6588	3411	866	649	840	5766
Coloured	3052	4334	1820	136	262	746	2964
White	7815	9437	---	---	---	---	---

The Municipality had hoped to make Kabah into a "model location", but by promoting self-built housing with material loaned to residents at rates they could not afford, Kabah developed along the same lines as before: overcrowded wattle-and-daub structures and few services. During the war Municipal officials discussed a variety of housing options for Kabah, including removal of Coloureds from the Location to prevent "intermixing" and the illegal liquor distribution to Africans, provision of sub-economic housing schemes, possible removal of the Location, and extension of freehold title to Africans.

The Post-War Period

In early 1945 the Council took two steps to secure the town's position in the post-war period, hiring a consultant to devise a general town plan and an agent to scout prospective industrial investors. The Council hired T B Floyd as its planning consultant, based on his reputation as one of the foremost participants in the town planning movement of the 1940s.⁵ Floyd's planning vision was more comprehensive than that of the local officials, and surprisingly conformed very closely to the principles of the future Group Areas Act.

Floyd recommended moving Africans to Sandfontein, a municipally owned farm east of town, to be close to the heavy-labour railway workshops and planned industrial zone, while Coloureds would remain in an upgraded Kabah, close to the wool washeries and a planned textile mill. But his argument for removing Kabah was immediately attacked by various Councillors, and ultimately rejected. Councillor M S Ofowitz, a local physician, pointed out that, as Africans had been moved into Kabah in the 1930s so that administration and amenities could be improved, it was unreasonable now to consider moving the location. Instead of moving the location, he said, housing in Kabah should be improved.

After resolving to upgrade Kabah, the Council sought funds from the National Housing and Planning Commission to develop a sub-economic housing scheme.⁸ The project, expected ultimately to include 2,000 semi-detached units, was approved by the Government in early 1948. The Council also hoped to have a "large portion" of the town commonage surveyed and set out as freehold residential plots for Africans, and to receive funds⁹ for a sub-economic housing scheme for Coloureds immediately adjacent to Kabah. But, even as the Council developed a programme of development rather self-consciously along the lines of the Fagan Report, its own industrial programme was generating conditions which would foil the best efforts at control.

Between 1945 and 1946 the Council's industrial drive yielded astounding results. A number of large companies decided to locate in Uitenhage, including Goodyear, Fine Wool Products (financed by the Industrial Development Corporation), a tanning company, and another textile firm. The SAR&H expanded the existing railway

workshops, and in 1946 South African Motor Assemblers and Distributors (SAMAD), the forerunner of Volkswagen South Africa, formed to produce Studebakers. The town's fortunes, linked to the Cape Midlands hinterland and to external markets since the widespread development of wool production in the 19th century, were now tied firmly to the premier twentieth century international growth industry.

The immediate effect of the boom was to provide employment, especially for blacks. For the Port Elizabeth-Uitenhage metropolitan area, total black industrial employment increased from 35.8 per cent of the industrial work-force in 1935/36 to 56 per cent in 1949/50. In absolute terms, the black industrial work-force increased from 4,288 in 1935/36 to 17,215 in 1949/50, an increase of over 400 per cent.¹⁰ Though no figures are available for Uitenhage alone, there is little reason to doubt that the same dramatic increase occurred in the town as in the metropolitan region as a whole. An extremely rough estimate of the town's black industrial work-force in 1949/50 would be approximately 2,600.¹¹

The industrial work-force thus increased at a much faster rate than the black population as a whole. The African population more than doubled between 1936 and 1951, with the greatest growth coming in the five years after the war when the new factories came on line (Table 2). The increases occurred despite the introduction of limited influx controls in 1933. The growth in the African population was part of a general migration to the town, which included a sharp increase in the Coloured and white population as well.

Table 2: Uitenhage Population Growth 1936-1951¹²

Race	1936	1946	1951	Annual Percentage Increase	
				1936-1946	1946-1951
African	6,588	10,016	16,942	5.2	13.8
Coloured	4,334	4,958	7,161	1.4	8.8
White	9,437	11,015	14,272	1.7	5.9

A small town with few amenities, Uitenhage was none the less a place where a person could find a job. The Municipal Departmental Committee of Enquiry into the Administration of Kabah found that "where there is a demand for Native labour ... the Native labour required in excess of the local supply infiltrates into the urban area ... with complete disregard for any proclamations to the contrary". Such processes were natural, "and without turning a location into a concentration camp, it seems impossible to prevent it".¹³ Indeed, the Committee favoured the repeal of the old influx control proclamation.

The population of Kabah swelled, and the number of Africans in town doubled from 1,177 in 1947 to 2,127 in 1951, as families crowded into lodgings in the western end of town. The Municipality registered 400 lodgers in the Location, and issued plots for Africans to erect shacks in a "stopgap" emergency camp.

The Council had to act quickly to start the 1946 housing programme, where it had hoped to demolish sub-standard dwellings in Kabah and rehouse the occupants in formal Municipally-built structures. "This laudable object", wrote the Departmental Executive Committee, "is however rapidly receding towards the horizon again, as it now seems that all the houses the Council will be able to erect in the next five or ten years will be fully taken up to provide for the large existing colony of lodger families and for the swarms of newcomers hovering on our borders."¹⁴ In the months before the National Party electoral victory, it became clear to many members that the Council's new housing plan could not accommodate the burgeoning population.

Table 3: Black Population Growth: Kabah Location and Town, 1947-1951¹⁵

Race	Kabah		Town	
	1947	1951	1947	1951
African	9,729	14,172	1,177	2,127
Coloured	3,418	4,258	2,052	2,426
Indian/Malay	18	126	662	878
Total	13,165	18,556	3,891	5,431

II. 1948 and Beyond: the Central State, the Council and the Implementation of Apartheid

Councillors hoped the national housing question would soon be solved along lines amenable to their outlook: that the Fagan recommendations would be given statutory force upon the re-election of the UP Government. But the 1948 election changed the political calculus almost completely. The narrow national electoral victory cleared the way for enactment of the NP apartheid legislation. Notwithstanding recent debates on the status of the Sauer report, urban policies after 1948 were not merely a function of the political struggles over migratory labour.¹⁶ Municipalities and the Government were forced to develop initiatives to reorder, redistribute, and control urban populations as a whole, whether migratory or settled, African or "non-African".

The most important single act affecting the future of urban areas was the Group Areas Act (No 41 of 1950). In repealing a patchwork of provincial legislation, the Act sought a comprehensive system of segregation which would affect all race "groups", including whites, by imposing control throughout South Africa over inter-racial property transactions and inter-racial changes of occupation.¹⁷ The law depended on the prior identification of every citizen in terms of the Population Registration Act. It then specified a series of stages through which control over areas would be tightened, leading to the ultimate declaration of full group areas, racially pure in ownership and occupation. The Land Tenure Advisory Board was given extremely broad powers under amendments to the Act; a legislative hold-over from the Asiatic Land Tenure Act, the LTAB was later reconstituted as the Group Areas Board.¹⁸

But the Act must be seen in the context of the evolving web of apartheid legislation. If the Urban Areas Act carried the authority for segregating Africans, the Group Areas Act defined how African areas were to be sited vis-a-vis other racially defined sections, and how Coloured, Indian and White areas would be situated vis-a-vis each other. In combination, the two Acts created enormous problems for the Municipality.

Kabah - where it was planned at all - developed according to a vision quite at odds with the apartheid framework. By 1951 the 4,200 Coloured residents of Kabah made up nearly a quarter of the Location population, and accounted for more than 60 per cent of the Coloured population of Uitenhage.¹⁹ The remainder of the Coloured residents lived in the town itself, interspersed with poor Whites and Africans in the older western sections. On its eastern side, the Location was separated from the white sections of town by a single street, while another road on its south-western side divided Kabah from the proposed Coloured sub-economic scheme which the Council had been shepherding through the national bureaucracy since 1947. The difference between the legal ideal and the intractable conditions on the ground defined the terms of the local political struggle over national urban policies.

As a first step toward achieving its national goals, the Government enacted subtle, but extremely important, changes in its legal relationship with local authorities. Under the 1945 Act, the Governor-General was empowered to proclaim controls on African entry into an urban area "if requested to do so by a resolution ... of any urban local authority ...".²⁰ Some municipalities, such as Port Elizabeth, had opted out of the system, and remained an "open city".

The Native Laws Amendment Act (No 54 of 1952) reversed the scope of application of influx control: rather than being applied only where local authorities had requested it, influx control was automatically instituted throughout the Union. Under the new law, the local authority was limited to asking the Government for an exemption from the universal policy of influx control, and even then the Government could exercise discretion in responding. The same Act provided for a compulsory national labour bureau system for all urban and rural areas, repealing a 1949 provision for voluntary establishment of labour bureaux.²¹ Almost with the stroke of a pen local authorities were stripped of an extremely important statutory power, while influx control was legally, though not yet in practice, extended from a piecemeal programme to a national system.

As a second step, the government shuffled the bureaucracies responsible for specific urban policies. The impact of the shifts quickly became clear to local officials. In late 1951 the Town Clerk received notification from the Secretary for Native Affairs in Pretoria that the Municipality's proposed Coloured sub-economic housing scheme would be delayed, owing to its "close proximity to the proclaimed Native location".²² The scheme was sited outside the African area, in compliance with the Urban Areas Act (1945), but was just across the road from the Location, in violation of the new Group Areas Act.

S B Featherstone, the Town Clerk, was incredulous. The Department and the Municipality both sought separation of Africans and Coloureds in Kabah, "And yet you tell us summarily that the proposed site for a Coloured Housing Scheme is no good because it is too near the Native Location. Under existing conditions Coloureds and Natives live together in the Location. Surely it is better to develop a separate area for Coloureds alongside the Location even if it is near the Location." (Emphasis in original.)²³

The Town Clerk's anger was heightened because the Council, as in the past, expected rapid approval. Only four days before receipt of the Secretary's letter the Town Clerk received a formal circular announcing that NAD now had authority to review NHPC plans and possessed veto power over the choice of sites for housing schemes.²⁴ Previously such power was lodged in the NHPC. Not only did the Municipality confront a new, and somewhat bewildering, rearrangement of bureaucratic forces, but the day before the Secretary's letter was written the Town Clerk had received an undertaking from the Technical Adviser to the NHPC that he would personally discuss the matter of the Coloured Housing Scheme with the Native Affairs Department.²⁵

In January 1952 the Council reached agreement with the Commissioner for Coloured Affairs and NAD on the provision of a buffer strip between the proposed Coloured scheme and the Location. But the housing scheme was still stalled, and the Town Clerk repeated that the delays were due to the multiplicity of government agencies whose authorizations were required.²⁶ Over 2,000 people would have to be removed and 300 houses demolished to make way for the buffer strip, which the Town Clerk referred to as "the task which the Government Departments concerned have imposed upon the Council in return for the right to build a Coloured Housing Scheme ...".²⁷

If the fight over buffer strips was the preliminary bout, application of the Group Areas Act was the main event. The Land Tenure Advisory Board began wooing the Council in 1951. As a first step the Council accepted the task of conducting a survey of the town to establish the precise racial character of ownership and occupation.²⁸

On 17 October 1951, by Proclamation No 220 of 1951, the entire Cape Province was declared a "specified area" in terms of the Group Areas Act. The proclamation introduced "occupational control" and "control of acquisition" such that no one could acquire ownership of a property from an owner of a different group, nor could anyone occupy property which had been occupied by a person of a different group prior to the proclamation. The proclamation essentially froze existing conditions.

For the next year the Municipality refused to take the initiative in a series of minor dealings with LTAB. Then, in August 1953, the Secretary of the LTAB in Cape Town asked the Council whether it had reconsidered its position on the next stage of implementation, declaration of "defined" areas.²⁹ In defined areas the level of control over "interpenetration" would be increased: unoccupied property could not be built upon nor existing buildings extended without ministerial approval.

The step was particularly difficult for the Council; "specified" areas, the freeze on inter-racial changes of ownership and occupation, were established at once by province-wide proclamation in which the Council had no part. But because municipal officials possessed the most accurate understanding of conditions on the ground, the government expected them to play a major role in "defining" properties owned or occupied by individuals of one race in an area dominated by another. By participating in efforts to define areas the Council itself would directly harm vested interests in the town, especially black businesses in white areas. At the end of August the Finance and General Purposes Committee decided to accept the LTAB's request and directed the Town Clerk to report to the Committee any cases of "possible penetration".

But a most startling parliamentary manoeuvre began at the next full Council meeting, where the members were to vote on the Finance and General Purposes Committee recommendation. During the meeting the Council received an urgent letter from the Uitenhage Indian Congress, asking the Council to refrain from making any decision on the question to allow the Congress time to study the Committee's proposals.³⁰ Three of the four authors were shop-owners, including a Mr A S Kooverjee; the Vice-Chairman, D R Lalla, owned four properties. Councillor H J Ofsowitz, the brother (?) of the physician who had so successfully fought T B Floyd's plan to move Kabah in 1945, moved that the matter be referred back to the Finance and General Purposes Committee, and the Council passed the motion 8-6.³¹

At its next meeting the Committee received the deputation from the Uitenhage Indian Congress, including four shop-owners accompanied by an attorney. The group stressed "the cordial relations which have always existed between the Indian community and other sections of the community in Uitenhage", and said that the Indians living or trading in town had been present there for more than fifty years, a presence which they did not regard as "penetration".³² The group explained that since the Act placed sole authority for racial zoning in the hands of the LTAB, which would eventually make its own representations to the Minister, "the Council should wait until this happens and not take the initiative ...".³³ After considering the deputation's arguments, the Committee decided that the Council should defer the matter indefinitely "to remove any suspicion on the part of the non-European sections of the community that the Council is acting against their interests ...". The next week the Committee's new recommendation was carried by the full Council 9 to 5.³⁴

The LTAB approached the Council again in June 1954, but in two years of debate Councillors could not decide whether "to take the initiative to see that people were treated in the most humane way possible" or to refuse to participate in applying a law likely to cause the "economic strangulation of the Chinese and Indian traders ...".³⁵ When neither the full Council nor a special subcommittee could break the deadlock, members essentially threw up their hands. In March 1956, by a vote of 9-5, the Council decided to "leave the problem to be handled by the LTAB".³⁶ The position became the official policy of the Council for the next six years.

At the meeting in October 1953, when the Council originally rejected co-operation following the protest by the Uitenhage Indian Congress, the leading NP member, Councillor F D Conradie, reminded the members that Indians were but one per cent of the town's population. Speaking in Afrikaans, he "could not understand why the committee had so quickly turned around as a result of formal objection against the move which had been put forward by the Indian community". Indeed, why did the Council reverse itself after meeting a single Indian organization?

The Act would surely cause hardships, and the Councillors knew that they would fall most heavily on a small but important group: Indian, Chinese, and Coloured businessmen. Councillors could rationalize residential segregation on the grounds that hardships inflicted on blacks by removal were minimized because families would receive a better house than what they had left behind in Kabah; indeed, well-to-do Coloureds could purchase a plot in the new Jubilee Park scheme. But the limits on ownership and occupancy threatened to deal a mortal blow to the economic well-being of those owning businesses in town.

In a 1959 survey, the Municipality identified 34 Chinese and 29 Indians as property owners in the town. These 63 people owned approximately 100 properties with a rateable value of more than 200,000.³⁷ A 1955 survey identified more than 340 black-owned dwellings and nearly 80 shops.

Many of the Councillors were themselves businessmen. While class standing is hardly a conclusive indicator of sympathy for "non-white" business interests, a core of a half-dozen English-speaking businessmen consistently opposed application of the Act. Curiously, the two UP members voting for the Government were both professionals, a lawyer and the publisher-editor of the local paper. The white businessmen shared at least two commitments: to the industrial development of the town and to the promotion of commerce. The assault on black business not only violated important market principles but undermined some friendships and not a few professional relationships spanning decades.

Finally, whites owned at least 107 dwellings and 18 shops in likely Coloured, Indian, Chinese, or Malay Group Areas; these owners would obviously suffer hardships under the Act. Thus the holdings of a number of individuals - black and white - were rendered insecure. To expropriate all or part of these properties the Council would lose part of its tax base, be forced to pay compensation, and face the prospect of lengthy and costly litigation.

But Indian, Chinese, and Coloured businessmen not only owned property. They could also vote. Though in 1956 the NP succeeded in its protracted constitutional battle to remove Coloureds from the parliamentary voters' roll, they did not fully disenfranchise Coloureds, at least not in the Cape Province.³⁸ Unlike Natal, the Cape maintained separate voters' rolls for parliamentary and for municipal elections; when Coloureds were removed from the parliamentary roll, they remained on municipal rolls and eligible to vote in local elections.

Figures for the number of "non-white" voters from 1959 refer to the Coloured population, which more than likely would have included other "non-white" voters. The survey listed 5,015 white municipal voters and 950 Coloureds, amounting to 16 per cent of the registered electorate.³⁹ In a town where working-class Afrikaners represented a larger and larger slice of the white electorate, a UP Councillor⁴⁰ would be ill advised to threaten Indian, Coloured, or Chinese interests. The Uitenhage Indian Congress and other bodies had special access to the Council, not because of their numbers but because of their economic influence and political weight.

Policy Towards Africans

African residents of Uitenhage faced a very different situation. As described above, much of the room for local discretion had been removed in the drafting of the new national legislation. In January 1951 the Natives Affairs Committee, chaired by

the liberal Councillor Ernest Rens, had resolved not to apply those elements of Government's⁴¹ labour control where local authorities were still allowed a measure of compliance.

It was not mandatory for Uitenhage to apply the Native Services Levy Act, as the original law (Act No 64 of 1952, section 2)⁴² applied automatically only to towns with more than 20,000 African inhabitants. The Council did not desire proclamation of the Act in the town, as local industry was extremely hostile to its provisions; representatives of the largest firms in town along with the Director of the Midland Chamber of Industries threatened to institute a large-scale shift to Coloured workers, should the levy be imposed.⁴³ While Councillor Tom Fowlds, serving as Mayor in 1956-57, expected the law would be applied "sooner or later", the Council applied to be exempted from the levy.⁴⁴

The NAD eventually took a hard line on the Native Services Levy, but only as part of a larger power play: the removal of Kabah. The Location's future had been a non-issue since the Council commitment to upgrading in 1945/46. But, in July 1957, Mr Brownlee, Chief Native Commissioner for the Eastern Cape, bluntly informed the Council that under new Department policy no housing loans would be granted to a local authority whose location did not conform to buffer-strip requirements. A 500-yard buffer strip would be required between Kabah and the White suburb and between the Location and the Coloured sub-economic scheme.⁴⁵ The Municipality had not cleared the buffer zones in 1952 when it was ordered to move 1,800 persons and 300 dwellings. Now the NAD was demarcating a far larger buffer zone, which would necessitate moving the most densely settled sections of the Location: over 11,100 persons and 1,242 dwellings.⁴⁶

But Brownlee had something else in mind. Rather than go to the expense of creating a buffer strip, which would involve extensive compensation to those moved while leaving Kabah in place, the Council, he suggested, should consider moving the entire location. Brownlee recommended that the new location be sited in to the south, close to the industrial areas, and Kabah could be deproclaimed and the land used for Coloured housing. The Chief Native Commissioner, perhaps unconsciously, fully resuscitated T B Floyd's 1945 town planning recommendations.

To sweeten the pot, Brownlee offered to delay for one year the extension of the Native Services Levy Act to Uitenhage. Even so, the Council rejected the unsolicited advice from Native Affairs. By a 10 to 4 vote the Council resolved that the resiting of the Kabah Location would be quite impracticable.⁴⁷

It did not take long for the other shoe to drop. In return for the Council's action and without any warning, NAD announced in late October that Uitenhage was an area in which the provisions of the Native Services Levy Act would apply retroactively as from 1 October. The Town Clerk applied to the Department to extend the period, as officials had no means to begin collecting the levy. Brownlee responded that an extension could not be granted and that arrear service contract fees would have to be collected from business as from the beginning of October or the Municipality would be held liable⁴⁸ for any arrears in the Native Revenue Account owing to the uncollected monies.

The Council quickly got to work investigating the resiting of Kabah. In August 1958, after weighing the potential costs to the Municipality of the various options, the Council resolved in principle to acquire a farm south-east of the town for a new African location. The Town Clerk stated the Council's motives most succinctly: "the Council basically has no particular concern as to whether the Location remains on its present site, or is resited ... the issue now has come down to one purely of finance ..."⁴⁹

After a lengthy dispute about which farm to purchase, the renamed Bantu Affairs Department stepped in and persuaded the Council to purchase the farms "Boschoogte" and "Naroes". In a meeting with the council the Under-Secretary of BAD, Mr Louis Smuts, indicated that the Council should relocate the present African location and reserve the old site for Coloured housing. As for any unanticipated costs, he assured the Councillors that the Department had in the past been able to

overcome any financial difficulties involved in resiting. "If the Council and the Department worked together", he said "the problem which appeared to be a major one would not be found to be so difficult".⁵⁰

The Council continued to delay. Some members favoured one site, others another, some wanted to retain the old location. All were worried about embarking on a project riskier than any ever attempted by the Council. Smuts returned for another session of the Council-in-Committee in November 1960, and laid down the law. The old location was poorly sited in relation to the overall plan of Uitenhage; it had to go. "... The Department", he informed the Councillors, "would under no circumstances allow the Kabah Location to be extended and another site had to be found."⁵¹ Councillor Rens now stood alone as the only member advocating retaining Kabah at its present site. In January 1961, the Council reversed its decision of 1945 and subsequent determinations regarding Kabah, and agreed to remove the Location.

In contrast to the earlier deliberations on the application of Group Areas to Uitenhage, the decisions regarding resiting of Kabah were made behind closed doors, in secret sessions of the Council. Whereas prominent members of the Coloured, Indian, and Chinese committees had the opportunity to address the Councillors, the Council welcomed no representatives of the African people.

That is not to imply that the African residents of Uitenhage had no representatives. The town was a stronghold of the African National Congress throughout the decade, and was one of the organization's most active branches in the Cape. Councillors and Municipal officials were generally hostile towards the Congress, with the notable exception of Councillor Rens, chairman of the Native Affairs Committee.

When the Cape Province Congress of the ANC was held at Kabah on 26 June 1954 (addressed by Professor Z K Matthews, Dr Luthuli, and Walter Sisulu), the Council debated whether to allow the ANC access to the Location Hall. Rens "pointed out that the African National Congress was in any event holding weekly meetings in the open in the Location and that as this was not an illegal organisation their meetings could not be stopped".⁵² The Council allowed the meeting to proceed, but there were no official meetings scheduled between the Municipal hosts and their notable guests.

Rens's position became increasingly unpopular. Congress protests sharpened as NAD tightened influx control. Throughout July and August 1957, Kabah residents repeatedly clashed with the SAP, which was protecting a unit distributing the new passes. Women led numerous protests, and more than 120 were arrested on four separate occasions. On 29 July 21 women were charged with "assault and obstructing the police" after marching to the Uitenhage court house, where they publicly burned their passes; they were given extremely heavy fines.

Where Indian and Chinese organizations had been able to influence Council policy directly, African organizations, especially the ANC, could mobilize large constituencies throughout the 'fifties but could not gain the ear of the Council. As their suffering grew under the repressive central state policies increasingly being enforced through the Municipality, African residents mouthed more direct forms of protest to apartheid. In contrast to both the way it handled the Group Areas legislation and the manner in which it discussed T B Floyd's 1945 recommendations for removing Kabah, the Council agreed to the main lines of NAD policy without concern for the interests of those most affected, especially once the Government eased the Council's fiscal burden.

When the Secretary of the East Cape Committee of the Group Areas Board (the transformed LTAB) saw press reports in mid-1961 that the Council had agreed to resite Kabah, he wrote to the Town Clerk to wage one final group areas campaign.⁵³ Since Kabah would eventually be cleared, plenty of prime land would be opened up for possible Coloured settlement. The thorny group areas problem could be simplified.

On 17 July 1961 the Council met to consider his request and Councillor Rens managed to push through a resolution declaring "that the Council does not wish to discuss the question ... or to submit proposals ..." as it was occupied with plans to resite the African location.

"Council snubs Group Areas Board", wrote the Sunday Times, while the Evening Post editorialized that "Most Councillors have stood firm against the great hardships which compulsory racial grouping would bring". But the pro-Government Die Oosterlig interpreted events differently. "The constituency in which the town lies has sent representatives of apartheid to the Assembly and Provincial Council. The majority in the City Council is therefore a mere island in the political sea." The editorial concluded: "'Render unto Caesar that which is Caesar's' is a good idea for them to bear in mind."⁵⁴

The Afrikaans daily had a far clearer reading of the prevailing balance of political power. Though the NP held only three out of fifteen seats on the Council, the local UP councillors could hardly claim to be representing the popular will when their national party was being consistently beaten in election after election. In February 1962 Die Oosterlig reported a speech by P W Botha to the Cape Town meeting of the United Municipal Executive. Botha, then Minister of Coloured Affairs, Community Development, and Housing, referred to the municipalities which refused to co-operate on Group Areas: "How long do these caretakers think they will hold their positions to wage their battle against the government?"⁵⁵

A few months later, in June 1962, the Council, without opposition, accepted a resolution to submit Group Areas proposals to the Department of Community Development. An agreement was possible once a compromise had been forged to reduce the hardships for Indian and Chinese traders. The proposal came from a local firm of Afrikaner lawyers, one of whom, G J Pieterse, had served on the Council, and was a leader of the Afrikaanse Sakekamer.⁵⁶ Pieterse advised the Council to petition the government to declare a free trade zone, allowing "non-white" businesses to continue in some form. He developed the strategy while preparing an application for a local Indian businessman who sought a Group Areas permit. Ironically, Pieterse's client was A S Kooverjee, the landowner, businessman, and member of the Uitenhage Indian Congress delegation which successfully pressured the Council to reverse itself in 1953 and refuse to co-operate with the LTAB.

From 1962 until proclamation of Group Areas in Uitenhage on 20 October 1967, the Council co-operated with the Government. A familiar argument served as justification for its action: if the Council does not act "the Government will intervene ... and impose something far more drastic for the victims of the act".⁵⁷ By "trying not to be cruel", as the Evening Post put it, the Council reversed its long-standing position of non-compliance with a centrepiece of apartheid legislation. An era of municipal contestation of apartheid policy had come to a close.

Conclusions

Councillors had consistently framed their choices as either non-cooperation with an unjust policy, or working within the legal framework to apply the harsh regulations as fairly as possible: "trying not to be cruel". At the end of the day, local defensive battles could delay but not reverse central policy. Faced by a central state willing to wield new resources in an effort to gain control, local officials accepted the second option, to work within the rules of the game as established by the NP, fearing that, as in Johannesburg and Cape Town, policies would be forced upon them. These rules were as much ideological as legal or bureaucratic, and they became the basic framework within which the Council would pursue policy towards Africans and Coloureds until the 1980s.

In playing by the rules, however, the Council was aided by a compromise which carefully excluded the one group towards which Councillors could least afford to be cruel. Coloureds, Indians, and Chinese businessman and property owners had access to the Council by virtue of property and the franchise, and they used their assets at key points to influence the Council. For Africans, no such bonds existed

to the Council or to the state. Possessing neither property nor the vote, they had little to offer to the Council. Housing policy for Africans was decided behind closed doors where economic efficiency and the tax burden to be borne by the (mostly white) ratepayers were the only factors taken into account.

Not only did the Council agree to virtually the same policy they had rejected when it was suggested in 1945 by their own expert town planning consultant, but they revived another legacy of the town's past. By purchasing the farms "Boschoogte" and "Naroes" for the site of Kwanobuhle, they unknowingly sited the new township, "Place of Beauty", on land used as a concentration camp during the Anglo-Boer War.

The second theme of the paper concerns the growing central state control over local affairs, particularly over the reproduction of the urban black populations. Before 1948 the Council was relatively unhindered by the central state in its efforts or (more accurately) non-efforts to house blacks; in practice, the relative freedom meant inaction, as neither the Council nor the Government would supply sufficient funds for upgrading black communities. But through the 1950s, and especially after 1957, the space for local opposition narrowed considerably. The paper identifies three main factors: first, the central state formally narrowed the scope of municipal statutory discretion in implementing central policies; second, it began to exert greater bureaucratic pressure on councils by reorganizing lines of authority; third, the new bureaucratic machinery and the political will to use it gave the central state much greater power to manipulate local authorities' fiscal dependence, thus enabling it to buy compliance.

In the end, however, the central state was able to force local authorities to comply with apartheid policy, but it could not remake the world according to its image. The Council's stalling efforts unintentionally succeeded in delaying proclamation of Group Areas in Uitenhage until 1967 (six years after Port Elizabeth, even though Uitenhage presented far fewer planning problems), and the removal of the Kabah Location did not start until 1968. Both projects were consistently delayed, so that through the 1970s there were still parts of town where Coloureds and Africans lived either in the same area or very close together.

When the state was finally able to embark on the segregation project, it faced a new political economy which placed demands on local authorities not accommodated in the original legislation. As the UP Council had been caught in the late 1940s with a dated solution unable to cope with contemporary problems, so, too, the Government's agenda for reorganizing urban residential and commercial space could not cope with changes brought about by the boom of the 1960s. In response to the Government's local content legislation for the automobile industry, hundreds of new motor components firms opened factories in South Africa, and a large number located in Uitenhage. The boom created thousands of new semi-skilled and artisanal jobs in the town, which were increasingly filled by black workers.

At the very moment when Africans and Coloureds were moving into semi-skilled and skilled job positions in the expanding automobile industry, the state's segregation efforts stalled. The development of a modern industrial working class in Uitenhage occurred not on a terrain defined entirely by apartheid but in a confused, relatively uncontrolled manner which allowed possibilities for contact and co-ordination across racial lines at the work-place and, more importantly, in communities.

For nearly two decades Kabah could not be emptied. The removals orchestrated by the new Administration Board came more and more to resemble a man transferring water with a fork: with the lure of industrial employment, the relaxation of influx control, declining rural conditions, and the refusal of the state to build new housing, thousands of people flocked to the emptied land of the old Location. By June 1986 there were as many residents in Kabah as when the removals began in 1968, and grassroots organizations were fighting to have the area upgraded. Then, between July and August 1986, aided by the crackdown on popular organizations under the second state of emergency, the state unleashed an assault on the revived Kabah Location. More than 40,000 people were forcibly removed to an extension of Kwanobuhle Township. The Uitenhage Municipality, the local

administration board, and the central state were still cruelly stumbling over segregation and relocation policies up to the present day. If the central state succeeded in consolidating and extending its power, in Posel's phrase, it was far less successful in using that power to achieve a grand apartheid plan.

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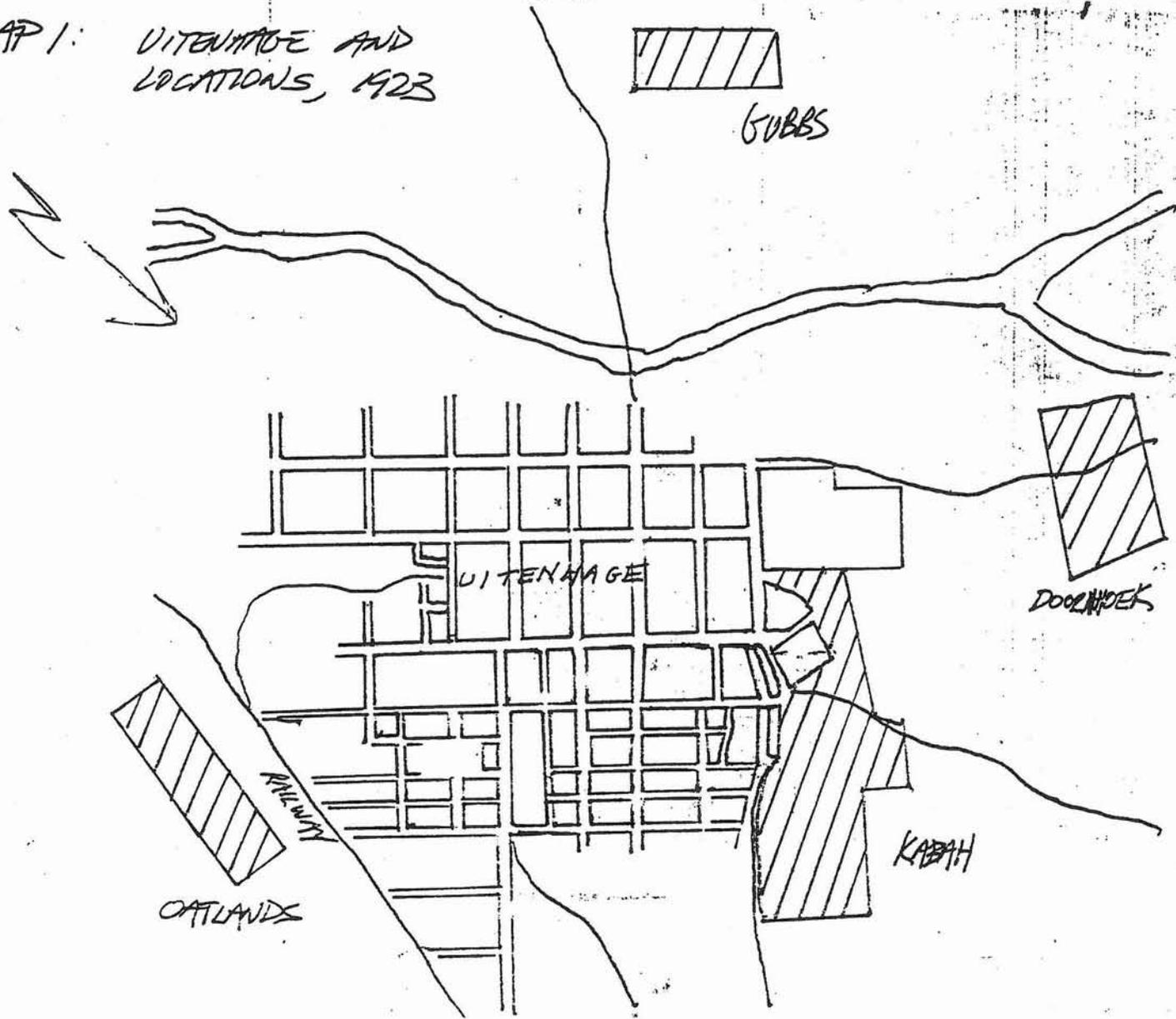
- 1 D Posel, "Coloured Labour Preference Policy during the 1950s in the Context of National Policy on African Urbanisation", Paper presented to Conference on the Western Cape, University of Cape Town, 16-19 July 1986), p 14.
- 2 Stanley B Greenberg, Legitimizing the Illegitimate: state, markets, and resistance in South Africa (Berkeley and Los Angeles: University of California Press, 1987), pp 41-44, 127-130; and Simon Bekker and Richard Humphries, Control to Confusion: the changing role of administration boards in South Africa, 1971-1983 (Pietermaritzburg: Shuter and Shooter, 1985), p 3.
- 3 I am quite indebted to the theoretical openings developed in Daryl Glaser, "Manufacturing Capital and the Apartheid State: the case of industrial decentralisation" (African Studies Seminar Paper, African Studies Institute, University of the Witwatersrand, 17 August 1987), pp 1-5, 30-31, and in the many impressive contributions by Deborah Posel, especially "'Providing for the Legitimate Labour Requirements of Employers': secondary industry, commerce and the state in South Africa during the 1950s and 1960s", in A Mabin (ed), Organisation and Economic Change: Southern African Studies, Vol 5 (Johannesburg: Ravan, 198) ; and "The Meaning of Apartheid before 1948: conflicting interests and forces within the Afrikaner Nationalist Alliance", Journal of Southern African Studies, Vol 14, No 1 (October 1987).
- 4 Republic of South Africa, Department of Statistics, Population of South Africa, 1902-1970 (Pretoria, 1976); CA 3/Uit 37 File 261 v 9, July 1934-May 1935, "Uitenhage Municipal Locations, Total Population".
- 5 The Times (Uitenhage), 4 December 1946; also Floyd's own books: T B Floyd, Town Planning in South Africa (Pietermaritzburg: Shuter and Shooter, 1960), pp 48-49, and T B Floyd, More About Town Planning in South Africa (Pietermaritzburg: Shuter and Shooter, 1966).
- 6 Uitenhage Municipality (henceforth UM) 13/1, "Interim Report on General Lines of Development for Uitenhage", by T B Floyd, May 1946.
- 7 UM 13/1, Extract from Council Minutes, 17 September 1945.
- 8 UM 13/1, Minutes of Council, 19 November 1945, Extract of Report of Native Affairs Committee, 12 November 1945. Peter Wilkinson, "Providing 'Adequate Shelter': the South African state 1954" in D C Hindson (ed), Working Papers in Southern African Studies, Vol 3 (Johannesburg: Ravan Press, 1983), p 66; and Amanda Younge, "Housing Policy and Housing Shortage in Cape Town: 1942-1980", Africa Perspective 21 (1982), pp 12-13.
- 9 UM, Letter from Town Clerk to Mr S I Misrock, 21 March 1950; Margaret Ballinger Papers, A410/B2.14.13, Correspondence, Native Affairs, Land 1941-1951, letter from A Park, Mayor of Uitenhage to Mrs M Ballinger, 3 May 1944, "Right of Natives to Acquire Freehold Property within Urban Areas".
- 10 B D Phillips and C de Coning, Secondary Industry in the Port Elizabeth/Uitenhage Region: a structural analysis (University of Port Elizabeth, Institute for Planning Research, Research Report No 2, 1969), p 57.
- 11 A survey conducted in the 1960s found the Uitenhage work-force to equal approximately 15 per cent of the metropolitan industrial work-force.
- 12 Republic of South Africa, Department of Statistics, Population of South Africa, 1904-1970 (Pretoria, 1976).
- 13 CA 3/Uit 4/1/184 MJ20 V.1, Location Enquiry, June 1947 - October 1952, Record of Proceedings of Departmental Executive Committee Enquiry into Administration of Location Department, 21 November 1947.
- 14 CA 3/Uit 4/1/184 MJ20 V.1, Location Enquiry, June 1947 - October 1952, "Record of Proceedings of Departmental Executive Committee Enquiry into Administration of Location Department", 21 November 1947.

- 15 CA 3/Uit 4/1/191 File 26 V.2, Census and Statistics March 1944 to April 1950, "Population. Uitenhage Town and Location", 10 April 1947; UM File 26 V.3, Census and Statistics, May 1950 to August 1956, Letter, Uitenhage Magistrate to Town Clerk, "Population Census, 1951", 16 July 1951.
- 16 Hindson, Pass Controls, p 59, and Posel, "The Meaning of Apartheid before 1948", op. cit., pp 136-39.
- 17 Union of South Africa, Statutes of the Union of South Africa, 1950 (Pretoria, 1950), p 407; Muriel Horrell, Laws Affecting Race Relations in South Africa (Johannesburg: Institute of Race Relations, 1978), p 71; see also L R Dison and I Mohamed, Group Areas and Their Development (Durban: Butterworths, 1960).
- 18 F P Rousseau, Handbook on the Group Areas Act (Cape Town: Juta, 1960), pp 43-44; and T H van Reenen, Land: its Ownership and Occupation in South Africa. A Treatise on the Group Areas Act and the Community Development Act (Cape Town: Juta, 1962), p 328b.
- 19 CA 3/Uit 4/1/191 File 26 V.2, Census and Statistics, March 1944 - April 1950, "Population: Uitenhage Town & Location".
- 20 Bekker and Humphries, op. cit., pp 205-10. The authors identify the important amendment to the Urban Areas Act, but do not dwell upon its consequences for local authorities.
- 21 Hindson, op. cit., p 63.
- 22 UM 74L/1, Letter from Secretary for Native Affairs to Town Clerk, "UM Proposed Coloured Township adjoining Native Location".
- 23 UM 74L/1, Letter from Town Clerk to Secretary for Native Affairs, 7 November 1951, "Uitenhage Municipality: Proposed Assisted $\frac{3}{4}$ % Housing Scheme for Coloureds".
- 24 See Peter Wilkinson, "Providing Adequate Shelter", especially his chapter 'The Restructuring of the State Housing Apparatus', p 77: "The progression of the (Native Affairs) Department from a more or less consultative role (with the National Housing and Planning Commission) to that of at least equal partnership in the formulation of African housing policy was confirmed in the statement that: 'In future, Native housing schemes will be examined by the Commission and the Department of Native Affairs acting jointly and concurrently and not, as in the past, separately and successively.'"
- 25 UM 74/5 30 October 1951, "Report of the Town Clerk to Housing Committee".
- 26 UM 29 March 1952, "Town Clerk's Report to Native Affairs Committee".
- 27 UM, Town Clerk to Native Affairs Committee, 24 January 1953; Memorandum from Superintendent of Kabah to Town Clerk, 9 December 1952, "Proposed Coloured Housing Scheme & Buffer Strip".
- 28 UM Town Clerk's Report to Finance and General Purposes Committee, 8 September 1951, "Group Areas Act".
- 29 UM Report of the Town Clerk to Finance and General Purposes Committee, 8 September 1951, "Group Areas Act".
- 30 UM 207/2, Letter to Mayor from Uitenhage Indian Congress, 21 September 1953, "Defined Area of the Group Area Act".
- 31 UM Town Council Minutes, 21 September 1953.
- 32 In fact, the Uitenhage "Malay" population dates from at least 1815 and its Mosque was built in 1840 on land given by the government to "150 Mohammedons". At least 24 skilled Malay artisans were brought to South Africa to help build

- the Railway workshops in 1875. Uitenhage Lions Club, "The Lions Souvenir Book of Uitenhage", 1973, p 70.
- 33 UM 207/2, Report of the Finance and General Purposes Committee, 12 October 1953.
- 34 UM 207/2, Report of the Finance and General Purposes Committee, 12 October 1953.
- 35 UM Report of Town Clerk to Finance and General Purposes Committee, 12 June 1954; UM Record of meeting between Government's Reference and Planning Committee and Representatives of the Uitenhage Municipality, 9 June 1954.
- 36 UM Minutes and Proceedings of Town Council-in-Committee, 27 March 1956.
- 37 UM Town Treasurer to Town Clerk, "Proposed Establishment of Group Areas in Uitenhage", 4 October 1961; UM 207/2, "Meeting of Subcommittee appointed to draft Proposals for Group Areas", 4 March 1955.
- 38 See Gwendolen M Carter, The Politics of Inequality: South Africa Since 1948 (New York: Praeger, 1958), especially Chapter 4, for an excellent account of the constitutional crisis, and Leonard Thompson, The Cape Coloured Franchise (Johannesburg: Institute of Race Relations, 1949). In 1958 the NP failed in its efforts in the Cape Provincial Council to remove Coloureds from the common Municipal roll, and place them on a separate roll to elect local boards in their own group areas. Coloureds remained eligible as municipal voters in the Cape until 1972. Horrell, op. cit., pp 57-59.
- 39 UM Town Clerk, "Concentration of Coloured Group in Uitenhage", 30 October 1959.
- 40 For purposes of the 1948 elections, the Uitenhage constituency was ranked as 50 per cent Afrikaans-speaking and 50 per cent English-speaking, in Carter, op. cit., p 435, n 59. By the late 1960s, however, a survey of the white residents of the town found more than two-thirds of the population preferring Afrikaans as the predominant home language. A S Du Toit, Housing and Population study of the European Population of Uitenhage (University of Port Elizabeth, Institute for Planning Research, Research Report No 5, 1970), p 9.
- 41 UM Minutes of Natives Affairs Committee, 29 January 1951.
- 42 Union of South Africa, Statutes of the Union of South Africa, 1952, p 979.
- 43 UM Report of the Town Clerk to Finance and General Purposes Committee, 6 October 1956, "Round Table Conference with Industry".
- 44 UM Town Council of Uitenhage, Mayoral Review - 1956/1957, 6 September 1957, p 21.
- 45 UM Report of Town Clerk to Native Affairs Committee, 27 September 1957, "Visit of Mr Brownlee".
- 46 UM Committee Reports and Minutes, January-June 1958, Special Report of Town Clerk to Native Affairs Committee and to Finance and General Purposes Committee, "Further Development in Native and Coloured Areas and Associated Matters", pp 14-15; UM 74L/2 Town Council of Uitenhage, Memorandum from Superintendent of Kabah to Town Clerk, "Proposed Coloured Housing Scheme & Buffer Strip", 9 December 1952.
- 47 Minutes of Proceedings of Town Council, 21 October 1957, Report of the Native Affairs Committee, 30 September 1957.
- 48 UM Minutes of Proceedings of Native Affairs Committee, 27 January 1958, "Registration of Native Service Contracts: Date of Operation in Uitenhage".
- 49 UM Town Clerk's Report to Special Committee Appointed to Investigate Further Developments in Native and Coloured Areas, 3 February 1960.

- 50 UM Minutes and Proceedings of Council-in-Committee, 7 March 1960, "Proposed Resiting of Location".
- 51 UM Minutes of Proceedings of Council-in-Committee, 3 November 1960, "Proposed Resiting of the Location".
- 52 UM Town Clerk Report to Native Affairs Committee, 27 March 1954. I am indebted to Dr Gail Gerhart for kindly drawing my attention to "Notes from Z K Matthews, ZKM #5 (undated).
- 53 UM Report of Town Clerk to Finance and General Purposes Committee, 11 July 1961.
- 54 Sunday Times, 23 July 1961; Evening Post, "Justice stand in Uitenhage", 1 August 1961; Oosterlig, "Koppige Stadsraad", 21 July 1961.
- 55 Die Oosterlig, "Min. P W Botha", 23 February 1962.
- 56 UM Town Council Minutes, 19 February 1962.
- 57 Evening Post, "Trying Not to be Cruel", 14 June 1962.

MAP 1: Uitenhage and Locations, 1923



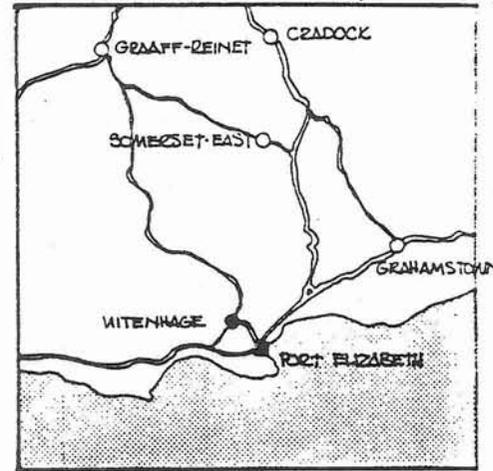
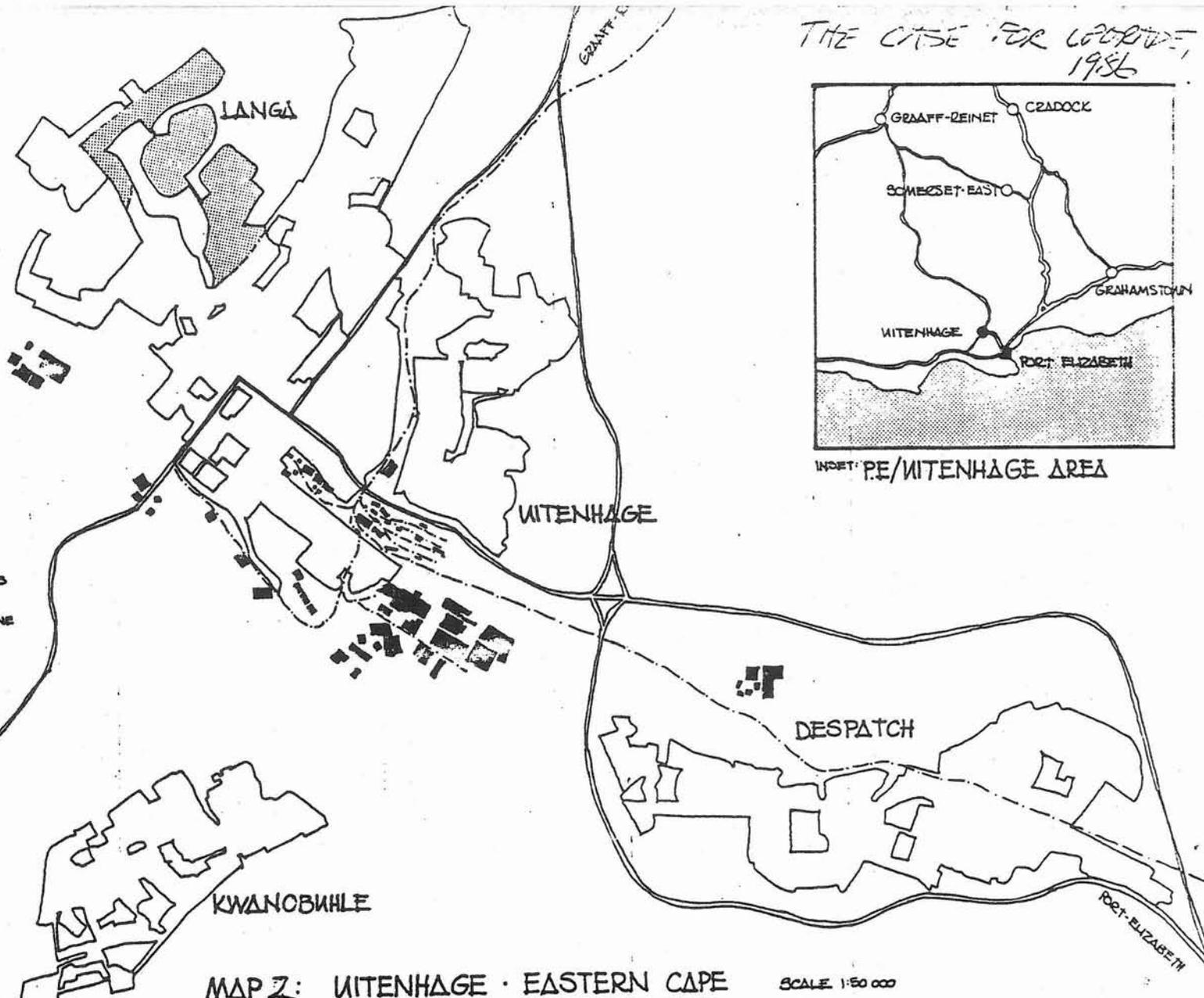
THE CASE FOR LOGROVE,
1986

INDUSTRY

MAIN ROUTES

RAILWAY LINE

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INDET. PE/WITENHAGE AREA