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UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG
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STRUCTURE AND EXPERIENCE IN THE MAKING OF APARTHEID

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TITLE: "DOOM AT ONE STROKE OF THE PEN" : Planning and Group Areas, c. 1935 - 1955

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"DOOM AT ONE STROKE OF THE PEN"[1]: URBAN PLANNING AND GROUP AREAS c. 1935-1955

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History Workshop, February 1990

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If 'voluntary' segegation ... had a strong measure of compulsion, it is possible that the compulsory segregation of the Group Areas Act may be more voluntary than it appears.[2]

It is essential that [racially mixed] areas be studied by persons with long town planning experience who understand all the implications [of group areas].[3]

Watter waarborg is daar ... watter waarborg kan gegee word ...?[4]

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How much did the implementation of the Group Areas Act contribute to dividing communities? What have its political and economic effects been? And, perhaps most vitally, how can those effects be overcome? This paper forms one excursion on the mostly uncharted way to understanding how urban planning - the conscious ordering of space - might, or might not, contribute to reopening the cities. To understand planning, its potential and its flaws, requires some knowledge of its past - a past which might give rise to accusations of complicity in the crimes of urban apartheid. The creation of group areas, usually considered to

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[1] Martin Koopman of the Newclare Ratepayers' Association used this phrase in a Memorandum to the Land Tenure Advisory Board (LTAB) of 02.06.55; State Archives, Pretoria (SA), Department of Planning series (BEP) 146, G7/139 Pt 1, 'Aansoek om n groepsgebied in distrik Johannesburg'.

[2] L. Kuper, H. Watts and R.J. Davies, Durban: a Study in Racial Ecology (London: Jonathan Cape, 1958), p. 159.

[3] T.B. Floyd of Bowling, Richardson and Floyd, Town Planning Consultants, Johannesburg, in 'Preliminary Report on Proposed Group Areas' to the Mayor and Councillors of East London, 06.07.53; Cape Archives, Cape Town (CA), East London Municipal series (3/ELN) 137, 50/1148/9 vol. 1.

[4] (What guarantee is there, what guarantee can be given?) Questionnaire submitted by the Albertville (Johannesburg) Ratepayers Association to the Chairman of the LTAB, 14.05.57; SA, Group Areas Board series (GGR) 59, 22/30, 'Ander aangeleenthede ...

lie at the very core of urban apartheid, has not yet yielded to much scholarly scrutiny; to convict planning at this stage would depend on trumped-up charges and flimsy evidence. The paper intends to explore the relation between planning and the group areas process.

Given the self-evident destruction wrought by 'the group', it seems a little absurd that representatives of bodies often held responsible for the dehumanising of our cities are even now engaged in the reinterpretation of the past along perhaps predictable lines. While still a minister in the PW Botha Cabinet, Chris Heunis grew fond of pointing out that the Group Areas Act (GAA) 'always made provision for, and recognised, circumstances where totally separate areas could not be achieved'.[5] Before these and other burdens of a fluid present weigh too heavily, this among other excursions seeks to discover and interpret something of the relation between planning and group areas, planners and people, planners and apartheid.

In these early months of 1990, keen watchers of SATV stand to learn that those previously disqualified folk who move in next door may even be 'People Like Us'.[6] This crude, if entertaining, ideological manipulation provides a neat antithesis to earlier National Party contortions. Exactly forty years ago, when Dr T.E. Donges introduced the Group Areas Bill in the House of Assembly, his underlings had to cast around for evidence of the popularity of generalised, compulsory urban racial segregation. In doing so they found many examples of demands for, moves towards and attempts at enforced separation of 'race groups' in urban areas. Some of these Donges cited during the lengthy parliamentary debates on the Group Areas Bill; some involved proponents and agents of urban planning. But did those planners really contribute to the framing of the Bill?

Similarly, as the months of early, excited reaction to the Act turned into years of intense research, lobbying, hearings, arguments and recriminations before the first declarations of group areas appeared in the Government Gazette, struggles over the allocation of urban space inevitably involved planners. But did they find themselves dragged unwillingly into adding racial zoning to their attempts to guide urban growth? Or did they enthusiastically embrace group areas as racial panacea?

To pose the question of the relation between planning and group areas is not original. In a largely theoretical account, McCarthy and Smit suggested the importance of ethnic zoning within the typical planning desire for efficiency and order. Dan

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[5] Survey of Race Relations 1988/9 (Johannesburg: SA Institute of Race Relations), p. 686.

[6] This TV series portrays the circumstances of a coloured family moving into a formerly white neighbourhood; its screening was delayed for two years (according to The Star, Tonight! supplement, 25.01.90, p. 10).

Smit elaborated this view in his exciting PhD thesis, to which much reference occurs below, but offered little new information on the origins and implementation of the GAA. Jeff McCarthy hints intriguingly at the close connection between planning for Durban's expansion in the forties and planners' perceived needs for draconian (ethnic) removal legislation.[7] But, on the questions raised above, we remain somewhat in the dark.

Our inability to answer these questions stems from a tendency in the existing literature not to look too closely either at the origins of the GAA, nor to examine the specific nature of the changes which it introduced and how the superficially obvious policy of segregating towns and cities actually translated into practice. Thus two of the more substantial scholarly texts which address group areas, the Kuper, Watts and Davies study of Durban in the 1950s and Western's treatment of Cape Town under the Group Areas Act, both make rather glib assumptions about the Act's background. The latter accounts for the Act essentially in terms of 'strategic' motives: the need for spatial separation to maintain white domination; while recognising that material gain played some role. Kuper, Watts and Davies more or less ignored developments outside Natal or even Durban which might have contributed to the group areas 'solution'.[8] Studies of particular places 'before and after' the GAA tend to emphasise the results, often horrible in personal terms, of the Act's implementation, without examining in much if any detail the contested processes by which authorities achieved often partial enforcement.[9]

To some extent the work of Western on the group areas hearings in Cape Town, and one or two other pieces, develop our sense of the complex processes - much slower than anticipated by the Act's progenitors - through which compulsory segregation developed.[10]

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[7] J. McCarthy and D. Smit, South African City: Theory in Analysis and Planning (Cape Town: Juta, 1984); D. Smit, The political economy of urban and regional planning in South Africa 1900-1988: towards theory to guide progressive planning practice (unpublished PhD thesis, University of Natal, Durban, 1989) 97-110; J. McCarthy, Problems of planning for urbanisation and development: the case of Natal's coastal margins, Geoforum 17 (2) (1986), pp. 267-287.

[8] J. Western, Outcast Cape Town (Cape Town: Human and Rousseau, 1981), pp. 74-83; Kuper, Watts and Davies, op cit.

[9] cf. J.G. Nel, The state and residential apartheid in Port Elizabeth, Society for Geography conference, Pretoria, 1989; A.J. Christopher, Apartheid planning in South Africa: the case of Port Elizabeth, The Geogrpahical Journal 153 (2) (1987), pp. 195-204.

[10] Western, op cit, esp. Chapter 5; H. Southworth, Lost opportunity and autonomy: the failure of Durban's resistance to the Group Areas Act during the 1950s (unpubl. Senior History Essay, Yale University, 1988); G. Pirie, Race zoning in South

But those authors wrote in ignorance of the wealth of material in correspondence, hearing transcripts and other sources which may not have been accessible to them, as Gordon Pirie suggested in 1984.[11] Glen Adler's work on conflicts between the Uitenhage town council and the central state over implementing the GAA shows how some local sources have been ignored, and more importantly, can be used.[12] The advance of the open period in state archives yields, of course, a changed research context. And the longevity of many actors in the thirties, forties and fifties suggests some as yet untapped sources.

Recent work on the origins and implementation of apartheid similarly provides a stimulus to re-examine group areas.[13] Yet this work has not, so far, addressed group areas in any detail. Unlike Bantu Education, for example, the GAA was not preceded by an elaborate and well-known commission, chaired by a leading figure in the framing and development of apartheid policy like W.M. Eiselen. Possibly this lapse on the part of the National Party government accounts for the mystery which lies behind the presently accepted account of group areas simply as an inevitable part of apartheid. Or perhaps the nature of urban planning is to conceal its traces, both in its conceptual and its practical phases?

Like other features of apartheid, as Nolutshungu and Wolpe have recently suggested[14], a key to understanding the origins and early implementation of the Group Areas Act lies in defining just what changes the Act introduced. The multiplicity of those changes certainly suggests a complex genesis. That the Act was intended to codify and strengthen the attack on some Indian property rights in Natal is not in dispute. But the tendency to see this feature as the explanation of the Act and the Durban City Council as primary agitator in its cause (as the Indian

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Africa: board, court, parliament, public, Political Geography Quarterly 3 (3) (1984) pp. 207-211.

[11] cf. Pirie, op cit, 211.

[12] G. Adler, 'Trying not to be cruel': local government resistance to the application of the Group Areas Act in Uitenhage, paper presented to Southern Africa Research Program seminar, Yale University, 1988.

[13] e.g., D. \ Posel, Influx control and the construction of apartheid (unpubl. D.Phil. thesis, Oxford University, 1987); Posel, The meaning of apartheid before 1948: conflicts, interests and forces within the Afrikaner nationalist alliance, Journal of Southern African Studies 14 (1) (1987), pp. 123-139; J. Lazar, Community and conflict in Afrikaner nationalist politics in South Africa 1948-61 (unpubl. D.Phil. thesis, Oxford University, 1987).

[14] S. Nolutshungu, Changing South Africa (Cape Town and Johannesburg, 1982); H. Wolpe, Race, Class and the Apartheid State (London, 1987).

Congresses, the Johannesburg City Council's lawyer and Kuper et. al. did in the fifties, followed by Fatima Meer in 1976 and others more recently[15]) is clearly inadequate. Indeed, the GAA effectively guaranteed property rights to Indians, albeit in narrowly defined areas, reversing the legal tendency of the previous quarter century. As the Chairman of the Land Tenure Advisory Board (LTAB - the implementing body) put it in 1952, Indians were entitled to property rights.[16]

Other changes usually lost from view were perhaps as important. It could be argued that for the first time, the GAA at least potentially extended compulsory general segregation to coloureds; centralised control over racial segregation, effectively undermining municipal autonomy; laid the basis for long-range, wide-scale land allocation planning; opened the way to greatly expanded public housing provision especially for the poorer sections of the urban population; provided for retroactive segregation; and massively interfered with concepts of property rights generally. How did these changes relate to other aspects of apartheid? For the present that question lies beyond the scope of this paper. Instead the focus falls on two other points: to what extent did the nature and needs of urban planning bring these changes about, and what were their effects, especially on planning? While these narrow concerns obviously have to be set against a broader backcloth, they require an initial account of urban planning and segregation, and since such an account does not, as far as I know, exist elsewhere, it consumes a large part of this paper.

1. Background on planning and segregation

Planning urban land use has a long history in South Africa, beginning mainly in association with the surveying of land for towns in areas newly-settled by whites both in the colonies and republics. The specific allocation of land to segregated 'locations' for people other than the generally dominant whites and those whom they wanted or did not object to being immediately about their own places of residence began to gather momentum in places such as Port Elizabeth from the 1850s on.[17] In the

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[15] cf. statements by TIC and NIC in numerous documents; O.J. Frankel, representing Johannesburg at LTAB hearing, May 1955, BEP 146, G7/139 'Verhoor om groepsgebiede in Johannesburg'; Kuper, Watts and Davies, op cit, p. 34; F. Meer, Domination through separation, in D.M. Smith (ed) Separation in South Africa: People and Policies (Occasional Paper 6, Dept of Geography, Queen Mary College London, 1976), pp. 17-24.

[16] Remark of G. de V. Hugo at an interview with representatives of the Pretoria City Council, 29.05.52, BEP 131, G7/137.

[17] J. Robinson, Progressive Port Elizabeth: liberal politics, local economic development and the territorial basis of racial domination, forthcoming in Geojournal (1990); Nel, op cit;

Transvaal the republican government also sought to demarcate areas for minority groups - Malays and Indians - with the result of numerous 'Asiatic Bazaars'. In the Cape, East London acquired specific powers to segregate Indians, but that was unusual both in discriminatory principle and in the conferring of such powers on a municipality. By the turn of the century several local authorities began to embark on public housing programmes, which usually required specific higher tier governmental approval.[18] Thus, if a general pattern could be said to exist, local authorities had little power to intervene in the allocation of land to different uses or occupation by different 'races'.

Colonial legislation during the immediate post-Anglo-Boer War phase altered this situation by providing for some control over the subdivision of land and expanding local authority powers. Especially in the Transvaal, in a general environment of 'reconstruction', the colonial government began to transform the nature of local government, in part by establishing the rudiments of planning control (through creating a Townships Board to guide subdivision of land). Amongst other powers, the government transferred control of Asiatic Bazaars to municipalities and gave at least some of them the power to establish 'native' and 'coloured' locations.[19] In all aspects of land use control including racial zoning, however, public powers were weak, as the following (1909) resolution of the Ermelo Town Council illustrates:

> that the Government be asked to amend the law so as to prohibit Asiatics residing or trading in places other than those set apart for their occupation.[20]

Christopher, op cit.

[18] M. Swanson, The sanitation syndrome: bubonic plague and urban native policy in the Cape Colony 1900-09, Journal of African History 18 (3) (1977), pp. 387-410; A. Mabin, Labour, capital, class struggle and the origins of residential segregation in Kimberley, 1880-1920, Journal of Historical Geography 12 (1) (1986), pp. 4-26.

[19] T.B. Floyd, Geskiedenis van Stadsbeplanning in Suid-Afrika, in E.W.N. Mallowes (ed), Summer School of the SA Institute of Town Planners (Johannesburg, 1959), pp. 6-19, and Smit, op cit; Transvaal Archives, Pretoria (TA), Colonial Treasurer series (CT) 152, T34/8 'Transfer of Asiatic Bazaars from Government to Municipalities', and SA, Land Tenure Advisory Board series (ARG) 10, Act 1/1/2/3/16 'Representations from public - Transvaal - Johannesburg City Council', schedule attached to D.R. Blaine to Deputy Town Clerk 02.07.38.

[20] TA, Local Government series (TPB) 539, TA 1395 'Asiatic Bazaar general file 1907-21', Town Clerk Ermelo to Colonial Secretary, Pretoria, 28.07.09.

After Union, the constitutional question of the division of powers between central, provincial and local government had to be addressed; the South Africa Act by no means determined the matter. As with so many other areas of policy, however, the First World War and its attendant social upheavals delayed the setting of policy and allocation of powers relating to urban planning. With the influenza epidemic of 1918, public health concerns - important at least as rationalisations in the planning of segregated locations in the early years of the century - came to the fore. The Public Health Act of 1919 conferred new powers on municipalities, with the added stick that local authorities failing to preserve public health could lose considerable amounts of autonomy, including financial, to the central Department of Health. These familiar public health origins of urban planning extended further, to the housing commission and the passage of the 1920 Housing Act. Again the key initiators of action were to be the local authorities, though their field of action was limited by the purse strings held by the Central Housing Board.[21] Indeed, its practice of approving only schemes for specific 'groups' enhanced already-entrenched segregation through public housing.

Those responsible for health, at least in the larger municipalities, recognised in the Public Health and Housing Acts the potential to achieve desired improvements through spatial manipulation. Thus William Porter, the Johannesburg Medical Officer of Health, came back to the city from a Town Planning Summer School held at University College, London about 1918 an enthusiast for town planning. His vision of planning required that 'undesirable uses of land' -including black residences- should be moved as far as possible out of the city.[22] Local authorities, however, lacked the powers and resources to accomplish such ambitious planning, a fact recognised in the appointment of the Transvaal Local Government Commission of Enquiry in 1921. Besides his infamous dictum that 'natives' should be in town only to 'minister to the needs of whites', its chairman, Stallard, also held that

> housing problems and overcrowding with their concommitant evils (are) intimately connected with neglected town planning.[23]

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[21] For a study of the roles of local and central government in initiating different types of housing projects, see J. Butler, ... Cradock ... South African Historical Journal ?? (198?) ...-???.

[22] W. Porter, Town planning: its historic and public health aspects (1922), in G.E. Pearse (ed) Addresses and Lectures by Members of the Transvaal Planning Association (Johannesburg: University of the Witwatersrand, Faculty of Architecture, 1931), cited in Smit, op cit, p. 57.

[23] Report of the Transvaal Local Government Commission, para. 224; cited in Smit, op cit, p. 50.

The limited abilities of local authorities received attention in a way which developed the segregatory tendencies of nascent urban planning through the passage of the 1923 Natives (Urban Areas) Act. For the next three decades, local authorities which made successful proclamations of their areas under this Act gained the power to restrict most Africans to townships and compounds; doing so, of course, required a certain amount of planning.[24] As Dan Smit notes, 'ethnic engineering' acquired legitimacy as a concern of urban planning from its early days in South Africa.[25] The power to accomplish such engineering through planning, however, remained incomplete.

While Stallard investigated local government in the Transvaal, another commission engaged in reviewing the 'Asiatic problem'. The Lange commission recomended in 1921 that municipalities should have the right to establish areas for Indian residence, but not to compel people to move. The Minister of the Interior, Patrick Duncan, responded by introducing a Class Areas Bill in 1924. The bill proposed that local authorities could ask the minister to set up commissions to investigate the establishment of areas reserved for any 'class' of persons, either for residence or trade or both, and for the proclamation of such areas. Following the Lange commission it expressly preserved existing property rights.[26] With the defeat of the South African Party at the polls later in the year, this bill disappeared. However, the new Minister, D.F. Malan, introduced essentially similar provisions in an Areas Reservation Bill in 1926. A select committee recommended that the bill be withdrawn in order not to embarrass the government in the course of discussions with the Indian government on 'repatriation'. The conference agreed to an assisted emigration scheme which sidelined the racist clamour for restriction of Indians for a few years.

Hertzog's government had failed to heed the cry for municipalities to be given general powers of segregation. Prominent among those demanding this 'solution' was the Natal Municipal Association, which held that 'every race should have its own area ... The local authority should have the power to compel people to reside in Class Areas'.[27] But if the government failed to satisfy in this area, it nevertheless began a great expansion of municipal planning powers. Urban planning began to

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[24] T.R.H. Davenport, The Beginnings of Urban Segregation in South Africa: the Natives (Urban Areas) Act of 1923 (Grahamstown: Rhodes University, Institute for Social and Economic Research, Occasional Paper, 1971).

[25] Smit, op cit, p. 57.

[26] Report of the Lange Commission, UG.4-1921; Class Areas Bill, AB41/24.

[27] Report of the Select Committee on the 1926 Areas Reservation Bill, evidence, para. 2404-2406.

move beyond its relation purely to subdivision and public housing in the direction of comprehensive land allocation and use control - conducted by municipalities, subject to provincial control. The Transvaal was the first province to adopt a Town Planning Ordinance, in 1931. Modelled closely on the British Town Planning Act of 1905, it provided for preparation by municipalities of schemes controlling land use, density, building size and position - the traditional technical controls of town planning. For the larger municipalities town planning schemes sense became compulsory. For the first time, a demand for the services of planners as such emerged; some municipalities appointed their own staff, and most made use of the few consultants in practice.[28]

Over succeeding years the other provinces followed the Transvaal lead and established their own planning ordinances. But the concerns which had predominated in the early twenties, when the town planning movement began to gather momentum in South Africa, were greatly altered. Instead of rapid economic expansion, depression and urban deterioration required attention. Local authorities acquired more powers under the 1934 Slums Act: now they could condemn buildings or whole neighbourhoods, and move people - provided the funds were available - to new housing estates. Some did so on a grand scale: of course, segregation ruled, as in the Johannesburg case, with - in order of distance from the city - Jan Hofmeyr for whites, Coronationville for relatively well-off coloureds, Noordgezicht for poorer coloureds and Orlando for Africans.[29] Similar planning occurred in Cape Town.[30] Here was planning on the grand scale: co-ordinated allocation of widespread areas of land to new uses.

Africans had been deprived of the right to expand their property holdings and other forms of tenure by the 1913 Land Act, backed up in towns by the 1923 Natives Urban Areas Act which could be applied to remove tenurial rights. Those deemed coloureds remained in an ambivalent position. They were free to acquire and occupy urban property, though not in the many areas with racist clauses in their title deeds. They were often segregated through public housing schemes. Yet, despite the threat of discriminatory legislation, this position did not alter during the Hertzog years. Indians proved to be the most vulnerable black constituency, and they were the first to lose rights to acquire property in 'white' areas during the thirties.

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[28] T.B. Floyd, Town Planning in South Africa, (Pmb: Shooter and Shuter, 1960).

[29] S. Parnell, op cit.

[30] cf. L. le Grange, Working class housing, Cape Town 1890-1947, in A. Spiegel (ed) Africa Seminar Collected Papers Vol. 5 (UCT, Centre for African Studies, 1985), pp. 13-37; J.P Joyce, Cape Town and the origins of the Slums Act of 1934 (unpubl. BA(Hons) diss., UCT, 1981).

The literature, as noted above, tends to stress Natal anti-Indian action as the source of much racist legislation, even the Group Areas Act. The significance of Transvaal interests in securing the appointment of commissions and action on their results seems to have eluded serious scrutiny, but might well have been significant. For example, the first Broome commission demonstrated that between 1927 and 1940, property purchases in 'white' areas by Indians in Natal barely exceeded those by the much smaller Indian population of the Transvaal.[31] Perhaps it was not the sheer numbers of Indian acquisitions in Natal, but rather the obstacle which Indian property on the fringes of cities posed to expansion of municipal areas, industrial sites and white propery 'development' generally which gave a strong impetus to the demand for anti-Indian legislation in Natal.[32]

To some extent the legislation of the thirties kept local demands for control over Indian property rights at bay. Frequent delay characterised the question. A 1930 select committee proposed a bill to reinforce the 1885 Asiatic Bazaar law, which became the Transvaal Asiatic Land Tenure Act (no 35 of 1932). But its toughest clause, which would have compelled local authorities to set aside 'Asiatic' areas, was postponed until after a second conference with the Indian government, and fell away when J.H. Hofmeyr replaced D.F. Malan as Minister in the new coalition government in 1933.[33] Under the provisions of the Act, however, a commission chaired by Richard Feetham enquired into the occupation of proclaimed mining land by 'coloured' (including Indian) people - which was illegal under the Gold Law. In 1937 a statutory committee replaced the Feetham commission; both reported a number of times, and each time the government passed legislation to extend 'temporarily' the rights of Indians in possibly illegal occupation.[34]

Together, local councils and the central state had considerable if incomplete power to segregate Africans and Indians. In the early thirties, and before, various local authorities in the Cape pressured the provincial administration to give them powers with respect to coloureds similar to those affecting Africans under

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[31] Report of the Commission of Inquiry (Broome), UG.39-1941, p. 72; cf. Kuper, Watts and Davies, op cit, pp. 148-9.

[32] cf. McCarthy, Problems of planning and urbanisation ...; see also Bill Freund, The rise and decline of an Indian peasantry in Natal, History Workshop paper, February 1990.

[33] ARG 12, Act 1/1/2/7, typescript Joint Report of the Asiatic Land Tenure Laws Amendments Committee and the Land Tenure Act Amendments Committee (hereafter t/s Joint Committee Report) para 153-5, pp. 68-9.

[34] In 1935, 1937, 1939, 1941; cf. Report of the Murray Commission into Evasion of the Law ..., 1939, esp. minority report of Bloemsma on the need for a pegging bill; cf. ARG 12, Act 1/1/2/7, t/s Joint Committee Report, para 183 p. 83.

the 1923 Native Urban Areas Act. In 1931, the Cape Province Municipal Association resolved at its annual congress - attended by delegates many local authorities - to ask the Administrator to add powers to the existing muhicipal ordinance (No 10 of 1912) replicating the location provisions of the 1923 Act, thus to promote white-coloured segregation. Similar requests continued during the decade.[35]

2. Foundations of compulsory planned segegation

It may be that these requests were sparked by nervousness at the rise of militancy described by Gavin Lewis among coloured organisations in the thirties.[36] The genesis and progress of organisations like the National Liberation League, and its effects on the politics of older, 'moderate' bodies like the African Peoples Organisation (APO) could hardly have gone unnoticed by councils engaged in deliberate attempts to segregate coloureds in housing schemes. Probably more powerful than these fairly tame local pressures, however, was the rise of the new Afrikaner nationalism in organisations which included the Gesuiwerde Nasional Party (GNP) under D.F. Malan, and the Afrikaner Broederbond (AB), which despite its largely Transvaal membership had significant policy stimuli from Cape circles, particularly Stellenbosch academics.[37] Given the conflicts and suspicions over economic and other matters between Cape and Transvaal members of both the GNP and the AB described by Dan O'Meara, it is possible that evolving policy on white-coloured segregation provided a unifying force within these organisations at the time. Wilkins and Strydom note that AB policy on segregation evolved from the time of its first policy document on the subject in 1933, while the 'Afrikanerbond vir Rassestudie, under the leadership of Broederbonders, studied the concept of apartheid from 1935'.

Of course, in the mid-thirties the AB and GNP could not simply have their way on coloured-white relations. Malan unsuccessfully sought coloured disfranchisement as an addendum to the 1936 Natives Representation Bill; J.G. Strydom lost a motion 'in favour of the introduction of legislation for determining and setting aside separate residential and business areas for certain classes of persons' in a select committee in 1937. Wilcocks, chairing the Commission of Enquiry into coloured welfare, could not gain majority support for his recommendation that 'the

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[35] CA, Provincial Secretary series (PAS) 3/171, AL39, Minutes of 24th Annual Congress of CPMA, 1931; marginal notes by Provincial Secretary (PS); Town Clerk, Fort Beaufort, to PS 13.08.38, and reply, 30.08.38.

[36] G. Lewis, Between the Wire and the Wall: a History of South African 'Coloured' Politics (Cape Town: David Philip, 1987), pp. 179-192.

[37] I. Wilkins and H. Strydom, The Superafrikaners: Inside the Afrikaner Broederbond (Johannesburg: Jonathan Ball, 1980).

demarcation bewteen European, Coloured and Native areas should be distinct'.[38] But coloured segregation was a developing idea, and one which touched a raw nerve in the uneasy coalition which became the United Party. Whatever the agreements arrived at in Afrikaner nationalist circles at the time, the AB constitution of 1944 stated that 'all Broeders in their political action will strive for ... (3.) Segregation of all coloured races domiciled in South Africa ...'. The AB was certainly capable of organising nationally in support of parliamentary action by GNP members, as Hertzog pointed out in his famous Smithfield attack on the AB in 1935.[39]

It seems reasonable to guess, therefore, that the attempt between 1937 and 1940 to endow Cape municipalities through a provincial ordinance with powers to segregate coloureds from whites originated in policy circles in the GNP and AB. Agitation amongst white residents' associations, particularly in Cape Town, produced enough anxiety for Smuts to speak in support of segregation between coloureds and whites, at least in public housing, in March 1938. The United Party majority in the Provincial Council referred the measure to the CPMA in 1938, and probably appreciated the breathing space provided by that organisation's request for delay. Koot Vorster was active in promoting the ordinance and urging municipalities to support it at the CPMA congress in 1939.[40] Upon its debate in 1939, the CPMA endorsed the principle of segregation between coloured and white by 127 votes to 33, but not the draft ordinance.[41] Opposition to the draft by NLL and APO had been effective, not only bringing Councils such as Cape Town's and East London's to direct their delegates to vote against it, but convincing most

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[38] D. O'Meara, Volkskapitalisme (Johannesburg: Ravan, 1983), pp. 105-106; Lewis, op cit, p. 178; Wilkins and Strydom, op cit, pp. 190-1, 195; ARG 12, Act 1/1/2/7, t/s Joint Committee Report, para 169, p. 76; Report of the Commission of Inquiry Regarding the Coloured Population (Wilcocks), UG.54-1937, pp. 66, 237, 240; Lewis, op cit, p. 167.

[39] Rand Daily Mail, 15.12.44, cited in Wilkins and Strydom, op cit, p. 353; ibid, p. 66.

[40] cf. letter of 01.12.38 to many Cape municipalities from Ds. J.D. Vorster and 7 others for the 'Uitvoerende Bestuur van die Apart Woonbuurte Komitees in die Kaapse Skiereiland', in, among other places, CA, East London Municipal series (3/ELN) 886, 1969, 'Segregation Ordinance 1938-40', and Simonstown Municipal series (3/SMT) 4/1/35, 300, 'Segregation of Coloured Residents Draft Ordinance'.

[41] Cape Times, 09.12.37; Lewis, op cit, p. 189; SA, Group Areas Board series (GGR) 49, 15/10, 'Verrigtinge van die Kaap Provinsiale Munisipale Kongres 1939 en 1948 ...', extract of minutes of CPMA congress 1939, pp 43-54.

that the particular method proposed might be inappropriate.[42] When the measure again reached the Provincial Council the following year, it was opposed largely on the grounds that national policy should be developed, not provincial or local; and to the backdrop of a public demonstration of some 15 000 people addressed, among others, by Cissie Gool, the Provincial Council defeated the measure.[43] This procrastination temporarily accommodated those who vehemently opposed any compulsory segregation between coloured and white, as well as pleasing those in favour of it: for few MPCs expressed rejection of the principle of such segregation. In their actions the UP members certainly opened the way for Dr Donges to claim, ten years later, that the CPMA and the Cape generally wanted compulsory segregation between whites and coloureds: he was able to refer to a 1948 reiteration of the desire of the CPMA for such segregation. The Cape thus provided, contrary to the protestations of UP MPs in 1950, a strong impetus for group areas, specifically to segregate coloureds from whites.

The draft Cape ordinance had proposed a number of new features: it would have allowed the segregation of amenities; it defined whites married to blacks as blacks, just as the Group Areas Act does today.[44] In one crucial respect, however, it differed from the later legislation: it provided for municipalities to plan and execute spatial segregation:

> s. 2(1). A local authority may by notice in the Provincial Gazette define and set aside any area within its area of jurisdiction for the occupation for residential purposes by Europeans or non-Europeans only, provided it complies with ... conditions ...

This proposal fitted well with the developing ideas of urban planning in South Africa in the late thirties, for it potentially expanded the general control of land use which planners and their supporters saw as increasingly vital, rather than the more technical regulation for which town planning ordinances had begun to provide.[45] 'Further powers of local authorities', the official title of the draft ordinance, represented what planners wanted. And, of course, they wanted those powers to exend to racial as well as other forms of large-scale and long-term

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[42] cf. Papers relating to East London COuncil's directive to its delegates to vote against the draft ordinance at the 1939 CPMA congress, largely on the basis of APO representations, 3/ELN ...; and the Minutes of the 1939 CPMA congress, cited above.

[43] Lewis; newspapers; Votes and Proceedings of the Cape Provincial Council, 18.07.40, 23.07.40, 25.07.40.

[44] Draft Further Powers of Local Authorities Ordinance, Cape Provincial Gazette, 22.07.38, p. 276, s. 8, s. 11.

[45] cf. D. Smit, op cit, p. 85.

zoning. The draft ordinance went down to defeat in 1940 not because it would have allowed municialities to determine racial zoning - indeed the rights of local authorities would probably have been strongly defended in the Cape[46] - but because the appropriate relations between national and local policies, national and local planning bodies had not yet been worked out; and because national policy on coloured-white segregation, like that affecting Indian segregation, had entered a period of indecisiveness, mainly for reasons of early political paralysis in the UP.

Hertzog's ringing declarations of the intertwined destinies of coloured and white notwithstanding, there were some moves towards a policy of residential segregation between the two 'groups'. Responding to Malan in March 1939, Hertzog committed his government to social segregation: legislation for segregation of all new townships, and a means of segregating established areas. But he insisted that policy should be national in scope, not provincial or local. In May, Stuttaford, the Minister of the Interior, introduced one of the series of bills which pegged Indian ownership in the Transvaal and referred to the drafting of longer-term measures. Those took the form of allowing local referenda or magisterial enquiries which, if three-quarters of the population of a neighbourhood wanted total segregation, it could be achieved by the blanket insertion of restrictive racial 'servitudes' in all the title deeds of the area.[47] The means, though not the trigger, reappeared in the Group Areas Bill in 1950; in 1939, yet another delay was attributed to Indian government objections.

After Hertzog's defeat on the neutrality issue in September 1939, the Smuts government did not change this policy; Lawrence, the new Minister of the Interior repeated a commitment both to a servitudes measure and to the need for national policy in early 1940 - amongst other things contributing to the defeat of the Cape segregation draft ordninance. Accelerating ethnic change in some Durban residential areas did stimulate ad hoc measures by the United Party government during the Second World War in an attempt to stem the process.[48] But servitude legislation was not forthcoming, and indeed, the general policy towards irregular settlement of the Smuts government seemed to become more permissive, with the suspension of pass laws in 1940. The material realities of proletarianising, industrialising and warring South Africa ensured that the Smuts government had to grapple with all of these issues.

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[46] e.g., PAS 2/1151, L 120/C/126 'Report on Housing Commission', A. Weisbecker for PS to Secretary of Government Housing Commission, 03.03.1920.

[47] Hansard Vol 33, cols. 2157-9; 4048-9.

[48] e.g., the 'Pegging Act' of 1943, and the Lawrence Committee, intended to persuade Indians not to seek property in 'white' areas, and whites not to sell or let to Indians.

3. Urbanisation, war and planning for reconstruction

That urbanisation and industrialisation accelerated in the thirties and forties, especially during the Second World War, is a commonplace. Local authorities, struggling to cope with these changes and at the same time to foster industrial development in their own areas of jurisdiction (and revenue), produced volumes of material which has only recently begun to receive the attention which it deserves, from scholars such as Bonner, Maylam and Sapire.[49] Central government departments, too, grappled with the issues; apart from the obvious importance of the Native Affairs bureaucracy, others investigated, debated and recommended courses of action. Among those was the department traditionally concerned with matters of housing and urban affairs, the Department of Health. Its most visible act in the late thirties was to appoint a committee to investigate what it called 'irregular' settlement on the fringes of municipal areas, a phenomenon which had become widespread. This committee, chaired by Sir Edward Thornton, chairman of the Central Housing Board, travelled widely, heard hundreds of witnesses, produced scores of interim reports on particular areas and finally reported to the Minister of Health in 1939 (its report was published in 1940). Among its concerns was the fact that few powers existed to control 'irregular' urbanisation by non-Africans: the committee identified a

> Need for preventing the establishment of further uncontrolled areas. The vast majority of witnesses who appeared before [the] Committee stressed the need for the prevention of further uncontrolled peri-urban settlements ... [L]ocal authorities pointed out that ... there would be nothing to prevent [irregular] settlements arising beyond [their] boundaries. Your Committee agrees ... and considers that the first essential should be to prevent the creation of similar areas in the future. As far as Natives are concerned the matter is sufficiently provided for [if s.6 of the 1923 Natives Urban Areas Act were enforced] ... As regards other classes of the community the position is not so well safeguarded ...[50]

This hint in the direction of measures to control, particularly, the activities and settlement of coloured and Indian people did not crystalise as a specific recommendation of the Thornton report, perhaps because of the delicacy of such issues in party politics at the time. But the committee's general view that all blacks, particularly coloureds, should be segregated from whites found clear expression in the tone of the report, which showed horror at

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[49] Bonner, Maylam; and H. Sapire, (unpubl. PhD thesis, Univ. of Witwatersrand, 1988).

[50] Report of the Committee to investigate areas which are becoming urbanised ... (Thornton), 1938-39, p. 15, para. 47.

> occupation of land and buildings irrespective of race with the result that Europeans were found to be occupying premises and living cheek by jowl with non-Europeans ...[51]

As the war progressed the changes identified by the Thornton committee accelerated, but the central government offered no relief. For local authorities the occupation of potentially lucrative land by irregular settlers, rapid growth of both industrially employed and unemployed population and pressure on housing meant that action seemed rather more urgent. Hilary Sapire provides an illuminating account of the Brakpan Council's attempts to persuade central government to take action, and its varied local initiatives.[52] The Durban City Council established a committee to investigate the possibilities of post-war development; Kuper, Watts and Davies noted how its report featured racial zoning based on large zones (at least one of which was a satellite Indian city), a radial pattern and the use of the rivers and ridges as 'buffers' between zones.[53] In Cape Town, the City Council engaged planners who recommended wholesale demolition in District Six and new roads (the progenitors of the Eastern Boulevard) to link the land thus released for commercial and industrial, as well as more salubrious residential uses, to the new foreshore - envisioned, according to Naomi Barnett, as the recreation of inner Cape Town.[54] The Johannesburg Council's planners busied themselves with plans to remove Indians to Diepkloof - vociferously opposed by the Transvaal Indian Congress and inhibited by government failure to move the reformatory- and, as Van Tonder shows, to clear the 'Western Native Areas', linked to the establishment of new townships on land owned by the Council such as the farm Meadowlands.[55]

Sapire, Kuper et. al., Barnett and Van Tonder all point out how these plans prefigured later policies and projects carried out by the National Party (NP) government after 1948, sometimes, ironically, against the opposition of the local councils concerned. In the war years, UP central and local governments

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[51] ibid, p. 11, para. 25.

[52] Sapire, op cit, pp. ??-??.

[53] Programme of Post-War Development: Report of the Special Committee (Durban, 1943); Kuper, Watts and Davies, op cit, pp. 187-8.

[54] N. Barnett, A chapter in the history of Cape Town's District Six: destruction planned, 1940 (unpubl. paper, Dept of History, UCT, 1989).

[55] D. Van Tonder, First win the war, then clear the slums: the genesis of the Western Areas Removal Scheme, 1940-49 (History Workshop Paper, 1990); ARG, Act 1/1/2/3/10 'Representations from public - Transvaal - SAIRR'.

faced the same issues of economic and social change, proposed much the same 'solutions' as did the NP from 1947, but failed to implement them in anything but piecemeal fashion. The excuse for ad hoc policies was the war, but that did not mean a vacuum in thinking through the restructuring which would both be necessary and possible after the war's end.

From the early forties, the Smuts cabinet became increasingly concerned with 'reconstruction' in the post-war world. Certain figures played a key role in shaping the government mind on these matters, one of whom was H.J. van Eck, who Smuts had appointed to establish the Industrial Development Corporation in 1943. Just as the IDC foreshadowed a more interventionist role for the state in the peacetime economy, so various state departments began to think along similar lines: the 'reconstruction' reports of several reveal the legitimacy which such thinking had achieved by the end of the war.[56] In common with other countries, a role for planning at a much wider scale than tinkering with the location of commercial activities within neighbourhoods surfaced. The trend was made explicit, among other places, in the Natal provincial administration's report on provincial and town planning[57]; and in the addition of some planning functions to the old Central Housing Baord in its new guise as the National Housing and Planning Commission. This convergence of thinking is apparent from the reports of the Social and Economic Planning Council (SEPC) which Smuts set up under the direction of Van Eck to advise the cabinet. Its fifth report, on 'town and regional planning', published in 1944, drew together a number of the threads which I have stressed here: urbanisation, planning and segregation.

The SEPC placed the need for expanded and better co-ordinated planning firmly in the context of state intervention.

> While it is widely accepted that the special advantages of the private enterprise system should be preserved, it is also accepted more and more widely that it is necessary and proper for the State so to control it as to make sure that important social objects will be attained. These are widening in range ...[58]

Planning, the SEPC argued, needed to fulfil a number of aims: coping with 'accelerated urbanisation'; doubling the existing urban structure within a few years; guiding urban development to

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[56] See, e.g., Report of the Reconstruction Committee of the Department of Agriculture and Forestry (Pretoria, 1944-5).

[57] Ninth Interim Report of the Post-War Works and Reconstruction Committee regarding Provincial and Town Planning (Pietermaritzburg, January 1945).

[58] Social and Economic Planning Council: Report No. 5: Regional and Town Planning UG.34-1944 (Pretoria: Govt. Printer), p. 1 para. 3.

match the 'real economic prospects of different regions' and to 'do credit to our national aspirations'.[59] Like the Thornton committee, and perhaps for similar reasons, the SEPC was a little vague on the specifics of planned segregation:

> It is further imperative that in the allocation of land for development a sound distribution, so important in a mixed community, be ensured. This will not be achieved without guidance as there is every reason to suppose that in its absence past trends will continue ...[60]

Quoting approvingly from various reports (Barlow, Scott and Uthwatt) intended to chart the course for post-war planning in the UK, the SEPC adopted the contemporary British approach to planning: in particular, the notion of creating coherent communities separated by green belts, together with careful planning of residential and employment sites and the transport between them.[61] In the South African context, this approach translated easily into the idea of planning racially distinct, well-separated zones:

> The Union has a large and growing permanently urbanised non-European population. The Council ... therefore, urges that in the lay-out of new townships, the replanning of existing ones and the erection of state-subsidised housing schemes, full use should be made of the principle of planned neighbourhoods, protected from other neighbourhoods by "green belts" of cultivated and park land and at the same time reasonably close to work places.[62]

While the public face of such reports avoided strong recommendations for a nationally-directed policy of urban segregation affecting all racial 'groups', the correspondence of the officials of the SEPC leaves no doubt that this was what bureaucrats had in mind. Citing the report of the Thornton committee as evidence of the need for new segregatory planning powers, the Acting Secretary of the SEPC wrote to the Secretary for the Interior in September 1945 that

> The [Social and Economic] Planning Council has indicated in the Fifth Report that it regards the separation of residential areas of different races ... as a function of town planning in this country ... Residential segregation must be the result of a valid and accepted National policy ... no legal basis exists for it at the present

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[59] ibid, p. 2, para. 12.

[60] ibid.

[61] ibid, pp. 1-2, 7-9.

[62] ibid, p. 5 para. 31.

time ...[63]

These proposals for planning to be conducted on racially-infused lines were effectively being practised at the time; for example, W.O. Backhouse, consultant to Hercules and Vereeniging among other local authorities, applied exactly these ideas of discrete and intact (racially defined) communities, separated by greenbelts. Wrongly, he, and perhaps others, thought that local councils could, 'in terms of a town planning scheme, ... set aside specific areas for Europeans and Non-Europeans'.[64]

Through what agencies or departments or levels of authority a policy of residential segregation could have been implemented was left equally unspecific by the SEPC report, but again, it seems fair to suggest that one of the tasks which the national department of planning which the report proposed would have been to undertake at least the co-ordination and probably the approval of race zone planning. The SEPC argued further that

> Experience has shown that consultation between the numerous interested agencies cannot be relied upon to ensure the needed co-ordination ... A special organisation is required to test each project and so to co-ordinate them all that the best functional allocation of land between its alternative uses will occur, and that place of residence and place of work are brought into closer relation with one another without causing racial intermixing.[65]

Smuts's government did not open a national department of planning to house such a special organisation. But it did create two new agencies, one to co-ordinate planning, especially regionally, of land allocation including the racial allocation of land; and the other to administer new legislation providing for stricter segregation of Indians. In the post-war phase of the Smuts government, the planners associated with these agencies laid some of the foundations on which the Group Areas Act was implemented in the fifties and beyond, and to some degree, of the Act itself.

4. <u>The twilight of ad hoc racial planning</u>

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[63] SA, Social and Economic Planning Council series (SEC) 47, 12/5 Vol 2, Act. Secretary of SEPC to Secr. for the Interior, Pretoria, ?.09.45, p. 8. The role of liberal members of the SEPC, in particular Senator E.H. Brookes, remains a puzzle.

[64] SA, Asiatic Land Tenure Committee series (ALTC) 5, file 'Asiatic Land Tenure Advisory Committee (General)', notes on meeting between Asiatic Advisory Committee and Vereeniging Council, 25.01.44, p. 7. (This file contains personal papers of D.S. van der Merwe and will hereafter be referred to as 'ALTC 5, DSvdM file'.)

[65] SEPC 5th Report, p. 6 para. 41.

Immediately after the war the government was forced to come to grips with the political nettle represented by 'Indian penetration'. At a conference in Pretoria in April 1944 between Smuts, the Minister of the Interior, the Administrator of Natal, the Chairman of the Asiatic Advisory Committee (Basson) and a delegation from the Natal Indian Congress (NIC) led by A.I. Kajee, agreement was reached to control ethnic change in residential occupation by licence, at least in Natal. But the ordinance drafted to provide for a body of three whites and two Indians to implement this agreement was thrown out by a select committee of the Natal Provincial Council, which substituted its own more drastic version. In major respects this Draft Occupational Control Ordinance of October 1944 contained the elements of the parliamentary legislation of 1946: it provided for a controlling body, the Occupational Control Board, like the Land Tenure Advirory Board (LTAB) created in 1946; and it proposed controls through designated areas and permits, as did the later Act.[66] The draft ordinance, passed by the provincial council, was vetoed by the governor-general on the grounds that legislation affecting 'Asiatics' could be passed only by the Union parliament. But the impact of these events was not lost on the Smuts government - with the result of the 1946 Act.

Thus the first Chapter of the 1946 Asiatic Land Tenure and Indian Representation Act, which applied both to the Transvaal and Natal, provided for the demarcation of Indian areas outside which an Indian could not acquire or occupy property; and created an administrative body - the LTAB, headquartered in Pietermaritzburg - to recommend which areas should be so declared, as well as performing a watch-dog function. An administrative section was created in the Department of the Interior to assist the LTAB, together with an inspectorate - which had been suggested by Bloemsma in 1939. These moves represented an attempt to go beyond the ad hoc motions which seemed to characterise the Smuts administration. They show that the Smuts government was inclined to respond to the urban segregation issue by providing for racial zoning and in creating a centralised body to oversee that process. In these respects, the Asiatic Land Tenure Act of 1946 was the precursor of the GAA, as Festenstein and Pickard-Cambridge have noted.[67]

If the LTAB's powers were limited to Indian segregation, the regional planning body established by the UP government had far wider powers of racial land zoning. Smuts hesitated to establish a national department of planning, or even to convene a conference to discuss ways of implementing the report of the SEPC

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[66] ARG 12, Act 1/1/2/7, t/s Joint Committee Report, para 214, 218-9; pp. 99-100, 101-2.

[67] M. Festenstein and C. Pickard-Cambridge, Land and Race: South Africa's Group Areas and Land Acts (Johannesburg: SA Inst. of Race Relations, 1987).

on regional and town planning.[68] Instead, in order to oversee the urban developments associated with new goldfields in the northwestern Free State, the western Transvaal (between Randfontein and Klerksdorp) and the eastern Transvaal highveld (Bethal district), the government established the Natural Resources Development Council (under the Natural Resources Development Act No. 51 of 1947) in October 1947 This Council (hereafter NRDC) succeeded an ad hoc 'Advisory Committee on Development in the Northern Free State', whose chairman, F.J. du Toit, became the first chairman of the NRDC. One of the members of the NRDC's staff, T.J.D. Fair, wrote a decade later that the NRDC was the first regional planing body established in the country with significant, if limited powers.[69] For the Smuts government it represented a significant departure, for the NRDC was able not only to co-ordinate the activities of other planning bodies, but, in 'controlled areas' such as the three goldfields regions mentioned, no township development could take place without its approval. With an energetic staff, it was in a position to initiate planning for the general allocation of land uses in those regions, as a result; it could and did exercise this power with respect to racial zoning, thereby determining the broad pattern of 'group areas' and African township positions in places like Welkom, Westonaria and Kinross.

On the other hand, the Smuts government's restriction of the powers of the NRDC to the controlled areas meant that it offered no new grand plans for existing metropolitan areas, let alone small towns. In most of urban South Africa, decades of rapid growth, irregular urbanisation, industrialisation, small public housing schemes, property speculation and general social change left vast numbers of people without adequate shelter. Overcrowding, inadequate services and, of course, social pathologies as well as the ambitions of property developers left municipalities to confront difficult problems which were made no more tractable by the existence of the NRDC, LTAB and NAD bureaucracies.

In Pretoria, for example, the Asiatic Bazaar occupied valuable ground to the west of the city centre and impeded development by companies and white property interests in that direction. The question of what to do with older and extremely crowded 'locations' like Marabastad presented itself.[70] The government

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[68] SEC 47, 12/5 Vol 2, D.D. Forsyth to H.J. van Eck, Chairman SEPC, 21.08.46.

[69] SA, Natural Resources Development Council series (RNH) 279, PA3/3/5, First Annual Report of the NRDC to 31.12.1948; T.J.D. Fair, The regional approach to planning, in E.W.N. Mallowes (ed), Summer School of the SA Institute of Town Planners (Johannesburg, 1959), pp. 47-67.

[70] BEP 131, G7/137 'Aansoek om 'n groepsgebied in Pretoria Deel I 1950-52', Report of Manager of Pretoria Non-Europena Affairs Department, c.1951.

seemed incapable either of providing answers or the means to allow municipalities to deal with their problems. It certainly did not provide a lead away from segregation, while municipalities like Durban's - adhering to the ideology of segregation as solution for innumerable social ills - feared that legislation such as the 1946 Land Tenure Act would be permissively implemented.[71]

The growing cities urgently needed space for expansion, which the planning machinery seemed unable to provide. Social upheavals like the 1946 mineworkers' strike and political moves such as the self-disbanding of the Native Representative Council, with its echoes in location advisory boards, contributed to uncertainty. The environment of apprehensiveness must have been enhanced by the results of the 1946 census, which for the first time showed nervous white administrators that the cities all had majority black populations - which were increasing much more rapidly than the white minorities.

In short, the UP government failed to deal through planning with very real urban problems; and it failed to offer any alternative at all to segregation as the prime means by which the problems of the cities would be solved. Ad hoc segregation did not work; planned, compulsory segregation appeared to do so, as the UP's own creations - the LTAB and NRDC - set about demonstrating. The UP failed to heed the recommendations of the SEPC for planning of a new order to deal with

> visible evidence of mistakes and abuse [in the absence of public control] to secure the right use of land ...

Nor did act on the realisation that with

> the advent of a road motor system, of a wider supply of electricity and of industrialisation[72]

a new order of planning had become possible. In the view of some, even liberal, planners, like A.J. Cutten, the NP government which came to power in 1948 did 'what should have been done over the previous decade' in attacking urban problems.[73]

5. The HNP, apartheid and the origins of the Group Areas Act

When the Herenigde Nasionale Party (HNP, or NP) came to power in May 1948 it did so on the basis of a manifesto which made clear the party's commitment to compulsory urban segregation. But there is nothing in the Sauer report of 1947, upon which the

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[71] R.J. Davies, interview in Cape Town, 09.01.90.

[72] SEPC 5th Report, p. 2 para. 9.

[73] A.J. Cutten, Johannesburg City Councillor and 'well-known town planner', in debate on Western Areas removal, Rand Daily Mail 21.05.52.

manifesto was based, nor in the works of prominent ideologues such as G. Cronje, to prefigure the means by which compulsory segregation was to be achieved.[74] In the absence of positive evidence, it seems reasonable to suppose that Malan's government really did turn to the two committees (one each for the Transvaal and Natal but with almost identical membership) which it appointed to enquire into the future of the 'Asiatic land laws' for guidance as to the legal means by which a process of segregation could be set in motion.

One element in HNP ideology which had a long history and which set it apart from the UP might be identified: that segregation should be made retroactive for everyone, therefore implying that people should be deprived of tenurial rights and bodily moved out of any 'mixed' areas they occupied.[75] Clearly, the tenor of HNP documents prior to the election, ideological works of the forties and campaigns for coloured segregation in the thirties was that this unfortunate necessity should be visited only upon black people. Even this position was not without precedent in the UP and SAP tradition: the 1923 Act had allowed removal of many Africans from mixed areas in towns, the Slums Act had the same effect for all, even whites, and the 1946 Asiatic Land Tenure Act had laid the foundation for retroactive deprivation and removal of Indians.[76] Nevertheless, the HNP gave the idea if not the practice of compulsory segregation a cohesion and comprehensiveness which it had not enjoyed under the UP; the government needed to find instruments by which that comprehensiveness could be implemented and cohesion achieved. The Malan government developed those instruments with the help of D.S. van der Merwe, chairman of the LTAB, and his staff. Van der Merwe chaired the joint committees and wrote the draft of their report[77]; he played a large role in drafting the bill. In some respects, therefore, this little known figure was the Eiselen of group areas.

Van der Merwe was a career civil servant with legal background; he had been assistant inspector of mines in the Pietersburg

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[74] Verslag van die Kleurvraagstuk-kommissie van die Herenigde Nasionale Party (Sauer Report - obtained thanks to D. Posel); G. Cronje, 'N Tuiste vir die Nageslag: die Blywende Oplossing van Suid-Afrika se Rassevraagstukke (Johannesburg: Publicite, 1945); and G. Cronje, W. Nicol and E.P. Groenewald, Regverdige Rasse-Apartheid (Stellenbosch: CSV, 1947).

[75] 'Kort opsomming van aanbevelings uit verslag van Herenigde Nasionale Party Kaapland se Kommissie oor die kleurlinge', appendix to the Sauer Report.

[76] cf. O.J. Frankel's remarks on the 1946 Act at hearings on group areas proposals for Johannesburg, in BEP 146, G7/139.

[77] The draft, completed on 28.02.50, used to be found in BEP 60, but since the reorganisation and subdivision of the records deposited by the Depeartment of Planning it cannot be found.

district in the early thirties but was elevated to Assitant Registrar of Mining Titles about 1935. In that capacity he was appointed to the Feetham commission and its successor, the Asiatic Land Tenure Advisory Board. As the Smuts government procrastinated on the issues before this committee, its own idea of its importance expanded: the members took to calling it the 'Asiatic Advisory Committee' by the middle of the war. Promoted to Registrar of Mining Titles in 1941, made a member of the Mining Leases Board in 1942, given a joint appointment as Rand Townships Registrar and made a member of the Transvaal Townships Board, Van der Merwe sat at the centre of a network of government agencies concerned with property rights and racial matters.

D.S. van der Merwe was a stickler for complex legality, refusing to register transfers of land to lily white British insurance companies if they could not precisely satisfy the complex requirements which derived from anti-Indian legislation. He differed, sometimes sharply and in meetings with other bodies, from other members of the Asiatic Advisory Committee.[78] On a long memorandum written in 1944 by W.B. Stuart, another member of the committee, which asked 'Has the time not come for a drastic repeal of the bulk of the Asiatic Land Tenure Acts?', Van der Merwe noted a firm marginal 'NO'. To the suggestion that Indians should enjoy the same rights as other 'SA Nationals' Van der Merwe noted 'No. What about natives?' and to the suggestion that rights to acquire fixed property anywhere in the Transvaal would tend to promote South African loyalty, he replied: 'Doubtful. What about the English? They always talk of Home ... No equality possible at present'.[79]

Van der Merwe was a man of great energy and initiative. He attended a meeting organised by the Transvaal Indian Congress (TIC) working committee on the housing question in January 1944, which helped to form his impression that while the Indian community was divided, there was a great deal of support within it for segregated townships as long as freehold rights were granted.[80] He formed close associations with others of his energy and persuasions, and ensured that at least one - R. Masson - was appointed to the Joint Committees in 1949. His unique position - holding multiple offices, sometimes with special arrangements to allow him to substitute for departmental secretaries and even ministers - gave him great influence and experience.[81] The inquiry into Asiatic land tenure laws gave

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[78] E.g., argument in meeting with Vereeninging Council on 25.01.44, see Notes in ALTC 5, DSvdM file.

[79] cf. marginal notes on Memorandum by W.B. Stuart, (24.01.44), in ALTC 5, DSvdM file.

[80] cf. Notes on Vereeniging meeting, ALTC 5, DSvdM file, pp. 6-7.

[81] cf. D.S. van der Merwe to Secretary for Mines, 18.01.1946, in DSvdM file, ALTC 5.

him, as chairman, the opportunity to shape the planning of segregation through proposals for comprehensive, complex but superficially non-discriminatory legislation.

Following the election of the HNP in 1948, immediate expectations of legislation for compulsory segregation arose, but the Minister of the Interior delayed, pending careful investigation and proposals.[82] Meanwhile Van der Merwe and another member of the LTAB took a tour of the Cape province to look at the 'question of land tenure' and added this new field to their thinking on how comprehensive segregation could be justified and introduced.[83] As the acrimonious debate between Nat and Sap over segregation and apartheid intensified, the political atmosphere was further charged by the Durban riots and less massive 'unrest' elsewhere, pressuring several city councils to call for action.[84]

Reviewing the 'evidence' in his report - in a chapter which Donges refused to publish - Van der Merwe opened with the carefully-orchestrated appeal[85] of the Germiston council for parliament to give local authorities power to determine aeas for each 'racial group'. Evidence was marshalled to show that many municipalities and other bodies called for white as well as black areas. The joint committees extracted assurances from officials of various municipalities - Johannesburg's included - that their councils would support, or at least would not oppose, the idea of separate areas for each 'race' - given provision for ownership and a clear procedure for declaration.[86] The report skated round the issue of who should control racial zoning, since the crucial decision to place such powers in the hands of the LTAB rather than local authorities could simply be perpetuated. Even more controversially, it proposed that segregation should be retroactively applied - for which Van der Merwe relied on the representations of councils like that of Ventersdorp, as well as the inclinations of white ratepayers in Durban and other parts of Natal.[87] Disingenuously, Donges and the state information apparatuses claimed that the group areas bill which followed the Report was non-discriminatory; for Van der Merwe, it was clear

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[82] Natal Mercury 06.11.48.

[83] ARG 144, GEN13 'Enquiry into the question of land tenure in the Province of the Cape ...', Report ..., ?.01.49.

[84] Interview, R.J. Davies, 09.01.90.

[85] cf. correpondence and minutes of meetings contained in ARG 10, Act 1/1/2/3/9 'Representations form public - Transvaal-Council of Germiston'.

[86] cf. ARG 10, Act 1/1/2/3/16 'Representations ...', A. Blaine's remarks (as Acting Town Clerk) to Van der Merwe and others on 13.09.49 re Johannesburg Council.

[87] ARG 10, Act 1/1/2/3/14, Town Clerk Ventersdorp to Secr. LTAB, 29.01.49; see also t/s Joint Report, ARG 12, Act 1/1/2/7.

that amongst other things, the process of achieving compulsory segregation required 'elimination of Asiatic ownership in European areas' and that 'trade [should] be controlled again'. To do this, in his view, required special, restricted areas for everyone.[88] Retroactivity meant that not only would new areas be proclaimed, but that old ones would be regrouped - the recommendation which perhaps provided the phrase which the GAA added to the political dictionary.[89]

Van der Merwe's committees finalised their internal report in March 1950. Only the last two of its five chapters were published[90] when the bill reached parliament a week later. The report proposed the replacement of the 1946 Act with a comprehensive measure, national in scope; the division of the population into racial groups, the proclamation of areas for each group and the continuation of the LTAB to undertake the task. The GAA, obviously, was drafted in concert with the production of the report, and provided for exactly these measures.

The origins of 'the group', then, had much to do with the creation of a method by which comprehensive planning could take place. The agency which would provide the wheels on which the process moved forward (or backward) had conveniently been provided by the UP government, and its procedures, which owed much to planning models, had begun to develop prior to 1948. Thus opened a new era of spatial planning, clearly a child of the previous era, but removed from its parents and raised under the tutelage of the National Party government and its civil servants - D.S. van der Merwe in particular.

6. The LTAB, the planning process and the seduction of planners

> The provision of further areas for Asiatic and coloured expansion is indelibly linked up with the various town-planning schemes in the various municipalities ...[91]

wrote Stuart in 1944. As the LTAB initiated the process by which group areas would be created, planning and planners found themselves at the heart of the process. In some cases, group area planning was considered by municipal planners to form a subset of their general activities, reflected in the countless

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[88] ARG 12, Act 1/1/2/7, Memorandum on 'European Areas (provision to be made) and controlled areas' (by D.S. van der Merwe), p. 10a.

[89] Perhaps first suggested by Mrs E.M. Russell, Mayor of Pietermaritzburg, in discussing 'regrouping our areas' with the select committee of the NPC, 1944; cf. ARG 12, Act 1/1/2/7, t/s Joint Report, para 224, pp. 108-110.

[90] UG.49-1950.

[91] W.B. Stuart, member of Asiatic Advisory Board, Jan. 1944 memo, in ALTC 5, DSvdM file.

memoranda which officials produced in East london in the early fifties headed

TOWN PLANNING: RACE ZONING:· GROUP AREAS ACT.[92]

The GAA imposed two interlinked necessities on planning: allocation of racially-zoned land for new areas; and deciding on, and achieving, uniracial areas where many 'groups' lived and worked. In some respects the latter aspect fitted even better with the actual practice of town planning than the former: much of planning tended to be concerned not only with deciding what new allocations would be made and what restrictions could be applied, but with 'problems of non-conforming existing uses', as T.B. Floyd put it; or with 'eliminating' them, as the Transvaal ordinance has it.[93] Planning not only restricts the future use of private property, it sometimes tries to rearrange existing uses. But the GAA did not directly provide for planners to add racial criteria, restrictions and uses to their armoury. Thus

> Racial reservation cannot be done under Town Planning schemes but must take place under the Group Areas Act. This means a dual set of planning schemes, each being approved by a different authority.[94]

Local authorities could initiate planning in either sense; they could find themselves approached form above by the LTAB to initiate racial planning; they could use the same or different departments or staff to undertake either task, and hire consultants (often town planners) to assist. But master zoning plans under the town planning ordinances would often be put on the shelf, awaiting approval from administrators, and be 'quietly forgotten'[95]; master plans for racial group areas, on the other hand, would be relentlessly pursued by the LTAB and its associated bodies.

In order to undertake its mammoth task, the LTAB moved from Pietermaritzburg to large new premises on Beatrix Street in Pretora.[96] It developed the procedures formulated for the 1946 Act; it sent out circulars to local authorities and other government bodies issuing instruction that they should undertake racial surveys of occupation and ownership, and map the results

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[92] 3/ELN 1370, 50/1148/9 vol 2, Group Areas Act.

[93] T.B. Floyd, paper presented (with this title) to SA Institute of Town Planners, 19.02.60; s.44 of Tvl. Town Planning Ordinance, 1931.

[94] Floyd, Town Planning ..., p. 204.

[95] E.A. Bouchier, Review of the legislative machinery for planning, in Mallowes (ed), op cit, pp. 20-46.

[96] ARG 1, A1 Vol 2, R. Humphreys PWD PRetoria to Secr. LTAB, 06.10.50.

according to a prescribed colour code: circles on every site for ownership, with dots within them to indicate occupation. The required colours have their own ironic logic: blue for whites, brown for coloureds, red for Indians, black for Africans, orange for the state, etc., and could all be learnt from a booklet published by the Department of the Interior for 9d. The LTAB instructed municipalities that

> Once the group survey is complete the local authority should have little difficulty in formulating its proposals for the demarcation of group areas. These proposals should then be forwarded to the Land Tenure Advisory Board for consideration. Such proposals will be advertised in order that every interested person or group of persons may be afforded every opportunity to make represenatations to the Board. The Board will then hear the applicants for group areas and such persons who have made representations on the application. Thereafter the Board will make its recommendation to the Minister ...
>
> ... local authorities are most intimately concerned with the implementation of group areas inside their own areas and ... they are the people who should primarily be consulted about the matter. They are also in a better position to assist with the implementation of the Act than anybody else ... it is advisable that in these matters the local authority concerned should take the initiative ...[97]

In many respects, bar the nature of the authority and the avowed purpose of the planning concerned, the process which the LTAB set in motion differed little from the town planning system. Provincial authorities put pressure on most municipalities to prepare schemes; those schemes are subject to provincial approval; and there is strong pressure to follow the approved provincial planning model, with implied sanctions for failure to do so.[98] Just as the town planning system reveals disjunctures between central and local authority, two sources of problems greatly amplified the 'little difficulty' foreseen by the LTAB. Local authorities did not necessarily share the Board's views on how appropriate group areas should be planned; and some local authorities were reluctant to cooperate or utterly opposed to group areas, at least under the GAA.

It has often been suggested that group areas were intended to conform to a model: a radial pattern with outward growth for each group area; buffers, natural or otherwise, between them; and few, large areas for each group rather than many smaller ones in a

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[97] 3/ELN 1371, 50/1148/9 Vol 1 'Group Areas Act', Circular to all local authorities in Cape Province from Head: Administrative Section: Land Tenure, ??.??.51., 'Procedure to be adopted ...'

[98] cf. Bouchier, op cit, p. 22.

given urban area.[99] But I have not yet found much evidence to suggest that this model was explicity present in the policies of the LTAB, still less communicated to planners at local authority level. The result was a slow process of developing unique schemes of racial zoning in each town and city, occasionally fostered by regional planning (of which more below). Most of this process went on out of the public view, just as most planning does: it was this anonymity and secrecy which led Martin Koopman of the Newclare Ratepayers Association, faced with the threat of disqualification, to condemn the power of planners to produce 'doom at one stroke of the pen.'

If no general model was imposed, what was general about the process? Municipalities were gradually or, on occasion, abruptly, brought into line with the wishes of the LTAB. The devolution of control to municipalities had begun before Union with, for example, the transfer of Asiatic Bazaars; continued with the development of town planning powers; and was strongly present in the system of 'native administration'. Just as the NP government began to reverse the latter with the 1952 amendments to the Natives Urban Areas Acts, culminating in the creation of the Bantu Affairs Administration Boards around 1970, so the GAA and the LTAB reduced the autonomy of local authorities.

The powers of the LTAB did have limits, which caused its members frustration from time to time - such as the discovery that there was no powerr to disestablish a 'native location' formally set up by a local authority like Cape Town or Johannesburg.[100] But this lack of formal powers did not prevent the LTAB from exercising the considerable informal power which its crucial position in the state gave it, and which allowed it to insert itself ever more deeply into planning processes. One means by which this course was pursued related to the pressing problems of housing for Africans, which in 1951 began to move towards major solutions.[101] Without a group areas plan for their area, municipal officials found that they could not raise funds through the National Housing Office for housing Africans. Given that there was a specific agreement to this end between the LTAB and National Housing and Planning Commission, the result is hardly surprising. To speed up the process of getting approval from the LTAB for group areas plans, they had to formulate proposals themselves for group areas. While the LTAB assured the Secretary for Native Affairs that it would move as fast as possible whenever the future of land for a 'native location' was in doubt, its staff told local authorities that they were responsible for delays since they were tardy in filing group areas proposals, or group

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[99] cf. Durban Housing Survey; Smit, op cit, p. 98; Western, op cit.

[100] GGR, 23/2 'Algemene Prosedure', correspondence between LTAB and Eiselen as SNA.

[101] See R. Bloch and P. Wilkinson.

survey documents.[102] By these and similar methods the LTAB sought to persuade local authorities to change their approach to planning, captured in an official's note:

> ... dit is tyd dat die Stadraad van Springs begin dink in terme van groepsgebiede.[103]

While these pressures tended to force local planners to 'think in terms of group areas', the adoption of racial zoning and its blending into other aspects of planning occurred by no means solely through such top-down forces. Indeed, the notion that group areas planning was just like other forms of spatial planning seems to have been widely accepted. For consultants, group areas generated work; Floyd's report to the East London City Council, quoted at the head of this paper, shows how eagerly some town planning consultants set out their qualifications to plan group areas. For local authority planners, it meant activities essentially similar to their usual round: for example, drafting general plans showing features of towns, boundaries, and town planning schemes in relation to expected development and planned racial areas.[104] The implementation of the Act generated the need for exceptions, permits and so on, just as the implementation of town planning schemes tends to do.[105] For many planners, the implementation of the GAA allowed them to get on with the 'social reform' aspect of their profession which had been stalled for so long by the Smuts government's dithering. It allowed an extension of the attack on undesirable activities, providing for housing, clearing up squatting and slums, sorting out geographical chaos which had begun in the twenties and thirties - even if they had to do so within racial zones. And when glaring mistakes were made in planning, the new procedures made it that much easier to place the blame on the failure of the previous government to do 'what should have been done over the last ten years'.[106]

Indeed, in some respects, despite its pressuring of local authorities, the centralisation brought about under the GAA strengthened the hand of planners vis a vis some other groups.

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[102] GGR 64, 23/16, National Housing Office circular 1/1953, 15.10.53; M.C. van T. Barker, Head: ASLT, to SNA 04.11.53; Sec. NHO to Town Clerk Ceres, 31.08.53 and Sec. NHO to TC Oudtshoorn 31.08.53; ARG, 228, NL104/R/1 'Application for Native Location: Benoni: 1951'.

[103] GGR 63, 23/2 Bestuursliggaam vir sekere groepsgebiede, m/s note by M.C.van T. Barker 07.06.52.

[104] GGR 64, 23/16 'Algemene prosedure', Sec. NHO to TC Oudtshoorn, 31.08.53.

[105] cf. G.deV.Hugo, Sec. LTAB, to SNA ??.07.55, in GGR 64, 23/16 'Algemene prosedure'.

[106] A.J. Cutten, cited in Rand Daily Mail 21.05.52.

Obviously planners who wanted racial zoning and removal of people who to them were undesirable found the GAA helpful. Amongst other things it insulated them from, for example, local branches of opposition organisations such as the TIC. Such planners found their thinking lay close to that of members of the LTAB, as minutes of their joint meetings reveal.[107] But even in the more opposition-oriented local authorities, planners found that the centralised powers of the LTAB could be invoked to bring large corporate actors, who might otherwise defeat planing objectives, into line: as one state planner told a mining house representative, 'u verlang ... dat die myne die keuse moet he en nie die staat nie'.[108] In this respect the powers of the LTAB and its associates provided the nearest equivalent to the centralised department of planning which the SEPC had recommended in 1944. And, of course, planners and bureaucrats sometimes found that the threat of the GAA and the workings of the LTAB allowed them to defeat the objects of their councils: as the Johannesburg Town Clerk told the LTAB at a meeting of officials in 1951, 'we wish to cooperate fully with the Board ...'.[109] The demise of Uitenhage's initial opposition to cooperating with the LTAB owed much to the machinations of its officials.[110] Even liberal planners were subject to the need to participate in the planning procedures established by the LTAB, and on occasion developed their own complex schemes for group areas in opposition to those advertised for comment.[111]

In short, planners were readily seduced by group areas.

Its difficulties in reaching the point where group areas could be approved for major cities persuaded the LTAB to work together with other government departments and agencies to conduct regional planning. In February 1952, the Transvaal Administration, the NRDC and the LTAB all participated in a conference on planning for the PWV (held in CB241 at Wits university). Opening the conference, the administrator, Dr W. Nicol - co-author with Cronje of arguments for apartheid in the mid-forties - complained that

> Op meer as een plek het ons 'n opeenstapeling van kerkhowe en lokasies, fabrieke en handelsinrigtings, woonbuurtes vir blankes en die fasiliteite wat dit mebring ...

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[107] BEP 192, G7/156, 'Aansok ... Lydenburg'.

[108] J.H. Moolman, at a hearing of the Mentz committee, quoted in Transvaler 03.10.52.

[109] Porter, TC Johannesburg, in minuts of informal discussion re implications of GAA for Johannesburg 22.08.51, BEP 146, G7/139.

[110] Adler, op cit, pp. 42-57.

[111] e.g., A.J. Cutten, cf. Transvaler, 03.10.52.

According to F.J. du Toit, chairman of the NRDC, the solution was to establish a planning advisory committee which would co-ordinate planning in terms of the GAA and other legislation, and 'to cooperate with the state in a positive and active manner ... to create the circumstances ... to do the planning in accordance with the best methods known to modern science'.[112]

Two committees emerged to plan and especially to plan racially for the Pretoria-Witwatersrand-Vereeniging area (PWV). One, a committee set up by the Department of Native Affairs, looked into siting African townships: it was chaired by F.E. Mentz, and among its three other members were J.H. Moolman of the NRDC staff and M.C. van T. Barker of the LTAB staff. The other also enjoyed substantial LTAB and NRDC representation: it advised the LTAB and municipalities on group areas and other aspects of spatial planning. These committees went some way to implementing the SEPC's call for regional planning in 1944, and, though their foundation was racial zoning, created patterns of land allocation which not only are obvious in the landscapes of the PWV and the daily lives of its inhabitants today, but will still have profound effects far into the future.

As local planning led the LTAB readily on to the regional scale, so those regional interests expanded to the provincial and national stages. Thus in 1951 D.S. van der Merwe delayed for months the introduction of a new town planning ordinance in Natal in order to establish rights to determine the pattern of development in peri-urban areas. G.F. de Vos Hugo, who succeded Van der Merwe as chairman of the LTAB, took a great interest in, and helped to plan the position of, the 'Eiselen line' which demarcated the western Cape coloured labour preference area in 1955.[113] By these means it seems fair to conclude that the GAA and the LTAB (and the Group Areas Board, its successor) remade the planning process in South Africa.

7. Opportunism, opposition and holding the line

If the GAA opened a brave new world in planning, it did not do so without opposition. As with other policies 'more systematic and ideological cohesive than those of its predecessors', the GAA helped to develop 'a new order and intensity of oppression suffered by blacks'.[114] While racist (and classist) urban renewal policies are not unique to South Africa, they have a

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[112] GGR 64, 23/? 'LTAB-NRDC cooperation', Minutes of conference held ...' 12.02.53.

[113] ARG 16, Act 1/5/1 'Natal Town Planning Ordinance', esp. J.D> Gooding, Prov. Secr., to D.S. van der Merwe 21.05.51; GGR 63, 23/11 'Grenslyn tussen gekleurde en Naturelle werksgebiede', esp. Hugo to Eiselen 16.04.55 and Eiselen to Hugo 26.04.55.

[114] Posel, Influx control ..., p. 17.

particular bite and extent.[115] Oppositional organisations struggled valiantly to deflect the destruction of communities wrought under the GAA, largely with little effect. Why was that opposition so weak?

Group areas affected, negatively, many black city dwellers, but Africans were subjected rather more directly to police, Native administration and local council interference in their lives. Thus the GAA and the LTAB became a focus of political activity mainly for minority groups, and those groups were placed in an odd position by the Act and its implementation. The difficulties can readily be illustrated by the case of Albertville, a long-established, predominantly coloured-occupied, area of Johannesburg, within sight of Sophiatown but located on the Northcliff side of the (mainly white) Greymont valley. As investigations into group areas for the city proceeded, it became obvious that Albertville - an isolated, small area - would probably be sacrificed on the group areas altar. But the articulate and reasonably well-organised, largely middle class residents of Albertville understandably wanted to keep their property. To do so they saw the need to gain the support and solidarity of those who might be threatened elsewhere. But the means available for the latter course - issuing calls, for example, for more coloured group areas for poorer people - fell on deaf ears on all sides. Simultaneously the threatened coloured property owners of Newclare, on the other side of the 'western native areas', pushed for <u>their</u> turf to be a coloured group area - even if Albertville was not to be one - and thus sought the support of coloured <u>tenants</u> in Newclare; for they saw their main problem in terms of a possible Indian zoning of their area, which was, after all, predominantly Indian-owned. Newclare residents, in turn, faced the opposition of organised property owners in the Transvaal Indian Organisation (TIO), wealthy enough to hire a QC to put their case, and desperate to stave off the loss of their property rights in Newclare and elsewhere in the city and the long-feared removal to Diepkloof or, worse, Lenz.[116]

Southworth[117] has shown how opposition by significant bodies of whites threatened by group areas proposals was usually effective; the opposition of others was only effective when it suited the broader schemes of the LTAB and, occasionally, local authorities. Local authorities on occasion proved to be dogged and temporarily effective opponents of the LTAB too; the Cape Town and Johannesburg cases, though partial, have been explored elsewhere.[118] Less well-known are the cases of small

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[115] Smit, <u>op cit</u>, pp. 104-5.

[116] cf. BEP 146, G7/139, 'Verhoor ...', and GGR 59, 22/30 'Ander aangeleenthede ...'

[117] <u>op cit</u>.

[118] e.g., by Western, <u>op cit</u>. These events would sustain much more research.

municipalities' attempts to hold the line against the LTAB, as in the Uitenhage case.[119] Once the early opposition of those authorities had been broken, they seem generally to have adopted group areas planning quite happily; but the difficulties experienced by local authority planners in satisfying all the requirements of the LTAB and its successor, the GAB, led even Pretoria, by 1960, to delay and attempt to frustrate the plans of the Board to declare final dates for occupation by Indians in the city's white group areas.[120]

What is not clear is just how much impact any of this opposition had on the overall picture. For the group areas opposition, both among black organisations and town councils, the terrible choice was: participation or boycott? The Indian Congress/Indian Organisation split hardened around just this issue in the Transvaal and Natal. Among municipalities, Cape Town and Johannesburg both tried the boycott route at different times, only to worry that the outcome could at least have been less damaging had they fully participated in the LTAB's procedures-group surveys, formulating proposals and participating in hearings. In any event, both those councils were prepared to sacrifice Africans before considering how to save anyone else. A similar case was that of East London, whose officials entered into group areas planning almost without thinking, only to draw the ire of black organisations. Thus the Council found itself 'leaving no stone unturned' to make the usual lame defence of white liberal politicians that

> the Council is in full agreement with the view that the position locally does not present a problem and is in fact opposed to the implementation of the Act in East London. It has been made unequivocally clear also that the position is that the Council is required to give effect to the requirements of the Act ... [and] that unless proposals were formulted by the Council it would result in the Government appointing a Committee to do so and in that even it would undoubtedly result in ... proposals ... likely to prove more severe than those formulated by the Council ...[121]

Similarly, the SAIRR faced the dilemma of how to handle the hearings: on occasion, as in Durban where the local authority seemed especially determined to use the Act to drive Indians out, it followed the East London route and formulated its own detailed proposals in an attempt to defend the interests of existing,

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[119] Adler, op cit.

[120] cf. Transvaler 13.07.60.

[121] 3/ELN 371, 50/1148/9 Vol 1 'The Group Areas Act', Report of the Committee ... Group Areas Act 25.03.53, esp comments re meetings with Indian and Coloured Associations of East London.

threatened residents of colour.[122]

This agony of decision, which faced all opponents of the GAA, of course contrasted greatly with the position of out-front opportunists, keen to seize any advantage provided by the Act. Most of those, of course, were white, including private gentrifiers in old mixed or black areas in cities such as Cape Town (Claremont, Harfield, Newlands), Port Elizabeth (North End) and Johannesburg (Albertville). Others, white and black, sought to maximise the opportunities provided under the Act for land development, speculation and profit in new Indian and coloured group areas.[123] Perhaps as offensive were the white local authorities and their supporters - often local commercial interests - who seized the opportunity to drive black people out of town, sometimes forcing ordinary workers to travel truly inordinate distances to work purely because they happened to share the group classification of business competitors, particularly Indian shopkeepers.[124] But it would be hard to beat the disingenuous protestations which the Durban Town Clerk made to the NIC - 'My Council intends ... to ensure ... that the application of the Act to this city will be beneficial to the true interests of all races' - a few months before telling the LTAB that 'the prime consideration which actuated the Council in zoning its municipal area was the provision of a broad band which would permit European expansion ... to the hinterland'.[125] Again, the impact of such opportunism in influencing group areas policy remains unknown - despite the ritual repetition in most texts of the 'material' explanation for group areas.

8. Towards a conclusion

Was residential segregation under the Group Areas Act simply part of a grand plan imposed by apartheid, along with influx control, Bantu education and the prohibition of interracial sex and marriage? Hindson modified that view with respect to influx control, and Posel shows that the development of policy was influenced by forces outside the Afrikaner nationalist alliance and contested within it. Hyslop and Kros show that Bantu education was not an uncontested and pregiven phenomenon either. This paper has sought to establish the ground for showing that group areas and their implementation can only be understood in relation to urban planning as a general field, and that the

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[122] See BEP 42 and 43, files on hearings, proposals and objections in Durban.

[123] e.g., BEP 43, G7/6, NIO to LTAB 19.02.53; Johannesburg city councillors C.F. and G.J. Beckett, both involved in Lenz company, Star 27.05.53.

[124] For two cases, see records relating to Lydenburg and Nelspruit in GGR 69, 25/16.

[125] BEP 43, file 'Mr W. Nel, Statistics of Durban Group Areas', TC to Gen. Secr. NIC 08.01.52 and TC to LTAB 20.06.53.

policies which emerged in 1950 and after were hardly a pure product of an grand apartheid plan.

The paper has not succeeded in developing an argument about the contests around the implementation of group areas legislation, except in so far as they were affected by immediate difficulties and minor opposition. What remains to be done is to investigate the question of whether a model with its roots in apartheid ideology really did form in the minds of group areas planners, as suggested in the literature; or whether the specific outcomes of the group areas process were more the product of local contests among interests which traditionally influence local planing-property, development, financial and commercial interests, for example - about which, in any event, very little is known in South Africa. In this connection we may know that organised commerce vigorously proposed compulsory segregation in earlier periods[126], but we know very little about its influence on planning of any kind with limited exceptions in the more recent period.

South African society was highly segregated prior to 'the group' and its application has, with exceptions mainly in the Cape, had rather little effect on increasing that segregation. But it has vastly changed the allocation of land in the country's urban areas. When some of the outstanding questions can be answered, the prospects for planning to surpass the group areas era will improve.

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[126] cf. Chamber of Commerce evidence to commissions and committees in the 1880s and 1890s in the Transvaal and Natal, and ASSOCOM resolution in 1892; cf. pp. 20, 22 and 31, in t/s Joint Committee Report, ARG 12, Act 1/1/2/7.