Chapter 1
Apartheid Local Government

The system of racial segregation and separate development was manifested most vehemently at the local level. In many ways therefore, the history of segregation and the entrenchment of apartheid correspond to the history of local control. The system of racial segregation not only segregated spatial settlements, it segregated them economically, administratively, and politically. It created an economic structure what could be compared to the colonial system that was based on exploitation and imbalanced development. This resulted in socio-economic inequalities and unequal power relations. In the post apartheid era, these inequalities have been the prime concerns in the minds of the policy makers who started with reforming the political and administrative structure in post apartheid South Africa.

The chapter highlights the dichotomy of a system that on the one hand provided representative governance to the privileged minority and on the other created one of the most repressive and undemocratic forms of governance for the majority of the people. This chapter discusses the factors that shaped local government in South Africa in the twentieth century with special reference to Durban. Durban being the most culturally and racially diverse cities in South Africa and one of the largest metropolitan cities offers interesting insights into the way apartheid was implemented. Much of the process is reflective of the South African situation, and there were many instances when experiences in racial governance and segregation in Durban were replicated in the rest of South Africa.

1. The Roots of Racial Segregation

The discussion cannot be taken further back into history to discuss the philosophy that justified apartheid. It would suffice to mention that racial discrimination was at the heart of the colonial perception of “the white man’s burden”. And this view was manifested even in the circumstances where unlike the colonial situation; the European made Africa his home.
Racial segregation was practiced in South Africa even before the policy of apartheid formalized the arrangement. Europeans dominated local authorities that existed in the South African political system since the early 19th century. With the concentration of populations in the emerging urban areas, the need for municipal services grew in many pockets of South Africa. The Cape Ordinance 9 of 1836 was one of the first legislations that established local authorities in Natal in 1847, the Orange Free State in 1856, and the Transvaal in 1883. By 1910, local or municipal authorities were established in almost all white towns and even villages.¹

However, it is to be noted that these municipalities were kept subordinate to the central and provincial government. Local government were given limited traditional functions i.e. roads, health, water, electricity, sewerage, drainage, housing, and town planning while the other more developmental and socially oriented services remained with the higher tiers.² The system also lacked the culture in which people influenced decision-making or were even consulted for it. The ratepayers associations were probably the only organizations outside the government that asserted their point of view. But their influence was limited to a few issues.³

The Durban Municipality established in 1854 consisted of a town council that was elected by white electorate. The White population formed a very small minority of the city with the Indian, Colored, and African settlements established in close proximity to the White enclaves.⁴

The racial character of these cities remained essentially European that gradually changed after the first decade of the twentieth century with increased mining and

³ Ibid. pp.54-56.
manufacturing in the Rand. This led to an increase in the white population of the city and also attracted a considerable African workforce. The economy of Durban during this time grew based primarily on shipping and commerce. The city, with the advantage of its geographical location, became an important trading port taking advantage of the discovery of gold and diamonds in the interiors of the country.

Much of the academic work on urbanization in South Africa focuses on the significance of the cheap unskilled labor that contributed to the development of commercial farming, the emerging capitalist sector, and the mining industry in particular. African labor, whether migrant or settled was indispensable for the increased investments in the South African economy. However, debate raged essentially on the need for a permanent African labor as against a migrant labor. The ideal arrangement was to exploit African labor to the fullest without threatening the existing political, economic, and social position of the Whites. Migrant labor suited an economic set-up dominated by mining and commerce while permanent labor ideally suited the needs of the manufacturing industry. Permanent African urbanization on the other hand would have meant a labor crisis for the white farmers.

Historical research reveals how the supply of labor was made possible by the application of extra-market forces and ultimately through state intervention. The Natives Land Act of 1913 has been pointed out as one of the legislation that severely curbed African initiative in commercial agriculture. The legislation secured most of the Union’s land area for the white agriculturalists while reserving only about 13 percent of the total land area to the ‘scheduled areas’. These ‘scheduled areas’ were also referred to as the ‘Reserves’. The main purpose

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of such legislation was “to maintain the production of the ‘Reserves’ at a level which, while not too low to contribute to the reproduction of migrant workers as a class, is yet not high enough to remove the economic imperatives of migration.”

In other words, the intention was to maintain the per-capitalist relations of production in the reserves to prevent an African influx into the urban areas. In spite of these intentions, a balance was difficult to maintain. Poverty in the Reserves gradually pushed the African population to the cities.

The trend in African urbanization alarmed the white dominated towns and city councils all over South Africa who viewed cities as places where “white people lived and where black people worked on sufferance.” By 1901, Durban had a population of 55,000, with 15,000 Africans, 14,000 Indians, and 26,000 Whites.

A substantial percentage (nearly 50%) of the Africans found employment in the Durban docks under a system of daily wages or what has been referred to as the ‘toqt’ basis. A system of daily wage gave these Africans more freedom and bargaining power for wages compared to the labor employed in other commercial activity. Restriction on this labor became a priority for the merchants, businessmen and the larger white population of Durban that depended on African domestic labor. The uncontrolled influx of the Africans had also led to the mushrooming of urban squatters and shacks in the dock area that became a cause for concern of the white residents whose “civic pride was challenged”.

Brij Maharaj (1996) points out the three influential constituencies that were against this African presence in their city:

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11 Ibid.
- Elected Municipal councilors with vested commercial and mercantile interests who were threatened by the organizational capability and bargaining capacity of the African workers.

- The white urban electorate which was unanimous in demanding docile laborers at low wages, freedom from their competition in skilled trades or commerce, and protection from their 'barbarism' and 'demoralization'.

- Municipal bureaucracy (police, medical officers and Manager of Native Affairs Department)

These groups viewed the settled labor as a threat to their security and the African residential areas were viewed as eyesores that were devoid of even the basic municipal amenities. This has been described as the 'sanitation syndrome' by some South African historians, according to which the poor living conditions were perceived as a threat to the civilized standards of the white settlers.

The White city councils did not possess the infrastructure that could cater to the influx of black migrants. By their experience in municipal affairs, they could only provide for the basic essential needs of a limited black population. The local councils had from time to time undertaken the task of clearing the black residential areas or shanties.

The Durban Municipal council did manage to control the movement of the 'togt' labor through pass laws as early as 1873-74 introduced by Theophilus Shepston Natal's Secretary for Native Affairs: a system that became one of the important symbols of racial discrimination and apartheid. Barracks and hostels were constructed to replace the 'eyesores' and manage labor effectively.

14 Ibid.
15 The term 'Black' is often used in South African literature to refer to the Africans. Similarly, the different racial groups are referred as 'Coloreds' or 'Whites' according to the color of their skin.
16 For instance, in 1903-04, the Johannesburg city authorities cleared the shanties to set up a permanent 'urban location' for the Africans called Primville. But these efforts could not be further replicated with increasing influx of African labor.
By 1880s most informal settlement of 'togi' laborers were removed from the dock area of Durban. However, with an increase in the influx of Africans into Durban, the local council found itself incapable to house the workers in hostels or provide any infrastructure to the areas occupied by the African and the Indian population. This led to a mushrooming of peri-urban areas and villages with no municipal facilities. A careful study of the Durban town council proceedings and Minutes referred in South African historical works throws light on the continuing debate between 'migrancy school' and those who favored African urbanization.\textsuperscript{17} Maylam's citation of a quote of the Durban Superintendent of Police in May 1904 reflects the influence of those who supported a migrant labor system:

"During the last three years I have had 7500 'togi' laborers, with sleeping accommodation for only 450. The remainder lodged wherever they could, in any ones backyard, ... How on earth can I take charge of Natives that are allowed to squat in every yard, hole or corner in Durban, where everyone is allowed to go except a policeman...I say send these Natives out for God's sake."\textsuperscript{18}

The Council marked areas as municipal compounds or gave residential permits in private compounds and enforced a registration fee on the labor to sleep there. By 1903, Municipal barracks accommodated 1600 togt workers. Most of the non-white population due to their low economic status, settled in areas initially referred to as locations, and later as townships.\textsuperscript{19}

The effort of the local council primarily aimed at keeping the natives away from the urban white areas. It continued on the policy of imposing controls on the movement of labor but did not undertake 'a comprehensive urban location system'.

\textsuperscript{17} Maylam, Paul, "Rise and Decline of Urban Apartheid in South Africa", \textit{African Affairs}, vol.89 (354), January 1990, pp. 57-84.
\textsuperscript{18} Ibid.
\textsuperscript{19} The Natives location Act in 1904 established locations for the Africans to reside.
The policy of locating the ‘natives’ outside the town was eventually initiated by the central government as indicated by this quote from a Cabinet meeting:

“It is therefore desirable...that natives should be located outside the towns. And not togt natives only, not even natives only...All colored people of the working class whose services after sundown are not indispensable should live in their own locations...The haunts of the laboring class would then be known confined to the place of work and the legitimate place of residence.”

The view of the ‘migrancy’ school as it developed in the context of Durban was the same as proposed by the infamous Stallard Doctrine later in 1921 that is said to have been influenced by the ‘Durban experience’. The Durban Town Council continued to enforce this view well into the first decade of the twentieth century.

1.1 ‘The Durban System’

Swanson (1976) in his popularly referred article explains the financial arrangement made by the Durban Town Council to manage the African workers. The arrangement is described as the ‘Durban System’ according to which the finances for housing the African labor was raised from the services provided to them. For instance, in 1905 the municipal council brought the African eating-houses under its control. These were made financially lucrative for the council by disallowing the African workers to cook their own food and canceling other arrangements made by the African informal sector.

Another innovative financial arrangement by the Durban Town Council that was replicated in the rest of the country was the municipal monopoly on the manufacturing and sale of native liquor according to the 1908 Natal Beer Act passed by the Natal parliament. The income from the sale of beer that had a large African demand was four times more than the fee introduced on the togt labor. Thus, the African workers were controlled with no financial burden on the white taxpayer. A large share of revenue that went to the municipal Native

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20 Swanson (1976).
Administrative Fund from this innovation made Durban 'a model for African administration'.

The initial success however did not ensure the continuity of the 'Durban System'. While this repressive system continued to be encouraged by the migrancy school, it was being contradicted by a number of factors: The first being the increasing resistance of the African workers. This can be gauged by the number of strikes and the extent of militancy in the 1920s. There were a number of strikes between 1918 and 1920 involving the dockworkers and municipal employees. In April 1918, Durban's rickshaw pullers went on strike to resist the increase in vehicle rentals. Many strikes were sustained by the Industrial and Commercial Workers Union. The period witnessed strikes and labor unrest in the rest of South Africa. In Durban along with the demands of wage increases, the wrath was directed against the local state. The unrest attacked the state run canteens and its beer monopoly.

1.2 The Stallard Doctrine

The War years 1914-1918 saw a growth in the urban African communities that made the task of the administrators increasingly difficult.

Stallard (Transvaal Local Government) Commission of 1921 that argued:

'...the native should only be allowed to enter the urban areas, which are essentially the White man's creation, when he is willing to enter and to minister to the needs of the White man, and should depart there from when he ceases so to minister'.

The underlined viewpoint of this Commission soon took the shape of a doctrine that endorsed the commonly held view at that time that the black man was to be given no rights, that he was not to be 'detribalized' and that he would enter the

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21 Maylam (1990) notes that the inputs of the Durban Natives Affairs Department Manager, C.F. Layman strengthened the Stallard doctrine. The Durban example was quoted in the Stallard commission and also influenced the Native Urban Areas Act.

22 Swanson (1976).

White urban domain as a migrant leaving his family in the tribal 'Reserves' who would support themselves on subsistence agriculture and on the remittances sent to them. The Stallard Doctrine put forward the point of view that the Africans were to have no property or legal rights in the urban areas.

African urbanization was administered for the first time through the introduction of the Native Urban Areas Act passed in 1923. It has been rightly described as the “skeleton” for the subsequent urban areas legislation as it was amended and re-amended in the subsequent decades. The Act allowed freehold rights for Africans over what were referred to as ‘prescribed areas’ and established a Black Advisory Board in every white municipality with substantial areas occupied by the “legal” black population. These advisory boards functioned as consultative bodies and consisted of at least three African members either elected or appointed headed by a chairman of European decent. The Board had to advice the White local authority on all municipal affairs relating to the administration of ‘black’ townships.

The 1923 Act while being influenced by the Stallard doctrine was drafted keeping in mind the more ‘practical exigencies of the time’. The basic principles that underlined the urban policy initiated by the Act were:

- The white local authorities were to register the service contracts through stringent pass laws and in that way regulate the inflow into urban areas.

- The black townships came under the control of the white local authorities that would ensure residential segregation. It would establish three kinds of

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24 The Reserves, referred to as 'scheduled areas' were administered by the Native Administration Act of 1927.
25 Efforts to curb African settlement in cities were made as far back as 1912 when the bill on the Natives Urban Areas was drafted.
26 Davenport, R. (1969)
accommodation for the Africans—townships, hostels, and 'native villages' for those who could afford to erect their private houses.  

- The Municipal Councils kept a separate Native Revenue Account (NRA). The account was financed by revenue from the rents from local residents, fines levies and through the brewing and sale of local shorgum beer. (The municipalities soon seized the monopoly of the distribution and manufacture of this local liquor).

- Set up Black Advisory Boards. These Boards were restricted to their advisory function and no attempt was made to admit African membership in them and never evolved into some form of self-governing local authority.

- Limited and total curbing of land purchases by Africans in the urban areas.

While the Act was a repressive piece of legislation, it inadvertently gave legal recognition to the urban African. It was vehemently opposed by the Free Staters who considered freehold rights for Africans in the urban locations as a 'threat to the security of the white man. The African urban community also rejected the Act. Throughout the history of these boards the voting registered poor participation and low turnouts.  

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30 The Afrikaner population settled in the Orange Free State.
Soon after the Natives Urban Areas Act was passed it was adopted by many large municipal authorities such as Durban and Johannesburg. The governance of the townships proposed in the Act did not quite differ from what already existed as the ‘Durban system’. But it sought to refine racial segregation in the cities and in many ways centralized ‘Native’ administration. Although the initiative to govern the townships remained with the municipalities, they came under the supervision of the Department of Native Affairs. The Municipalities were accordingly directed to keep Native Revenue Accounts and expenditures on townships from then on approved by the Minister of Native Affairs.\(^{32}\)

The income raised in the townships by the municipalities (through liquor monopoly and rents) took care of the entire expenditure in those areas. The municipalities did not incur any expenditure on administering them. The already impoverished townships now paid for the infrastructure and services they received. This implied that they were forced to pay high rents to receive even the minimal social services.\(^{33}\)

High rents and poor living conditions did not deter the growth African urban settlements. An important reason for a continued influx of the African population in the urban areas was the impoverishment in the Reserves. These areas were treated as dumping ground for the surplus labor and remained largely ignored in the South African developmental policy. Thus, even with the decline in the demand of labor due to industrial slowdown in the depression years, the African population did not retreat back to the reserves.

1.3 African Permanent Settlement in the Cities:

The 1920s and 1930s witnessed a rapid growth of industrial and manufacturing sector. The growth was especially boosted by the demand created during the war years. This led to an increased demand for labor drawing Africans in large


\(^{33}\) Ibid.
numbers to Durban. Even the depression years that affected the industrial growth did not affect this influx. 34

Women comprised a significant percentage of the migrants during this period forcing an alteration in the housing policy that catered for male migrant workers. During this time the ratio of African women, increased substantially vis-a-vis men taking advantage of the fact that this section of the African population was not included in the influx control policy of the 1923 Act. The change in the gender ratio indicated a more settled and permanent nature of the urban African, who did not send remittance home or have any connection with the ‘reserves’. The entry of women into the cities unsettled the traditionally accepted status of the Africans as migrants and not permanent settlers. 35

The government moved fast to address this loophole by the amendment to the Act in 1930. The Act required the women to take the permission of the municipality before entering any city, unless they were joining their husbands. Amendments like these continued to reflect the hold of the Stallard doctrine in the minds of the policy makers. This was entrenched and justified especially during the depression years when the cheap African labor threatened to replace their white counterparts. (The Government arrested this trend by the introduction of the ‘civilized labor’ policy in which they were only partially successful.)

The mining houses continued to be the main proponents of the Stallard Doctrine and emphasized the idea of an exclusive white man’s city with the blacks being given the status of a migrant labor. There was widespread support for the migrant labor system, as it would have ensured a more ‘docile labor’, a labor that would be difficult to be unionized. This concern dominated the minds of the policy makers as the war years witnessed the growth of a militant African trade union movement and strikes.

35 Ibid.
The 1937 Natives Law amendment Act was yet another move to enforce the view of the migrant nature of the African workers. Accordingly, a pass system was introduced for all women migrant entering Durban. The chairman of the newly established advisory board permitted only 'urgent' applications from women who needed to enter the city for 'legitimate' domestic purpose. Women migrants were checked regularly for permits and there were complaints of harassment in the process. To justify such actions the Durban Native administrative committee reflected their concern of women being a social menace as their presence had led to prostitution and vernal diseases. 36

The Native Affairs Commission in 1936 headed by Senator G.Heaton Nicholas introduced restrictions on the migrant African and segregate all spheres of socio-cultural activity. This inspired the Native Laws Amendment Act of 1937 enacted by the ruling United Party. However, this was not the most opportune time for the government to introduce such restrictive measures. The arrival of the Black labor continued especially due to the industrial demand for labor created during World War II. The policy of local authorities regarding the status of the squatters and new migrants was determined by the changes taking place in the South African economy. The urban African population increased substantially by 1946. The government came under increasing pressure to follow a policy of settling permanent African labor in the cities and alter the 'Durban system'. 37

The Municipalities conveniently ignored the growth of illegal 'squatters' as their position was sympathetic to the industries that needed that labor. 38 The increase in the boundary of the Durban Metropolitan Region in 1932 that incorporated a large number of shanties within the city boundaries increased the population substantially. The population continued to swell with the continued arrival of the Africans to Durban. 39 The area of Cato Manor in the Durban Municipal region

37 Ibid.
was one such area that was turned into a large squatter area. However, the municipal authorities as the Manager of Durban’s Native Affairs Department justified it, choose to tolerated it:

“We wanted their labor and either we had to sabotage our war efforts by turning them out of town, or tolerate them where they were at Cato Manor...We took the lesser of the two evils.”

Simultaneously, the Durban municipal authorities took the initiative to earmark areas for African settlements. In 1930, a section of the Africans were accommodated in four male and one female hostel. The rest resided in the premises of their employees either domestic or commercial. Throughout the 1930s, the municipality undertook construction of more hostels. (Men’s hostel was built in Dalton road and women hostel at Grey Street). Along with the construction of hostels, the municipality established residential areas to house the African population away from the city center. In 1930, the Clairwood estate in the city was converted into a ‘village’ where cottages were rented out. In 1937, another such village was established in Lamontville (in Durban). However, these initiatives proved insufficient in the war years that witnessed industrial activity and rapid urbanization.

The Durban Council’s accommodation plan could not keep pace with the growth that resulted in the city being dotted by shacks and informal settlements. Increased urbanization and overcrowding of the squatters led to disturbances in many shanty-towns in the 1940s. There were some initiatives taken to deal with the problem. The Smit Report of 1942, put forward ways to absorb the urban African in the development process of the South African cities and the utilization of African labor by providing housing and other infrastructure in the townships, and proposed the discontinuation of the pass laws. However, the recommendation of

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the Smit Report under circumstances of the exigencies of the War and the continued stress on segregation could never be implemented.

The White local authorities did not cater for the increase in housing and municipal facilities. 'Shanty towns' and 'squatter camps' mushroomed in all major cities throughout South Africa during the War years. The population spilled out of the townships into the neighboring private and municipal land. These African settlements were illegal and were never recognized as a part of the city's services area. Moreover, they did not conform to any building norms or legal standards. Even the formal and recognized townships and settlements were not given basic services or conformed to any defining standards. The only difference between these and the 'shanties' was that the municipal authorities recognized some of the African settlements.

The war years signaled the change in the political economy of the South African cities. The growth of manufacturing necessitated not only the mobilization of vast reserves of labor but also their 'permanent' settlement near their place of work. Such an economic situation ensured that the Africans could no longer be in towns as 'temporary' sojourners.

The ruling United Party came under continued political pressure by the nascent trade union movement and the newly emerging political organizations representing the interests of the Africans, Indians, and Coloreds. However, the failure of the United Party to enforce legislation and deal with the African urban crisis led to its defeat in the 1948 elections. This ushered in the period that witnessed one of the most inhuman segregationist policies implemented in history.

2. Local Government Under Apartheid

The wartime economic boom continued well into the second half of the 1940 in South Africa leading to further expansion of the South African cities. By 1949, the
African, Colored, and Indian population outnumbered the White population in the cities. 

The year 1948 witnessed a policy reversal to the Stallard Doctrine and African urbanization was further constricted through the dreadful system of apartheid. This policy reversal can be understood in the light of the fact that the National Party represented the interests of the white agricultural capital that faced severe labor shortages as a result of the labor being sucked into the manufacturing and mining sectors. The party’s staunch racial policy also had the support of white lower middle class that formed an important chunk of its vote bank.

What ensued was the long and systematic separation of races, purging of people of all other races from the political process, a virtual sealing of the municipal boundaries, stringent pass laws to regulate the flow of labor into the cities and entrenchment of the tribal socio-economic system in the Reserves.

2.1 Group Areas Act

The emerging urban areas in South Africa took the form of ‘segregated cities’, with separate sections of White, Black, Colored or Indian respectively. This kind of segregation was not unique in the South African case, but was a common feature in many colonial towns in Africa. But segregation elsewhere was based more on custom than based on racial politics or enforced legally through policies such as apartheid and apartheid legislation such as the Group Areas Act.

Group Areas Act of 1950 formalized racial segregation in South African cities. The Act sought to allocate specific areas for the different racial groups and can be considered the first step towards the formation of apartheid structures. The Prevention of Illegal Squatting Act of 1951 set down heavy penalties for illegal settlements and established camps to accommodate the displaced population. The

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housing for the African population remained legal only in the townships and many squatters were cleared and resettled.\textsuperscript{42}

This was followed by the Act of 1952 that set forth qualifications that the Africans needed to gain the right of remaining in an urban area. According to ‘section 10’ of the Act, to be a legal resident of an urban area the person had to be either born there or lived there for a period of 15 years or worked under the same employer of a period of 10 years. The element of inhumaneness is reflected in clauses such as the one according to which the spouses did not automatically qualify the right to reside in an urban area. This led to separation of partners unless both decided to leave the urban area. To control labor flow into the urban areas as well as the white farms the apartheid government used the pass laws. These were made stricter as the duration allowed to a work seeker was reduced from 14 days to 3 days. Labor bureaus were established to regulate labor movement.

Attempts were made to arrest the African influx through the development of the reserves. Development of agriculture and a kind of a decentralization of industries and mining were suggested to discourage a one-way flow of labor to the urban areas. But these attempts were given a half-hearted support from the government in its implementation and the reserves were left as areas where tribalism and subsistence agriculture remained a feature of the socio-economic structure.

2.2 Group Areas against the Indians and the Coloreds

While the discrimination against the Indians and the Coloreds cannot be compared to that against the Africans, they too were not spared from the segregationist policies of the Government.\textsuperscript{43} Before the Group Areas Act was implemented, the Indian and the Colored settlements or ‘ghettoes’ were scattered throughout the

\textsuperscript{42} The Acts that followed further tightened the existing Laws on African settlements. Native Tenant and Land Amendment (squatters) Act passed in 1954 that ensured that no blacks could live on White farms except as laborers. The Natives Resettlement (Western Areas) Act the same year led to the removal of Shanties of western Johannesburg that were resettled in what came to be known as Soweto townships.

\textsuperscript{43} These discriminatory policies are rooted as far back as 1880s when restrictions had been imposed on the Indians to enter the Orange Free State. The Indian entry into the Cape Province had been restricted by the Immigration Act of 1906.
white areas. In Durban, the nascent Indian land owning class had encroached upon areas that were traditionally white. Thus, much of the Indian and Colored settlements existed alongside White areas, although the municipal housing policy continued to discriminate through the policy of segregation.

Brij Maharaj considers an alliance between the white working class, white elite, and the local state that led to the initial steps toward segregation in Durban. The growing concern of the middle class whites to live in close proximity to the Indians involved the Durban Town council in a segregationist housing policy. The main pockets of Indian concentration in the city were in Cato Manor, Berea, Umgeni in Durban central.

Segregation began to be forcefully asserted by the government with the introduction of the Asiatic Land Tenure and Indian Representation Bill in 1946 (that came to be known as the ‘Ghetto Act’). The Bill reflected the intention of the government to restrict Indian ownership and occupation in some areas of Natal in exchange of some political representation. The Indian Representation Bill was seen by the Indian community as an attempt to co-opt them with the racist government. The Indian community thus rejected the offer based on unequal terms and boycotted elections. The campaign, considered to be one of the first organized campaign that spoke against segregation and discrimination in the granting of franchise, land ownership, education, restrictions in movement that involved the pass laws and inter provincial movement of Indians. It involved the African and Colored movements and took the form of a Joint Declaration of Co-operation.

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45 Like the Indians in Natal, the Coloreds faced segregationist policies in the Cape. The Coloreds enjoyed the non-racial qualified franchise based on individual merit in the Cape. However, the Union government removed this arrangement in 1936. In 1937, the setting up of the Cape Colored Commission that was feared to be an equivalent of the Department of Native Affairs alarmed the Colored community. In spite of government assurances that this was not aimed to diminish Colored political rights or introduce forced residential segregation, a Colored Advisory Council was appointed- a step that initiated the process of segregation of the colored community.

(drawn up by G.M. Naicker of the Natal Indian Congress, Y. Dadoo of the Transvaal Indian Congress and Xuma of the ANC).47

With the National Party coming into power in 1948 attempts were made to sideline all non-whites from the political process. In the first place, the government withdrew the offer of representation for the Indian population. After a prolonged effort to manage constitutional majority in the parliament, in 1956 the National Party place the Colored voters on a separate electoral roll to elect four white representatives to the House of Assembly.

Political and economic discrimination was entrenched through segregating the settlements of the Coloreds and the Indians. Section 25 of the Group Areas Act of 1950 greatly determined ownership and occupation of the Indian and Colored population. The Group Areas Act affected them much more than it affected the Africans. The Urban Areas Act had already undertaken the segregation of the African population.48

The Group Areas Act ensured a complete racial segregation of all South African urban areas. Many Coloreds and Indians were shifted out from areas chalked out for the Whites.49 Cato Manor could provide an interesting example of such a change. A largely Indian area close to the city center accommodated a population

47 An organized resistance to the restrictions on land purchases trading and residential rights led to the founding of the South African Indian Congress by the Indians in Natal, the Cape, and the Transvaal.

48 In Natal alone, about 745,000 Africans were relocated. Most of these were either farm residents or lived in squatter areas. The Group Areas resettled a total of about 295,000 people.

49 T.R.C., Davenport, South Africa: A Modern History (Johannesburg, Macmillan, 1991), p. 334. Davenport describes the process of segregation in the rest of South Africa. While the Indians were evicted in large numbers in Natal, the Coloreds were the most affected in the Western Cape as they were concentrated mostly in the central areas of the cities. In Cape Town, for example many Colored homes and businesses were affected in August 1956 when the whole area from Cape Town to Muizenberg was allocated to the whites. The resettlement was undertaken with the cooperation of the White local councils that undertook enforced sales and demolition when required. Likewise the removals of Indian residences and bazaars were forcibly removed through the intervention of the white local authorities in many urban areas of Transvaal notably Lydenburg (1952), Balfour and Carolina (1953), Nelspruit and White River (1954) and the removal of the well established Asiatic Bazaar in 1956 in Pretoria.
that increased nearly 7 times since 1936.\textsuperscript{50} The African population settled here in large numbers due to cheap accommodation available on Indian owned land and due to availability of vacant land to establish squatter settlement. According to a Durban Housing survey conducted by the University of Natal in 1952, out of the estimated 8000 shacks in Durban that housed 67,500 people, Cato Manor alone housed a population of 50,000. The area with its proximity to the white area of Pine Town and Durban Central was viewed by the Municipal Council as a notorious center for illicit liquor brewing, vice, disease and violence. The fears were colored by local perception of black areas being ‘a source of great danger’\textsuperscript{51}. The Municipality stepped in to organize the illegal settlement only after the area witnessed serious Afro-Asian riots in 1949.

Soon after the riots, the municipal council established the African township of Chesterville in Cato Manor. However, the Group Areas Act legislated by the government in 1958 was soon enacted in Durban by its local council. This led to large-scale eviction of Indians and Africans from Cato Manor and other areas declared as white areas. Apart from the smaller townships of Lamontville and Chesterville and those in the periphery like the Indian areas of Clare Estate and Overport, all other residential areas were relocated. West Durban was in this way cleared of all shanties, ‘unhealthy and unsafe areas’ and the areas South and North of Durban were marked for housing programs to resettle the evicted population. The Indian were accommodated mainly in the township of Chatsworth and the Africans in the new townships of KwaMashu and large numbers were also accommodated by enlarging Umlazi.

The Group Areas Act was amended several times to ensure its implementation included not just segregation of the Black and White urban areas but also aimed at the segregation of the Coloreds and Indian areas. A report from the Ministry of Community Development in 1973 indicated the extent of uprooting and resettlement that took place. According to the report in 1972, while only 1,513

\textsuperscript{50} Paul Maylam, “Rise and Decline of Urban Apartheid in South Africa”, \textit{African Affairs}, vol. 89 (354), January 1990, pp. 57-84.

\textsuperscript{51} Durban’s Superintendent of Police comment in 1898 quoted in Swanson (1976).
white families had to be uprooted from areas allocated to other racial groups, 44,885 Colored and 27,694 Indian families had to be moved out of the white declared areas. The process continued well into the next decade. By August 1985 there had been a substantial increase in the number of people Colored and Indian, who were resettled to other areas and a few thousand families were left to be resettled. The figures related to white removals always remained marginal. 52

2.3 The Creation of the Bantustans and its Impact on Durban

Despite resistance in townships and worldwide criticism against apartheid policies, the central government intervention continued to impose ‘separate development’. 53 The elaborate political and economic policy of the apartheid government was directed towards the creation of areas where the surplus blacks were to be resettled. During the 1960s, removals of Africans from the white farms, urban settlements, and squatters and ‘black spots’ led to their resettlements into the Bantustans. 54

The establishment of the Bantustans was an attempt to segregate the Africans on the basis of tribalism or tribal identities. The strategy that gave a final shape to racial segregation took shape with the passing of the Promotion of Bantu self-governing Act in 1959. The Africans population was restricted according their ethnic group in the ‘Bantustans’ or ‘homelands’. The main purpose behind such legislation was not to ‘develop any community spirit’ or ‘promote tribal discipline’ as it was made out to be. The Act simply reflected the continued emphasis of the idea of Africans not belonging to the city. They were citizens of a homeland and would eventually return to it.

53 The latter half of the 1960s witnessed a boom in the South African economy with a substantial foreign investment and increase in its GDP. The upholders of apartheid interpreted such a development as a sign of success of their model of ‘social engineering’. Despite this confidence, the official use of the term ‘apartheid’ was discontinued due to worldwide criticism of this system. However, the practice continued under the guise of ‘separate development’.
54 African reserve areas were formally declared as the Bantustans, Meaning the homelands of the Native African population clubbed together under the term ‘Bantus’ or ‘Natives’.
The Act was one of the most crucial legislations that shaped local government structures in apartheid South Africa. It divided the African Reserves into eight 'Bantu Homelands' and every black person was to acquire the citizenship of one of the homelands. Accordingly, even the Africans residing in townships, residing in hostels, or with his employer were allocated a homeland. The Bantustans were to differ from the previous existing 'Reserves' as they were to be separate political and economically viable entities in themselves. 55

With the Botha government coming into power in 1978, the center vigorously followed the policy of granting self-development to the homelands, and implemented measures for an urban renewal. The KwaZulu Bantustan was one such tribal homeland created in 1970 around the city of Durban. The proximity of the KwaZulu homeland made possible the task of relocation the Africans out of the city feasible. The theory of separate development could now manage a more distant and docile African labor. The residents of the eight African townships that were established in KwaZulu were given the status of 'commuters' to Durban. These were Umlazi, KwaMashu, Mpumalanga, KwaMakuta, KwaNdengezi, Fredville, Illanga, and Dassenhoek and their administration came under the KwaZulu Department of Interior.

The establishment of the Bantustan system clearly demarcated the areas that fell under the tribal areas and the townships that were included in the urban areas. The control on the movement of the population continued to be a priority for the

55 The Bantustans were to be made economically viable for them to exist as self-governing Black national units and provide sort of an alternative to migration to the cities. With the creation of the Permanent Commission for the location of Industry and Development of Border Area' in 1960, industrial development at the border areas was undertaken. Along with attempts to undertake development in the homelands, a political and administrative structure was established in each Bantustans. Transkei that was established as the first Bantustan and between 1953 and 1959, the 324 'tribal authorities' were established outside Transkei. According to this political set-up by the end of 1960s, self-government was established in Transkei and Territorial authorities were set up in the Bantustans of Ciskei, Bophuthatswana, Qwa Qwa, Gazankulu, Lebowa, and Venda. During the 1970 and 1980s, most of the Bantustans were 'granted independence': Transkei in 1976, Bophuthatswana in 1977, Venda in 1979, Ciskei in 1981. These were to be governed by their respective 'governments' held by traditional authorities that were appointed in the urban areas. These traditional authorities were subsequently given greater legislative powers. The appointment of Commissioners General was instituted to overlook the administration of the Bantustans.
Apartheid government. Local authorities were directed to check African urbanization through the following measures:

- In cases where the homelands were in the vicinity of a white town or city the employees of such a town should be accommodated on a family basis in a township in the homelands concerned.

- Should the distance between the city and the nearest homeland be too great to make it feasible for Africans to travel on a daily basis, the families should be nevertheless be accommodated in the homeland, and the workers in the hostels in the urban area.\(^{56}\)

Segregation on that scale was not easy to implement, as there were many Africans who could not be moved into the Bantustans and needed to be accommodated in the ‘resettlement’ or ‘transit camps’. The Department of Bantu Administration undertook the task of accommodating migrant workers, the old and disabled who were no longer productive for use in the white areas and families of ‘Bantus’ or the ‘Natives’ who were sentenced to long-term imprisonment in these transit camps. Thus, in spite of the creation of homelands for the Natives, the apartheid government was forced to bring out legislations that would govern ‘Black’ areas outside the Bantustans. More than the purpose of governance, a need was felt to regulate and police the townships that were at close proximity to the white urban areas.

The peripheral areas between Natal and Durban became areas where African population and squatters grew unhindered. Further, by locating more than 86% of the informal settlement population with the boundary of the KwaZulu homeland freed the Durban Municipal Council of its developmental responsibility. The main black township of KwaMashu for instance, that was earlier administered by Port Natal Administration Board was now incorporated into the homeland. Likewise,

seven other such townships came under the administration of the KwaZulu Department of Interior.57

The reduction in responsibility however increased the infrastructural costs of the Durban Municipality to transport labor on a daily basis as the ‘de-concentrated urbanization’ resulted in a situation where a large number of African workforce had to commute to the city center. The residents of the townships like that of KwaMashu that were now the citizens of the KwaZulu homeland now automatically lost their rights to reside in Durban under the section 10, Urban Areas Act. This large commuting population in the periphery of Durban especially concentrated itself in areas that were well connected by a regular transport service.

However, the living and housing conditions in these areas remained highly inadequate. The Kwazulu Government with its task of serving a large impoverished homeland and inadequate finances was unable to undertake the responsibility of providing the basic municipal facilities in these townships.

The peripheral population also spilled over into the Durban metropolitan region that created squatter camps around the established African Townships like KwaMashu and Umlazi. Since these townships were far away from the eyes of the white residents of Durban, the Port Natal Administration Board did not step up efforts to arrest this development and impose residential control. Moreover, the growth in squatters in the 1970s grew too slowly and clandestinely for the authorities to be alarmed by it. The task required the cooperation of the KwaZulu authorities. However, the KwaZulu authorities neither had the capacity nor willingness to control the spread of squatter areas.

The latter half of the 70s saw a flood of African settlement due to the severe droughts in the KwaZulu homeland. According to one estimate, the proportion of Africans in the Durban Metropolitan Region increased from 40 to 50%. The municipal administration was not equipped to deal with this situation and the period saw a further weakening of township administration. The situation

57 P., Tichmann (May 1987) p.29.
demanded a change in the local administration the guidelines which were derived from the policy formulated at the center. The various Acts that were legislated during this time reflect the political strategy according to which the administration of the black townships were to no longer remain with the white authorities and instead came under greater centralized control.

The White Local Authorities (WLA) were no longer to take responsibility of the African townships that were transferred to the central government under the Natives Affairs Department according to the Natives Laws Amendment of 1957. The Act also introduced the system by which:

- The Secretary of Native Affairs was given the authority to indirectly govern black townships through the Natives Affairs Department,
- Governance was further centralized as the Secretary of Natives Affairs was given the powers to vary, amend, or reject the local administrations draft proposal.
- The expenditure for the administration of the townships too came from the centrally controlled Natives Revenue Accounts, local authorities were to no longer possess the power to issue passes to the African workers. The Department of Native Affairs through the labor bureaus handled this instead.

By 1961, urban administration was fully dominated by the policy of apartheid. The administration of most of the African townships in Durban that fell within the white urban areas came under central control under the Department of

58 With the policy of separate development chalked out for the self-governing homelands, government attention was directed to control African influx into the cities. The government set up a commission (Rickert Commission) to organize the governance of the permanent African population in urban South Africa. The report reasserted the earlier procedure of distinguishing between migrant and urbanized Blacks. It set up procedures and legal rights for the employment and housing of the urban resident worker.
Constitutional Development and Planning. These were Lamontville, Chesterville, Hambanathi, and Klaarwater. The Department of Development Aid administered townships that were neither administered by the Department of Constitutional Development nor by the KwaZulu department. These were to be later incorporated into the KwaZulu homeland.

Such a division relieved financial strain from the white authorities. Through the Department of Constitutional Development and the Department of Development Aid, the central government was in full control over labor movement and African settlement. The central government therefore had total control of the Urban Black Councils that replaced the Black Advisory Boards by the Urban Black Councils Act, 1961 (Act 79 of 1961).

The Black Advisory Boards were given the appearance of greater African representation by enabling the African residents of the township to elect members of this council. Greater African control of their township governance was a farce, since none of the elected township councils had more than the status of an advisory body. Much of the research done on township administration under the KwaZulu Department, Dept. of Developmental Aid, or the Department of Constitutional Development has documented the powerless authorities that had limited legislative and administrative powers. The status was further stunted by severe shortage of financial and administrative resources. This was reflected by the massive housing and infrastructure backlog and poor service standard.

Through series of interviews with township councilors and officials, Tichmann (1987) described the vicious circle these authorities were caught up in. This problem was to recur in any of the future attempts to organize township governance in the African areas:

"... their powers are circumscribed by the Department of Development Aid. They lack financial resources necessary for upgrading the social services in the respective townships. The standard of housing and services prevents them from
charging economic rents and rates or service charges. Their inability to provide or improve the necessary services in turn reinforces their lack of legitimacy.⁵⁹

2.4 Increased Centralization

Greater central control was exerted with the growing confidence of the government on the successful implementation of the apartheid model. The Black Affairs Administration Act, 1971 (Act 45 of 1971) transferred the control of the Black Councils from the White Municipal Councils to the Bantu Affairs Administration Boards. Accordingly, the African areas that came within the borders of the Republic of South Africa and outside the domain of the homelands were divided into 14 administrative units. Each unit or area that comprised of a number of African townships was brought under the control of the Administration Boards. For instance, the West Rand Administration Board (WARB) now administered the largest black township of Soweto.

The officially stated purpose of establishment of Administrative Boards was to ‘bring about a more effective and uniform administration over large areas’. However, instead of developing the infrastructure of the townships these Boards were considered more as enforcement arms of the government. In the first place, these Boards were directed to finance the township infrastructure through self generated revenue. A limited financial base of these townships made the boards rely on the same sources as those of the Native Revenue Accounts previously controlled by the white local authorities. These were accommodation rentals, fines, employee registration fee, and profit from the monopoly of the authorities on the sale of sorghum beer.⁶⁰ The establishment of the administrative boards further increased the financial burden on the township residents. Financially weak and unrepresentative Boards thus were unable to provide even the basic municipal facilities in the townships. Instead, their administrative effort was directed towards the entrenchment of the apartheid system:

"Administration Boards are becoming more and more involved in the regulation of Black labor mobility. Administration Boards have moved directly into the homeland districts where they were not previously active. They have established a new bureaucratic presence. The most direct presence has been the construction of new Administrative Board facilities in the homelands themselves."

The unpopularity of the Administrative Boards was reflected by the Soweto uprising in 1976. The revolt influenced violent reaction against the Boards and more than 100 Administrative Boards offices were said to have been damaged along with beer halls, schools, community halls and many other public buildings and facilities.

The ineffectiveness of such an administrative set-up eventually led to some superficial changes in the administration system. The Community Councils Act, 1977 (Act 125 of 1977) established Black Community Councils for each Black township. However, the domination of the Administrative Boards over these councils was maintained. The Community Councils thus did not prove to be independent bodies with any significant executive power. The executive powers were still exercised by the Bantu Affairs Administrative Boards with the powers concentrated in the hands of the Minister of Plural Relations and Development. The Minister had the overriding authority to restrict the powers and functions and even dissolve the councils if necessary. With these limited powers these Community Councils were to take up the responsibility of providing municipal services to the respective townships i.e. housing, regulate and enforce building plans, check unauthorized settlements and structures etc.

2.5 Local Authorities for the Indians and the Coloreds

The ‘concessions’ to the Coloreds and Indians were equally reflective of the entrenchment of the apartheid system. Representation for the Colored and Indian

municipal councils was legislated by the Group Areas Amendment Act of 1962. These ‘concessions’ came after a sustained campaign and under circumstances of the de-colonization in the rest of Africa. The 1962 Act amended the Group Areas Act to provide for “consultative committee” or a “management committee” (Local Affairs Committees or LACs) to administer the Indian and Colored areas. The Act also referred to some form of local governing body to be established in the urban areas inhabited by the Coloreds and Indians.

However, these newly created ‘management committees’ were not given an autonomous status right from the time of inception. Each of these councils remained was under the control of a White municipal authority. The role of these committees remained mostly consultative and in some cases some administrative responsibility was given to some of them though these remained subordinated to the White Municipal Council.

After 1962, these committees were gradually transformed to municipal councils to handle the local affairs of the respective areas allocated to the Indians and Coloreds. Along with giving them control over their local affairs through the establishment of Colored and Indian local municipalities, the representation of these groups was enlarged at the central legislative level. By 1974 with most of the Local Indian Councils in place, the strength of this council was increased from 25 to 30 members half of whom were the representative of the local authorities and the rest were elected through the electoral colleges in the provinces. However, except for its control over Indian education and community welfare, the Council was not given legislative powers. Lack of any meaningful representation and powers or trained staff greatly limited the LACs.63

2.6 The 1983 Constitution
The 1983 Constitution included other racial groups without reducing the white political hold and without compromising on the policy of racial segregation.64 The

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64 The 1983 Constitution introduced the process of the election of the President by a college consisting of representatives from each of the three houses of parliament in proportion to their
first general elections for the Colored and the Indian communities reflected a poor turnout (30 percent of the Colored and 24 percent of the Indian went to vote) reflecting a rejection of the constitutional adjustment. The majority African population too rejected the Constitution, as the Africans were totally sidelined in the political adjustment and proceedings. The anger was reflected by widespread civil unrest that broke out even as the Colored and Indians were electing their representative for the House of Representatives and the House of Delegates.

A spate of protest followed against the 1983 constitution. The protests were primarily directed towards the constitution on the basis of non-inclusion of the Africans or against the new system of local black government. This is reflected by violent protests that started with the swearing-in of the Colored and Indian parliamentarians in 1984. The protest soon developed into a mass protest on other municipal issues.

The 1983 Constitution brought about significant changes in the provincial and local governments. At the provincial level, a more multi-racial executive was established as a window dressing to the new set-up. The Provincial Council in the Cape for example, was proportionately distributed among the different racial groups. However, along with the ‘increased scope of the participation’ of the other racial groups came greater control from the center. The multi-racial provincial executives were to be nominated and directed by the President. Central and white control was maintained through the standing parliamentary committee that was ironically the only representative element of the provincial government.

numerical ratio i.e. 50 Whites, 25 Coloreds, and 13 Indians. It introduced a tri-cameral parliament that established Indian, Colored, and White houses under the ‘own affairs’ set up. Accordingly, the House of Assembly (white) consisted of 178 members. The Colored House of Representatives had 65 members and Indian House of Delegates with 45 members. These houses were to undertake the governance of the following aspects: social welfare, education, art, culture, recreation, health, housing, community development, local government, agriculture, and water. The introduction of the ‘own affairs’ brought the Indians and Coloreds into the central legislative process, though the executive authority for the ‘own affairs’ remained with the President.

The local government system remained segregated and was set up within a highly centralized framework. The central government and the three ‘own affairs’ houses were connected to the local government through the provincial offices. The control over the Black Local Authorities was devolved to the provincial government but direct central control was exerted through a centrally appointed provincial executive committee (Exco). 66

2.7 Local Authorities for the Urban African (BLAs)

The establishment of Black Local Authorities was seen as a poor compensation for the demands of a greater African participation in governance. These structures were introduced in 1982 as a reaction to the growing protest movement. Although established as full-fledged municipalities for each Black Township enjoying the same formal powers as the WLAs, these came under increasing central interference. The Black Communities Development Act (1984) reflected the intension of gradually passing the responsibility of providing municipal services from the Administrative Boards to the BLAs. With the passing of the Black Communities Development Act, the jurisdiction of the Administrative Boards reduced over the BLAs. These were renamed Development Boards that signified a shift of power to the local authorities directly elected by the Africans.

In their organization, these BLAs were to be African equivalent of the White Local Councils. Accordingly, the governance of the African Townships in Durban was ‘decentralized’ with the conversion to Development Boards. However, innumerable problems that surfaced in the African local authorities system reflected their inherent weakness. Such structures could never be expected to ‘serve to defuse the pent up frustration and grievances’.

The BLAs continued to be controlled by the Minister of Constitutional Development and Planning who retained the powers to dissolve councils and appoint new councilors. The Development Boards remained functional as agencies of the Ministry that continued to enforce pass laws and influx control regulations.

66 Ibid.
Such overriding powers defeated the whole purpose of the establishment of
democratic local structures. The establishment of the BLAs came in the form of
piecemeal reforms and were sought to address the political grievances of the
emerging middle class and skilled African working class. In fact, even within
these groups there was a great deal of dissatisfaction, as the BLAs did not provide
an effective means of taking control of their own affairs.

The BLAs were thus increasingly perceived as the extensions of apartheid and
their councilors and administrative officials as agents of the South African
Government. They were an example of how the powers of the local authorities
were restricted in the process of the implementation of apartheid. This failure of
African township governance was not new to the BLA experience. As has been
observed in the chapter before the administrative and fiscal shortages, and central
control had severely curtailed effective performance of these local authorities.

Moreover, the financial resources and administrative manpower at the disposal of
the BLAs were nothing compared to their white counterparts. The authorities were
further incapacitated by the unplanned rapid urbanization growth in the inner city.
The only way the BLAs hoped to finance their service delivery was by hiking
rents and service charges. However, higher rents became one of the core issues of
people's frustration who retaliated by non-payment. Non-payment became a sort
of a culture in the townships. Many big cities including Durban witnessed large-
scale violence in the early 80s against the imposition of increasing rents and
public transport fares. The rent and bus boycotts rendered the authorities in the
African townships weak.

The statement below aptly describes the underlying cause for yet another failure
of the government's arrangement to deal with African urbanization:

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67 C. Heymans. and White, R "Playing Politics Without Power: The State of Black Local
68 Serious financial and administrative inadequacies have been noted in - Keeton, M., The Black
Town Councils-A Study of their Performance and Reception in the Urban Black
Communities, Urban Foundation, Johannesburg, 1985.; Race Relations Survey, South African
Institute of Race Relations, 1991/92, pp.469-470.; Simkins, C., du Plessis, J. and Sithole S.
“Over the years, as the government has tried to put a new face on apartheid, these councils have undergone many name changes - they were originally called Native Advisory Boards, which then became Urban Bantu Councils, then community councils and now town councils.”

The BLAs became highly unpopular and its Councilors were often made the targets of the pent up frustration of the township residents. This led to the resignation of local councilors especially those who had a weak mandate due to poor turn out of voters in the election.

The failure of the BLAs to establish their legitimacy ‘made space for the political struggle’ in the African townships by civics or warlords. The emergency years between 1985-90 saw emergence of the civic organizations and umbrella bodies like United Democratic Front (UDF) were backed by the African National Congress or supported by the labor movements led by COSATU, and the Inkatha Freedom Party that drew support mainly from the tribal warlords and the squatter areas that surrounded the formal townships.

These developments were accompanied by an increased politicization of these groups. By late 1980s, the ANC controlled the formal townships of Clearmont, Chesterville, Lamontville and KwaMashu, the IFP maintained political allegiance from Lindelanzi, parts of Inanda and Umlazi. While unrest and violence against the state affected most parts of the country during the emergency period, Durban witnessed black on black violence that became an important feature of the political developments of Durban. The black on black violence has been interpreted as a consequence of the growing economic and residential differentiation among the African population. These divisions were then translated

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69 The Financial Position of Black Local Authorities - A Study of 34 Cases, (Johannesburg, Urban Foundation 1991)


into deep social and political rivalries. Uncontrolled urban growth, competition for
the scarce resources, unemployment, sheer social distress, the weakening of the
apartheid control, the increased militarization and politicization of youth groups,
shacklords and warlords in townships, resulted in increased confrontation. Unrest
in the formal townships intensified with the threats of a possible incorporation of
all the African townships in Durban into the KwaZulu Homeland.

Another implication of the collapse of the BLAs was that the control of the
African townships came in the centralized command of the State Security Council
through the Joint Management Centers (JMCs). Under what appeared to be a
military take-over of government, the JMCs took charge of the diffusing the
‘disturbances’ at the local level. The trend towards centralization that had been a
marked feature since 1910 and subsequent entrenchment of apartheid and the
security measures that followed only led to more centralization of power.
Following township unrest, the Botha Government introduced measures that
further strengthened central hold over local authorities. This was done under the
security based top-down decision-making system under what was termed as the
National Security Management System (NSMS). Before this, the local authorities
were functional under a unitary framework. Under the NSMS the security forces
officers were responsible for the co-ordination of not just the local bodies but all
levels of governance.\footnote{Friedman, S., \emph{Local Government in Transition: Negotiating the Future} (Urban Foundation,
Johannesburg, 1990) p.13.}

3. Local Resistance to Apartheid

The program of action drawn up by the ANC Youth Leaguers was based on
‘boycott, strike, and civil disobedience’. These were put into operation to organize
a movement against the pass laws, the Bantu Authorities Act, the separate
Registration of voting Act, and the Group Areas Act, rentals and resettlement
affecting the Africans, Coloreds and the Indians respectively. Riots in townships
that broke were also directed against liquor and beer monopolies of the local
authorities squatter removals and the pass laws especially its enforcement on women migrants.

Municipal offices and services were often made prime targets of the violence that engulfed the African townships in many cities including Durban. Protests included the breaking of apartheid laws in the urban areas, entering cities without passes, breaking curfew laws, defying ‘European only’ signs at cafes, railway stations and post offices etc. Aside from the uncoordinated violent outbursts, the movement was organized by the ANC and the Pan-African Congress (PAC) who organized boycotts and civil disobedience. The protests also incorporated the stay-at-home movement by the workers. Other institutional groups like Youth organizations located in educational institutions, church and professional groupings also became important participants in the resistance. Important urban areas like Durban and Cape Town witnessed protest marches involving thousands of people where police fired on the marchers. The banning of the ANC and the PAC by the government further legitimized police repression. The townships became the havens for the new militant groups that were formed as the major organizations like the ANC and the PAC went underground. The militant wing of the ANC (Umkonto We Sizwe) ‘Spear of the Nation’ and ‘Poqo’ a PAC backed organization developed in the townships and Bantustans.

By the 1980’s, these protests became more organized and directed against the policy of apartheid and its detrimental results. The protests were often intensified on the basis of the growing frustrations against developmental backlogs, inadequate municipal facilities, high and unequal rents and charges on the infrastructure in the townships and disparities between the White and African local authorities. The township revolt of the 1980s made the local level an important platform for voicing the larger political discontent. During the township violence in 1985 protest was directed especially against the BLAs. Many of the civic associations in the townships started campaigns to force resignation of the councilors.  

72 Diary of Attacks, South African Institute of Race Relations, December 1990.
It is to be noted that these township protests were more than just 'disturbances'. They were organized by alternative civic structures or 'civics' and by trade unions. The civics and community organizations included residents association, transport committees, consumer boycott committees etc. The civics organized down to the level of street committees virtually took up the most municipal services with community participation. These organizations in turn were being organized by the United Democratic Front (UDF), an organization affiliated to the ANC, formed by groups that had adopted the Freedom Charter of the ANC. An important feature of the civic movement became its growing affiliation with the political parties. This became an important factor determining campaigns undertaken by civic organizations in the black townships. For instance, the UDF essentially concentrated to provide a concentrated opposition against the BLAs to address local issues such as municipal services and housing, increasingly affiliated itself to the ANC and became involved in larger political issues.

In Durban, the township resistance took the form of a larger civil disobedience movement that aimed at rendering the local authorities ungovernable. Apart from the regular means of civil disobedience employed by the township residents, the rent boycotts were most effective in affecting the functioning of the local authorities. Community organization such as the United Democratic Movement (UDF), the National Forum, Joint Rent Action Committee (JORAC) and trade unions such as the COSATU organized protests in townships during the 1980s. JORAC, under the leadership of a former town councilor Harrison Dube was a civic organization comprising of civic township committees formed during this period namely, Lamontville Rent Action Committee, the Hambanathi Residents Association, Chesterville Rent Action Committee, the Klaarwater Residents Association, the Shakaville Residents Association and organizations representing

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the hostels under Natalia Residents Board. This organization had spearheaded the unrest in the African townships in Durban like Lamontville and Chesterville.

4. Attempts at Local Reform- The Regional Service Councils

The emergency period introduced in 1985 witnessed an entrenchment of the unitary top-down of the central and provincial level over the municipalities. The RSCs were one such attempt to coordinate administration and avoid duplication of effort of a myriad of local authorities that were governing large functional areas as Durban. The aim was also to facilitate some sort of multi-racial decision-making. Introduced during the Botha government, the RSCs were formed above the racially segregated primary local authorities. The RSCs came directly under the Provincial Administration and were to act as an umbrella organization that covered the BLAs.  

The officially stated aims of the RSCs were:

- To provide municipal facilities specifically those Local Authorities that had been unable to provide effectively. The Schedule 2 of the RSC act listed 22 such services that included supply of water, electricity, roads and transport services.
- To introduce multi-racial decision making at the third tier.
- To create a financially viable local government structure especially in the light of the fact that the African, Colored and Indian authorities were financially too weak to provide effective services.

To control the system from being biased towards the white wealthier areas certain provisions were laid out:

- Central business districts and industrial areas were excluded from calculation
- No one LA could have more than 50% voting power.

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75 Republic of South Africa (RSA), "Regional Services Council Act No, 109 of 1985, Pretoria, Government Printer."
And all decisions were to be taken by consensus or by two-thirds majority.\textsuperscript{76}

The official claims of improving service delivery, introducing a multi-racial governing bodies and effectively devolving power were to prove an eye wash. One of the features of the RSC that was opposed by the ANC and the civic movement was that local representation was to be on the basis of the amount paid by each Local Authority for the services it received.

In spite of these arrangements, the RSCs were indirectly elected and therefore were not accountable to the general public. They continued to recognize the de-legitimized (African) BLAs and the (Indian and Colored) LACs and did not include the community-based organizations or alternative civic structures such as area committees that were enjoyed greater recognition and legitimacy in the African, Indian and Colored townships respectively. The claim of introducing a multi racial system according to these local government reforms was contradictory. Many interpreted it as a reiteration of segregated government as the local authorities continued to be separated on racial basis.

One of the main purposes of the RSCs was to rectify the financial situation of the Local Authorities for which new levies on business were imposed as new sources of revenue. But tapping new sources of revenue only increased levies and burdened business. Funding shortages and poor tax base in townships severely restricted the RSCs in their task of eliminating severe backlogs in the BLA areas.\textsuperscript{77}

The RSCs were rejected outright as the public outcry against it demonstrated. These bodies did not also get a favorable response from many city governments. The Durban City council for instance, questioned the intention of the government to devolve power to the local level through the RSCs. These bodies were viewed

\textsuperscript{76} Ibid.

as yet another medium through which the state and the provinces increased their control over the local authorities. Most of the services under the RSCs implied that the PLAs were deprived of most of their municipal responsibilities apart from housing. The RSCs were brought under the supervision of the higher tier given that the RSC chairman was a salaried official and was directed and appointed by the Provincial administrator.

5. Towards Non-Racial Options

Some of the first non-racial options were attempted by some city and town councils when they came under continuous pressure of urbanization and urban violence. This 'welfarist' mood was also strengthened by the national security strategist who argued that the local reform could be a sound political strategy to eliminate the revolutionary climate that was brewing in the urban areas. According to Swilling, from the security point of view the state’s entire security and constitutional policy and depended on success at this level.\(^7\)

Some form of local arrangement did incorporate racially segregated councils to incorporate the Indian and coloreds. For instance, between 1985 and 1990 the Cape Municipal Council initiated motions at conferences on the issue of a single local authority that were finally accepted in 1990. Similar such initiatives were taken in local councils of Port Elizabeth and Port Alfred.\(^7\) Options put forward included 'de facto amalgamation, whereby racially based authorities were to delegate decision making to a non-racial forum. Thus, in spite of operating on the lines of the established system, such an arrangement was attempted with a conviction that it would be functionally more effective and financially more feasible.\(^7\)

\(^7\) M. Swilling, "City Politics Comes of Age: Strategic Responses to Local Government Restructuring", University of Witwatersrand, Johannesburg, 1988.
The diversion of enormous state resources to suppress the unrest was not the solution to the political instability. It had brought the government to the conclusion that its repressive machinery could no longer quell the demands for a new political and administrative arrangement. However, political reforms were seen as an option only after the declaration of a political emergency in 1986.81

The government under circumstances of increasing pressure for reform and collapsed system of local government in many parts of the country set up a technical committee to investigate into a new structure of local government under a new dispensation. The alternative models suggested by the Thornhill report were already being experimented in different cities of South Africa.82

- Coordinating Committees: This option continued to recognize racially based local authorities that would work together to deal with problems caused by segregation. The system was given consideration in the Transvaal.

- Mini RSCs: This option recognized the drawbacks of the failure of the RSCs to coordinate governance in large areas and therefore suggested a system of mini RSCs. These bodies would coordinate raising and distribution of funds and jointly plan and administer on some common issues in a smaller area. In spite of this proposal being experimented in Pietermaritzburg, it seemed unworkable as it continued to recognize the highly de-legitimized local authorities including the BLAs and the LACs—the same problem that faced the RSCs. Moreover, the representation in these bodies was to continue on the same unequal basis as that of the RSCs.

81 The government did not introduce any fundamental political reform between 1984-87. Although the government did repeal the Urban Areas Act in 1986 that included the pass laws and influx control measures.

- Joint local authority with neighborhood management committees: A system where members of different racial local authorities would abide by majority decisions. Since the system was based on consensus decision-making, it could not commit any of the authorities to agree with the decisions taken by the majority.

- A majoritarian model: Such an option was also to continue on a racial basis, but would establish a multi-racial council that would administer the entire city. The main flaw with the workability of this model was that the basis of representation in the council was left open-ended. This implied that while many groups would prefer representation according to population, many white groups would prefer it to be based on a financial basis.

- Any other model negotiated at the local level.

Durban for instance, deliberations were made around an informal all city council. According to this all the participating municipalities were to elect a forum. This option too seemed difficult to implement, as there was no provision made that could bind the Durban Council to decisions taken in the council.

The report could not offer more than what was offered under the RSC system. It reflected the continued reluctance towards the creation of a truly non-racial government. Much of the options given in the report were based on intensive negotiations at the local level. However, it did not suggest an involvement in a broad political spectrum. The report was therefore totally rejected by the ANC, UDF, and the civic bodies. Neither did it get any enthusiastic support from within the NP government that worked out its own proposals for some sort of joint administration.

Durban City Council under the conservative alliance of the NP and some right wing elements too recognized the need to deal with the un-coordinated administration and address political demands of the growing township movement. The White Local Authorities were eager to control the disturbances that had
detrimental effects on the local economy. Reform initiative at the local council level was also prompted due to resentment against growing centralization and the functioning of the RSCs.

The Management Committee of the Durban Council (Manco) therefore investigated on some sort of multi-racial arrangement. The Durban Council initiatives were however, limited in their scope. In the first place, they were based on the discussions that did not involve any political and interest group outside the formal institutional structure. Secondly, non-racial structures primarily focused on addressing the dissatisfaction of the LACs. The role of the LACs had been limited to an advisory role in the Council that had rendered them powerless and de-legitimized them in their communities. The suggestions of Manco remained limited to direct representation of Indians and Coloreds. These too were opposed by the conservatives in the Council. 83

The African townships were virtually excluded from the forum. There were suggestions of including some of the townships through the superficial participation of the Black Advisory Councils. The participation of many other township areas of KawMashu and Umlazi was more complicated as this would have implied detailed negotiations with the KwaZulu Authorities. Township and civic movement stayed away as much of the deliberations. The new non-racial set up was thus limited to the formal and de-legitimized local authorities- LACs and BLAs.

The forum was intended to be informal to jointly work with the Durban Council in joint public sessions. This gave it only advisory powers. The multi-racial initiative was consciously not intended to be radical. It remained limited within the guidelines of the government legislation to establish non-racial authorities. Doreen Atkinson has aptly described local authorities in urban South Africa as "the prisoners of their own design". The local authorities had consistently introduced

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segregation in the cities but the policy of racial segregation had become increasingly centralized taking the initiative way from the local governments.

The effort to restructure local government can be seen more as local adjustments within the existing constraints of apartheid structures. These were nothing more than superficial changes in the local structures. Such attempts were not acceptable to all those who claimed a stake in the governance many of who would accept no less than a fundamental change at the national level towards a more democratic and non-racial system.

6. Concluding Points

None of the legislative measures introduced during the apartheid era reflected any political will to de-racialize or decentralize. The system reflected a high level of centralization as the apartheid government had evolved to function on authoritative means. A limited status given to local authorities suited the imposition of apartheid. Local government remained dependent on the central guidelines, the autonomy of local government not constitutionally protected, was given minimal political autonomy, restricted powers, and functions. In the absence of a constitutionally protected status, sweeping changes were made by ordinary parliamentary legislation. Native Urban Areas Act 1923, Groups Areas 1950, creation of Administrative Boards reflected the ease with which the central government manipulated local institutions.

Durban had inherited a highly centralized system of municipal governance not just with regard to its relation with the ‘higher tiers’ of governance but also with regard to policy making and administration within the municipal structure. Further, the local authorities were never representative of the need of the people of Durban. This was not the case only with the BLAs discussed above but also in the context of the local councils administering white areas. Beyond the existence of a few advisory committees or some informal contacts through which the non-governmental and community organization could communicate with the local councils, there was no means of involving the residents of the city in the process
of governance. The only formal provision for active participation was through the elections held every two years.

While the white local authorities came under greater directives from the center in an effort to enforce apartheid, the repressive legal status and administrative highhandedness on the majority created a movement that de-legitimized and weakened governing structures. The campaign against apartheid brought a vibrant civil and political culture in the townships and segregated areas. Rent boycotts and other forms of civil disobedience marked the campaign. It rejected and ultimately succeeded in overthrowing 'urban apartheid' and created a culture that had a significant influence on the political changes introduced in the post apartheid era.

The decade of the 1980s ended with important indications of the things to come:

- Since it was at the local level democratic aspirations were asserted, a democratic and non-racial local government was to be an equally significant component of the larger political reform.
- Solutions at both the local and national level needed to move away from simply redefining and readjusting racial structures. But this would entail intensive negotiations to rationalize the complex racially based structures at the local as well as national level.
- The local protest movements and boycotts had led to the emergence of many stakeholders and local non-racial coalitions whose exerted pressure for change- and in many cases hoped for a fundamental and radical change. These included the UDF, the ANC, the cívics, and the IFP. Local initiatives therefore had to take these stakeholders into the negotiation process.
- The WLAs and white interest groups who were the main beneficiaries of the existing local government structure, would resist any radical reform.