

THE ORIGINS OF PHOENIX, 1957-1976 : THE DURBAN CITY
COUNCIL AND THE INDIAN HOUSING QUESTION

by

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PREFACE

The research described in this study was carried out in the Department of Sociology under the joint supervision of Professor Hilstan Watts (of Sociology), and Jeremy Grest from the Department of African Studies. The work is entirely my own and has not been submitted in any form to another University. Where use has been made of the work of others it is duly acknowledged in the text.

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ABSTRACT

The period between the nineteen fifties and the seventies in South Africa witnessed the emergence of a central state housing policy incorporating large scale mass housing for Black people in delineated Group Areas based on segregated racial zoning policies originally initiated in Durban. During this period the local state in Durban began to exercise the responsibility assigned to it since 1920 by providing the previously neglected housing for Coloureds and Indians. As a case-study detailing the origins of the Indian township of Phoenix this study explores how power is exercised at the local level. It focuses on local representation and accounts for the growth in bureaucratic power and subsequent decline of the City Council regarding matters of housing in Durban.

The study argues that in order to conceptualise the 'local state' and its 'relative autonomy' from the central state it is necessary to analyse local social relations. As such the study focusses on the power relations existing between the City Council and the bureaucracy ; the City Council and the Indian community ; and the bureaucracy and The Natal Estates Ltd. Data have been drawn from primary sources including municipal records and oral interviews, and from secondary sources which have provided the historical context for the study.

The relationship between the City Council and the bureaucracy has

been found to have been dominated not only by the technical expertise and resources of the bureaucracy, but also by the intervention of powerful personalities holding senior positions within the bureaucracy. Both the City Council and the bureaucracy proved to have been instrumental in ensuring that opposing demands from the various sectors of the Indian community did not interfere with their plans for housing at Phoenix. In the same manner, the bureaucracy's determination to maintain control over housing and ensure the reproduction of urban labour power led to the cooperation of the local, regional and central state levels, which forced Natal Estates into protracted land negotiations where the Company was finally pressurised into selling under threat of central state expropriation.

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ABBREVIATIONS

AFRA	Association for Rural Advancement
ASSA	Association for Sociology in Southern Africa
BP	Back pocket containing maps
CEF	City Estates Department's Files
DOCD	Department of Community Development
DSG / SARS	Development Studies Group / South African Research Service
ISER	Institute for Social and Economic Research
HSRC	Human Sciences Research Council
LRC	Labour Research Committee
NDILAC	North Durban Indian Local Affairs Committee
NHPC	National Housing and Planning Commission
NIA	Natal Indian Association
NIC	Natal Indian Congress
NIO	Natal Indian Organisation
SAIRR	South African Institute for Race Relations
TCF	Town Clerk's Files

CHAPTER ONE

INTRODUCTION

(i) Aim of the Study

The aim of this study is to use the provision of Indian housing in Phoenix as a case study for investigating the bureaucratic exercise of power with regard to housing in Durban. This study stresses the need to analyse local social relations in order to understand how power relations are manifested at the level of the local state.

It will be argued that the decision by the Durban City Council to establish Phoenix was a response to the following : demands from the Indian community for housing (though it did not necessarily favour the Phoenix area) ; the increasingly powerful and persuasive local state bureaucracy ⁽¹⁾ who recognised the urgency for Indian housing provision ; and the fact that the local authority was obliged to provide housing for "the poorer section" of the population in terms of the 1920 Housing Act (The Durban Housing Survey, 1952: 108). It will also be contended that, through the construction of Phoenix, the local state was

(1) Bureaucracy - the appointed city officials consisting of both technocrats and bureaucrats.

For the purposes of this study the term "technocrat" refers to those personnel employed by the municipality in a technical capacity (eg. town planners and architects), while the term "bureaucrat" refers to those personnel whose prime functions are administrative. In some instances the two functions overlap.

able to reproduce the labour power required by secondary industry, while at the same time asserting its control over the urban Indian labour force through the provision of planned formal housing.

This study explores the role of the Durban City Council in the 'making of **apartheid**' at the local level in the context of national political priorities. The genesis of Phoenix from the late fifties through to the mid-seventies occurred within the Council's evolving **apartheid** housing strategy, the roots of which can be traced back to the Council's attempt to seek a permanent solution to the "Indian problem"⁽²⁾ of the 1940's. The development of Phoenix witnessed central-local cooperation between these two levels of government since the township was built by the Durban City Council in conjunction with the Department of Community Development ('the DOCD'). Loans from the National Housing Commission at economic and sub-economic rates of interest financed the scheme.

The technical side of **apartheid** as a political programme implemented at the local level is investigated, since it is in the interplay between the national political context of Group Areas and the technical matrix of bureaucratic operation (in the areas of finance, land, planning, regulations and control) at the

(2) This term is taken from the headings of the Mayor's Minutes of the Durban Corporation in the 1940's and is an apt expression of ruling perceptions of a set of social relations involving land, housing, social services and local franchise rights (cited in Grest, 1985: 16).

local level, that this study is located. The interaction between the political and technical aspects provides the context for an examination of central-local relations, local representation, the process of accumulation and social reproduction at the local level.

The postulation that Phoenix emerged out of a number of bureaucratic decisions at the central and local levels is examined against a background of protracted delays spanning a period of twelve years from the initial City Council acceptance of the scheme proposal to the first residents taking occupation in March 1976. In particular, this study examines whether or not the central and local state bureaucracies worked as coordinated and well integrated units in the period leading to the establishment of Phoenix.

The relationship between the central and local state is a recurring theme throughout the study and there is a need to consider the extent to which the Durban City Council was able to demonstrate a capacity for autonomous behaviour. The central state was initially opposed to the idea of Phoenix on the grounds that Chatsworth would meet the demand for Indian housing. However, the subsequent change in thinking on the part of the central state requires exploration as it resulted in central and local state cooperation in acquiring for the housing scheme, the land which was largely under the ownership of The Natal Estates Limited (otherwise referred to as 'the Company').

It is significant to note that Natal Estates was a major land-owning Company that had been farming sugar in the Mount Edgecombe area since 1895. By 1950 sixteen old-time sugar estates, (including the Phoenix sugar estate) had been incorporated into the Company (Osborn, 1964 : 252 and 254). The Council's plan for a mass housing scheme created a direct confrontation between the interests of the local state and Natal Estates, and this study explores the protracted negotiations entered into between these two bodies over the future usage of the Company land.

The sociological contribution of this study lies in its focus on structures, functions, power relations, social relations, social processes operating at the local level in Durban and institutions (both economic and political) in the form of The Natal Estates and the Durban Corporation⁽³⁾ respectively. This study examines the internal dynamics of the Durban Corporation and attempts to unravel the **modus operandi** of municipal government in establishing the various bodies and structures involved in the decision-making processes both within the City Council and the bureaucracy. The interests which were represented on the key decision-making committees, the composition of these committees and where the balance of power was located at the local level are investigated. The local state's refusal right up until 1970 to consult with the Indian community on any matters relating to the establishment of Phoenix, was itself a statement of power

(3) The term "Durban Corporation" encompasses both the City Council and the municipal departments.

relations, since Indians lacked the necessary formal political access to the structures of the local state. The uncompromising attitude displayed by the local state towards Natal Estates created a direct confrontation over the usage of the Company's land. This showed how intent the local state was on maintaining its control over the provision of Indian housing when threatened by the possibility of the Company entering the field of mass housing provision.

The study has been divided into six main chapters. The second reviews the literature pertaining to the 'local state' and the 'housing question' and raises the major theoretical questions around which this study revolves. Chapter three emphasises and situates the inadequate local response to Indian housing within the wider framework of the Council's housing policy and industrial growth in Durban from the thirties to the fifties. There is a shift from the general to the particular in Chapter four which focusses on the conception of Phoenix and the "Indian response" between 1957 and 1964. The events leading to the initial acquisition of the land by the DOCD in 1970 are covered in chapter five while chapter six discusses the planning rationale for the township. It also traces the protracted negotiations between the Council and The Natal Estates for the acquisition of the bulk of the land for the housing scheme, up to the official opening in March 1976. The final chapter offers some concluding remarks about the study and its contribution to the literature on the 'local state' and the 'housing question'.

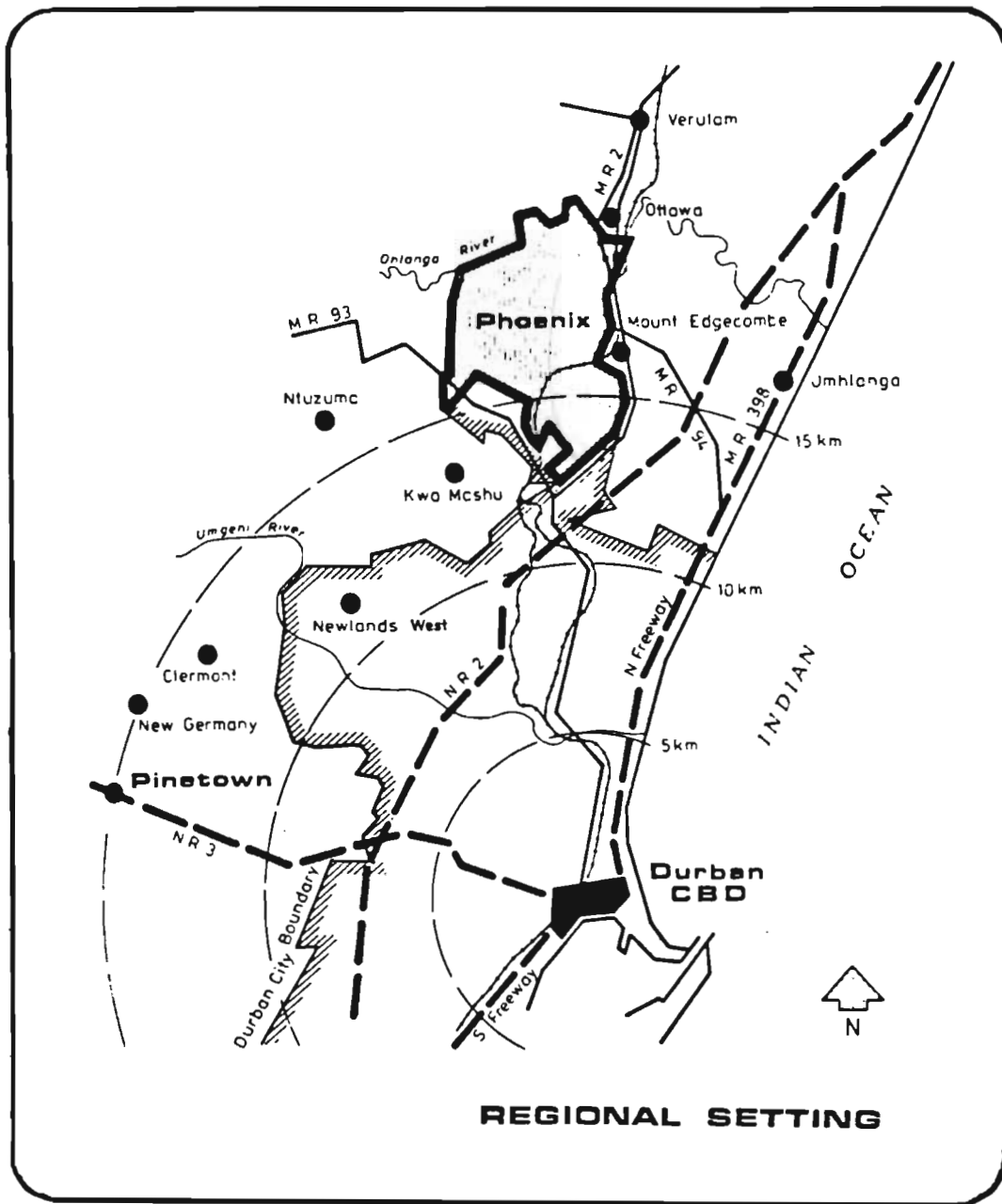
(ii) Scope of the Study

This study will focus on power relations, housing policy and the role of the local state in executing **apartheid** in Durban via an examination of the events leading to the establishment of the Indian township of Phoenix on the Natal North Coast (refer to map 1).

The 1950's saw the mobilisation of Black ⁽⁴⁾ resistance to the evolving **apartheid** strategy of the central state. The 1960's, however, witnessed a heavy central state clamp-down on all forms of opposition which had the effect of quelling popular organisations right up until the mid-seventies. The study covers this period in the development of **apartheid** in Durban. Consequently, while this work is a study of power relations at the local level the researcher is mindful of the history of popular organisations and the manner in which they were crushed.

It is contended that although Indians were not involved in the conceptualisation and planning of the scheme (which facilitated bureaucratic control), their mere presence in Durban meant that the local state was not entirely free to proceed with the planning of Phoenix without attempting to establish the needs of the Indian community in some mediated way.

(4) The term 'Black' is used to include all those who are disenfranchised and are not classified as White. However since the **apartheid** legislation affects these different sections of the Black population differently, in order to differentiate, the terms 'African', 'Coloured' and 'Indian' are used.



Map 1. Location of Phoenix.

SOURCE : City Engineer's Department. Phoenix New Town (1982: 2).

Nineteen-seventy-six onwards witnessed the re-emergence of popular responses both at the central and local level. The community struggles waged by the residents since the inception of the township have been subject to investigation by researchers since the early eighties,⁽⁵⁾ but constitute an area of study lying outside the scope of this thesis. Hence this study concludes its research at the opening of Phoenix in 1976.

(iii) The Research Methodology

The history of the Council's housing policy between the 1930's and fifties has been drawn largely from secondary material. The municipal files on Phoenix housed in the Town Clerk's Office and the Government Archives, Pietermaritzburg were examined. In addition, the use of minutes and agendas of the Council and its respective standing committees (stored on microfilm and housed in the Don Africana Library and Town Clerk's Office), helped to overcome gaps in the data recorded in the files of the Durban Corporation.

Furthermore a reading of the files of the City Estates Department relating to the acquisition of land for the Phoenix scheme was undertaken. These files provided detailed coverage of the correspondence entered into between the City Engineer's and City

(5) Refer to Community Research Unit (1980 and 1983), Butler-Adam (1980), Purdon (1983) and Surplus People's Project (1983).

Estates Departments, and The Natal Estates. They also contain a number of maps depicting the amount of land to be acquired for the Phoenix housing scheme during the different phases of the land acquisition proceedings.

The City Engineer's Department provided a selection of slides and photographs of the scheme at various stages of its development, but it was discovered that a number of plans accompanying major Council resolutions in respect of the scheme (1964-1969) had been
(6)
destroyed.

Since Natal Estates, as the major land-owner in the Phoenix / Mount Edgecombe area, was a central party to the creation of Phoenix, it was considered imperative for their records to be scrutinised if the research was to thoroughly investigate the developments which took place. However access to "such sensitive and confidential" records was refused by Tongaat-Hulett Properties Limited who presently envisage further negotiations with the City Council over the extension of Phoenix. They stated that the "official correspondence" available from the municipal records would have to constitute "the full extent of [the

(6) Missing Plan No.s 1809.138; 1809.195; 1809.195A; 1809.244 and 1809.246.

The City Engineer's Department had seen no further need for the continued storage of the plans and hence their possible relevance to social researchers remains unknown.

Personal Communication, I. McIntosh, City Engineer's Department, 27 November 1986.

(7)
researcher's] knowledge" regarding the role of The Natal Estates.

Further data collection involved the reading of newspapers from the period under study while a small number of in-depth and unstructured interviews assisted the researcher to clarify discrepancies in the data and to supplement the documentary evidence. Respondents were carefully selected on the grounds of their participation as actors. (8)

(7) Correspondence received from Tongaat-Hulett Properties Limited dated 15 October 1986 and 19 December 1986.

(8) Refer to the bibliography for a list of the selected respondents and their designations.

CHAPTER TWO

THE LOCAL STATE AND THE HOUSING QUESTION - A LITERATURE REVIEW

Cockburn's book The Local State (1977) introduced the term which has subsequently been used to refer to that group of government institutions operating locally. She locates the context for the interest in the local state by contending that while the central state predominantly contributes to capitalist production, the local state essentially contributes to capitalist reproduction. The general requirements of social reproduction involve the perpetuation of two key sets of social relations : the reproduction of the labour force through the provision of education, housing, health and social services ; and the reproduction of the relations of production through the use of ideology, coercion and repression (Cockburn, 1977: 51-62).

The state at the local level therefore plays a central role in ensuring that the conditions necessary for the maintenance of the capitalist system are continually reproduced. However, in South Africa capitalism assumes an unique form since class domination and subordination is overlaid by racial divisions. A particular feature in the development of the South African form of capitalism is the way in which, (since the colonial conquest and political subjugation of the indigenous people), race and ethnicity have been integral to the reinforcement of class separation. This brand of racial capitalism encompasses both racial oppression and class exploitation.

It follows then that the provision of housing too has been divided according to race so that even where there are Black managers or White workers they must live in racially defined residential areas. While it is the local state that deals directly with the provision of White, Coloured and Indian housing, this, along with African housing, is governed by the central state which determines where people shall live. The Group Areas Act, influx control measures and the pass laws have all served to regulate this. For example, the Black population is largely housed in cost-efficient townships, usually located an appreciable distance from the major areas of commercial and industrial activity and other urban facilities. The state also determines **how** people shall live. By providing different standards of housing for the different race groups, the state helps to reinforce divisions in the working class (LRC Cape Town, 1983: 73). For example, the typical form assumed by African housing in the urban areas has evolved from a limited range of standard house designs repeated endlessly throughout township layouts. (1)

This chapter examines the literature on the 'local state' and the 'housing question' and considers the key theoretical contributions made by the various authors. Section one reviews the recent approaches to the study of the 'local state' in

(1) The most widely used have been the so-called N.E. 51/6 and N.E. 51/9 designs, prepared by the National Building Research Institute of the South African Council for Scientific and Industrial Research in the 1950's .

Britain and America and isolates the central theoretical question. Section two discusses the attempts made to theoretically conceptualise local housing policy in South Africa. In section three the main theoretical questions to be investigated in this study are outlined.

(i) Theorising the 'Local State'

Recent approaches to the subject have produced one central theoretical question which concerns the possibility of the 'relative autonomy' of the local state from the central state. In this regard Duncan and Goodwin (1982: 157) have noted that "the concept [of the 'local state'] still remains uncertain in its usage and application [it] could equally refer to 'autonomous local state' or 'local institution of the central state', and both meanings are present in the literature". On this point some of the authors reject the possibility of any degree of locally derived autonomy in the relationship between the central and local levels of the state.

(a) The 'local state' as agent of the central state

Under this approach Cockburn's (1977: 2 and 47) view of the local state is explained by the need to recognise that :

" ... local authorities don't spring from ancient rights of self-government but are, and under capitalism have always been, an aspect of national government which in turn

is part of the state ... In spite of its multiplicity, however, the state preserves a basic unity. All its parts work **fundamentally** as one".

For Cockburn then, the local state is "a key part of the state in capitalist society" and her explanation for such a relationship is the need to "secure conditions favourable to capital accumulation" (Cockburn, 1977: 53). From her research in the London district of Lambeth she argued that this trend was facilitated by the local state's adoption of corporate management and planning practices from 1963 onwards, and that this was an initiative of the bureaucracy rather than the elected members.

Wilkinson (1983: 2 and 3) agrees with Cockburn's identification of "the field of capitalist reproduction" as the "new terrain of class struggle", but argues that her 'dissolving' of the distinction between central-local relations into a relationship of functional dependence, has meant that "certain historical experiences of class struggle at the local level are written out". The consequence is that Cockburn appears to remain essentially unaware of the need to develop an adequate theorisation of such experiences.

Dear and Clark (1981: 1277) propose a materialist theory of the state in which :

" ... the specific form of the state derives directly from the social relations of domination in capitalismThe form of the state may change as conditions of capital accumulation change. State functions are determined by the political repercussions of

crises in accumulation and by the overriding need to ensure the reproduction of the system of social relations (Ibid. p. 1279).

However, in their next paragraph they note :

"This materialist view of the state does not provide an automatic explanation of the form and functions of the local state. Why should it be necessary to constitute a smaller-scale spatial analogue of the central state? Is the replica equivalent? And what is its relationship to the central state? " (Ibid.)

While such questions relate directly to the issue of the 'relative autonomy' of the local state, the tensions between the central and local state are ultimately reduced to their functionality in the central state's fundamental role of 'crisis-management'. This is borne out by Dear and Clark's (1981 : 1283) conclusion from their empirical evidence collected in Massachusetts that local state autonomy is subordinate to central state authority. Legal and constitutional arrangements, and the control of the intergovernment transfer payment system were found to be important control mechanisms of the central state.

The degree of autonomy to be accorded to the local state is therefore a matter of the central state regulating "the tension between local legitimacy and central control" (Ibid.). However this position leaves them open to the criticism that "the possibility that dysfunctional 'tensions' might be generated autonomously at the local level of the apparatus is simply not acknowledged" (Wilkinson, 1983: 6).

Fincher (1981 : 26) states that questions concerning the form and functions of the local state, and its autonomy from the central state "are of historical interest, and may be elaborated with respect to particular instances, but may not be 'derived' as theoretical propositions". She then postulates that "our understanding of [local] state structures is better grounded historically and theoretically" when it is "related to the fundamental relations of particular periods of capitalist development and the transitions between them". In turn, the latter are conceptualised as an "historical progression" from the "competitive", through the "monopoly", to the "global....submode" of the capitalist mode of production. To elucidate the nature of the relationship between the "internal structure of the state" and the "fundamental relations" of these particular periods, Fincher proposes to deploy the Poulantzian concept of the state as a relatively autonomous "political arena in which the class forces are played out" (Ibid.).

Wilkinson (1983: 4) considers that Fincher's stance reverts to an essentially functionalist, "capital logic" type of formulation since "the state is a facilitator of accumulation, a responder to the problems of capital" and "the state is an intrinsic part of capital, and reflects its contradictions completely". This position ultimately "reduces history [and the state] to an effect of the logical self-realisation of capital" (Jessop cited in Wilkinson, 1983: 4) while ignoring the specific set of social relations which operate at the local level.

Consequently Cockburn, Fincher, and Dear and Clark, all refute the possibility of an 'autonomous local state' in conceptualising the local state in terms of its functionalist relationship to the 'capitalist state as a whole'. The effect of this is to deny the local state any possibility of autonomous development generated by its situation within a specifically local context.

(b) The 'relative autonomy' of the 'local state'

A second grouping of theorists reject the central domination thesis and have sought to explain how certain local state apparatuses have demonstrated a capacity for autonomous behaviour. The response of Saunders (1981: 269) is to suggest that the two spheres of state activity are distinct and require a dualistic approach in which class issues (such as wage policies, unemployment, trade union reforms and the need to maintain capital accumulation through social investment and fiscal policies) are decided at the central state level, while local issues which are not class-orientated (such as distribution and social consumption), are dealt with at the local state level.

Harrington, however, (cited in Cameron, 1985 : 8) argues that such an approach is defective, because "by splitting up the empirical objects of explanation it draws away from the connections between them". This criticism is aimed at Saunders' attempt to separate the issues of production and consumption, which in conjunction with exchange, are in fact all necessary

components of the capitalist system, and cannot be compartmentalised into different functions of the central and local states respectively.

In a book that attempts to explain the continuing efforts to restructure central-local relations in Britain, Dearlove (1979: 216) criticises "the Marxist tendency to see the state as a 'centralised unity'". Rather, he argues that :

"... the particular and enduring problem has been one that transcends the immediate moment of any economic crisis ... the problem of local government centres on its relative autonomy from both the concerns of the the central state and the impact of dominant classes" (Ibid. pp.244-245).

Dearlove suggests that one of the effects of the reorganisation has been to diminish working class control and its relative autonomy in local government. In small local authorities, working class councillors were more likely to bypass the official state form, maintain close links with class-conscious supporters, and take the welfare state as a gain for labour. But within the imposition of corporate management the state form was reimposed over class relations so that the problem perceived by the reformers to be that of 'councillor calibre', was replaced by that of the 'loss of democracy' and 'participation' (cited in Duncan and Goodwin, 1982: 166-167).

Duncan and Goodwin (1982: 160) contribute to the ensuing debate by rejecting the local state as a "functional institution" which

has been reduced to an 'agent' of the central state. In focusing on the restructuring of central-local relations, they contend that the local state be viewed as "a dialectical process of social relations". This involves going beyond merely establishing "the specificities of the state as a particular form of capitalist social relations" :

"...we must clarify whether these transcended relations also have a 'local' dimension. That is, do local social transactions take place in local state institutions, specific to local areas and autonomous from those taking place in the national state..."(Ibid. p.159).

Duncan and Goodwin take issue with Dearlove (1979) in arguing that it is essential to know how the 'relative autonomy' of local government appeared, how relative it is, and why local government is so vulnerable to working class demands or even control. They examine central-local relations in Britain over three key historical periods of change and contend that :

"Social relations ... including class relations , are not a given category. They are indeed **relational** and intersubjective. Historical changes do not respond mechanically to given structures of social class, but are created as people think about, enact and respond to these relations" (Ibid. p. 167).

They go on to suggest that if consciousness develops unevenly so will class relations and political relations. Thus specific social relations occurring at the local level cannot be deduced from those occurring at a national level, but nor are they produced by local state institutions. Conversely, local state

institutions must be seen as a response to local state relations (Ibid. pp.167-168).

Duncan and Goodwin (Ibid.) return to the 'particular and enduring problem of local government' which they regard as :

"...the problem of imposing the state form ... onto local consciousness of class relations ; local government can be one way of reducing local class relations to the legal relations of abstract, individual citizens. But alternatively it can become one means of realising and expressing such consciousness".

Although Duncan and Goodwin (1982: 181) do acknowledge weaknesses in both introducing the concept of "social consciousness" and in neglecting why different levels of social consciousness develop, their conception of the local state as a dialectical set of social relations transcends the approach of merely concentrating on institutions, urban processes and functions in an empirical fashion. The strength of their approach lies in their conclusion that local state institutions and the process of restructuring the nature of capitalist social relations, must be seen as a response to local state relations and not as "an imposition from above by an all-powerful state".

In response to Cockburn's account of the "technocratic functionalist local state" Byrne (1982 a: 62) has focussed on "the actual historical process of the development of the local state [in Gateshead, North Tyneside] and the role of the working class in relation to this". He has sought "to elaborate the history of that development in relation to **conscious** class

action" by focusing on the emergence of :

" ... a class ideology of radical reformism, a class commitment in the context of mass democracy, i.e. in a situation in which the working class have **achieved** full democratic rights, to a fundamental transformation of capitalism through reformist parliamentary activity at both the local and the national level" (Ibid. p. 63).

The outcome of Byrne's account lies in his attempt to unravel the complexities of "'a war of position' between capitalism and the bourgeoisie on the one hand and the working class on the other, with the disputed ground being the reproductive activities of the local State" (Ibid. p.79). He has been criticized by Ward (cited in Wilkinson, 1983: 10) for failing to consider how "the reformist possibilities of the local state [in Gateshead] were severely limited, not by any local opposition, but by a 'capitalist fiscal logic' that was inherent within the institutional framework of the State". Ward is referring here to the use of 'blacklisting' by the central government "to restrain local spending ambitions, and to enforce a notion of an acceptable level of local taxation" through its powers of sanction with regard to local government borrowing (Ibid.). In a rejoinder Byrne accepts the importance of taking account of "these expressions of the logic of the system". Nevertheless, he asserts :

"... they are not all that was happening because there was also action and in particular political action ... in any discussion of the relationship of the state to the economy we must deal both with action and with the logic of the system ... the 'logic of the system' can be profoundly

influenced by political action as well as the other way round : that is to say we are dealing with a two-way relationship" (Byrne, 1982 b : 577).

Wilkinson (1983 : 10) argues that Byrne has achieved a real advance in conceptualising the local state "as a process of social relations" through his discussion of 'radical reformist labourism', 'ratepayerism' and 'reformist liberalism' and by linking them to local class formation. However, his account is open to 'class reductionism' because of his failure to bring non-class discourses such as race or ethnicity into play.

(ii) The 'Housing Question'

In the early 1980's there was an attempt to tackle the 'housing question' in the South African context. Generally speaking, the various authors have been primarily concerned with theorising the application of housing policy while largely leaving their hypotheses unexplored against local housing policies. Hence the need for empirical studies to test out the theoretical ideas. Extracting from the literature housing policy has been viewed from two perspectives - one which relates to the use of housing provision as an instrument of class domination, and a second which relates to the central role of housing in the reproduction of a labour force for commerce and industry.

Under the first approach Younge (1982) argues that the major reason for the persistent shortage of housing in Cape Town is to

be found in the state's attempts to use housing as a means of dividing and controlling the working class. She traces the various attempts by the state to segregate the city along ethnic lines and shows that this was accomplished by providing "economic" housing to the wealthier sections of the Coloured working class, which meant that fewer units were constructed than would have been the case had sub-economic units been built (Younge, 1982: 13-19). Consequently the housing shortage was more severe for the lower income groups. Furthermore, the destruction of squatter camps and slum areas around the city in the years between 1942 and 1980 not only destroyed housing stock, but resulted in the mass relocation of occupants to housing estates on the periphery of the city (Ibid. pp.19-25). Younge concludes that such action guaranteed that the local authorities would remain the biggest landlords, with an ever-increasing control over the lives of the city's Coloured workers. However Younge's explanation does not allow for events such as rent boycotts and township violence which have been shown to reduce local state control and township administration.

Morris (1981) reviews the historical processes influencing the demand for, and supply of, houses for urban Africans. Her major argument contends that the imposition of legislation and policies of a political or ideological nature, (which are contradictory to the goals of development and to the process of urbanization) have been the fundamental cause of present and past African housing problems in South Africa. In a similar vein, the Labour Research

Committee, Johannesburg (1983) considers that "townships have been used to control African people and in particular the African working class". The authors argue that the origin of the African housing shortage is to be found "in the government's historical policy of limiting the number of African families who were allowed to live permanently in the so-called White urban areas" (Ibid. p.6). Moreover the government's failure to regard housing, (especially for Blacks) as a priority, together with the Group Areas Act, has further contributed to the housing shortage.

The Labour Research Committee, Cape Town (1983: 68) proposed that not only does housing function as a means of providing shelter and protection to ensure that "workers arrive fit and healthy at the factory gates each morning", but it also serves an important control function. This control function has four aspects.

Firstly, the separation of the home and work-place has the effect of making exploitation in the factories appear to be different and separate from the poor living conditions under which working people live. Secondly, adequate housing is necessary to keep the workforce contented and satisfied. The shelter and security which housing provides, alongside housing shortages, creates a fear of being evicted and thereby acts as a deterrent against strike action.

A third aspect is the way in which the provision of separate houses for each individual family has the potential to frustrate a united mass working class organization within the community.

On this point it is speculated that row and multi-storey housing is very unpopular amongst Black people and is seen as inferior to the White housing norm of individual housing. However the LRC, Cape Town seems to be suggesting that high density mass housing facilitates working class organisation. Fourthly, if people do become too dissatisfied with their living conditions, it is much easier for the state to control unrest in structured and planned townships such as Khayelitsha, than in overcrowded estates and squatter camps such as Crossroads.

Another group of authors have attempted to supplement the "political control" approach with a "reproduction of labour power" thesis. This approach sees the housing shortage as resulting from a conflict over the distribution of the costs of reproduction of labour power (Hendler, 1984: 14). Ratcliffe has been able to apply his analysis to the empirical context of Alexandra township. However, Maré and Wilkinson acknowledge that they are not in a position to test their hypotheses in South Africa against the local housing policies.

Ratcliffe (1980: 3) argues that housing and its associated services (eg. transport, schools, creches and health services) are basic to the reproduction of the worker and therefore to the survival of the capitalist economic system as a whole. However, capital is unable to meet these diverse fundamental demands because it is unprofitable to do so. Hence to resolve this contradiction between the requirements of capital and the demands

of the working class, "the State intervenes in the production, distribution and management of the means of collective consumption [which refers to the consumption of commodities whose production is not assured by capital because of the specific and general interests of capital] ... The State begins to become the actual manager of the collective services structuring daily life" (Ibid.). Conflicts soon arise between employers, the state and Black communities over the distribution of the costs of housing. The result of this conflict is the politicization of the issue ; an increasing tide of resistance from the urban Black communities (Ibid. p.4) and a housing shortage.

Younge (1980: 16) argues that state intervention becomes necessary to regulate the activities of property capital and the building industry, because the necessary reproduction of labour power is hindered by the housing crisis. Council housing is one result of such intervention but if the state does not come to the aid of capital, or does so inadequately, the result is the 'illegal' occupation of vacant urban land by those urban groups who require it and who have no other way of getting it. Maré (1980: 18) points out that Younge neglects to ask why the state does not come to the aid of capital in solving the housing problem. He (Ibid. p. 21) focuses on the part played by housing in the reproduction of labour power, and argues that the housing 'problem' in South Africa must be looked at in an historical perspective, and periodised according to changes within the reproduction of labour power brought about by changes

in the structure of capital. Because of the extent of state intervention in the South African social formation the role of the state may be a fairly direct reflection of the relative positions of sectors of capital. The state's role may not necessarily reflect the needs of the economically dominant 'fraction' of capital, but these needs will be expressed, if only to oppose the role of the state at a particular moment.

Like Maré, Wilkinson (1980: 30) has also made an initial attempt to develop a theory of state intervention in the housing process, which would enable a concrete analysis of the South African situation to be undertaken. He contends that the necessary formulation of an adequate theory would involve two further developments :

i) a reformulation of the two hypotheses of production and reproduction dominated by monopoly capital which has evolved from the tendency of capitalist accumulation towards **concentration** (i.e. the accumulation of individual capital through improvements in productivity etc) and **centralisation** (i.e. the combining of individual capital through takeovers, mergers, etc.);

(ii) a systematic investigation of the reformulated theory's capacity to explain the specific nature of the provision of housing in South Africa.

In an update, Wilkinson (1981: 68) develops certain of his points made in his earlier contribution. He adheres to his basic stance that the housing process in South Africa assumes a political character, and he attempts to show "how this political dimension is linked to, and ultimately determined by, the nature of the

economic system which we call capitalism". His focus concentrates on the reasons for the state's intervention in the housing process, and why such intervention is somewhat inadequate in terms of the problem it seeks to resolve (Ibid. p.62).

In response to the first issue Wilkinson (Ibid. p.65) suggests that "the State assumes the role of collective landlord to large numbers of people primarily because the unregulated housing market is unable to supply this essential component ... at a price which they can afford". In the process the state ensures "that capitalist production and accumulation of wealth continue without interruption", and that the particular threat to the reproduction of the labour force (which takes the form of the so-called 'housing problem') is removed (Ibid. p.67).

Wilkinson (Ibid.) then goes on to identify two parameters which limit state intervention in the provision of housing. Firstly, the rate at which revenue is appropriated by the state in the form of taxation, is limited by the need to maintain an acceptable rate of economic growth through the reinvestment of profits in the expansion of productive activity. Secondly, there is the need to avoid any direct challenge to the 'free enterprise' ethic. There is a further factor of some significance and that is the priorities the state sets on its expenditure items. Housing, especially for Black people, is low down on the agenda.

Wilkinson concludes that state intervention fails to solve the

'housing problem' because it is not free to do so. The state must remain autonomous in relation to the dominant class if it is to fulfill its role in regulating the fundamental class antagonisms of a capitalist society. This however, does not imply that it can function as a 'neutral' agent in that society for it is always subordinate to the need to maintain the economic system on which its own existence is based (Ibid. p.68).

(iii) Conclusion

This survey of the literature on the 'local state' and the 'housing question' has raised the major theoretical issues pertaining to "the pertinent but exceedingly complex question of how the concept [of the local state] might be deployed in relation to the specific historical or contemporary South African context" (Wilkinson, 1983: 1). This study endorses the suggestion made by Wilkinson (Ibid. p.15) that what is significant for a more adequate conceptualisation of the 'local state' is the specific concern with the practices (in this study, housing) through which the 'bearers' of labour power are reproduced 'as conscious subjects'; for it is in this domain that the primary activities of the local state are generally articulated. This contribution of the local state to capitalist reproduction constitutes the area in which the "local state : family partnership" identified by Cockburn is forged. It is also what she identifies as the "new terrain of class struggle" and what Saunders has claimed as the "specificity of the urban". Fincher,

by contrast, misconstrues the particular responsibility of the local state and questions of 'relative autonomy' to be merely of "historical interest" and therefore not "theoretically pertinent".

This study seeks to grasp the specificity of the 'local' by examining how the local state in Durban developed in response to the Indian housing question during the fifties to the seventies. Four central issues which have emerged from the literature, are to be investigated. The first of these is the relationship between the central and local states. The second considers how this relationship affects the capacity for the development of an 'autonomous local state'. The social relations specific to the local state constitute the third area of investigation. These will be studied by focussing on the manifestation of power relations at the local level. Such relations include the internal dynamics of the Durban Corporation, and the power relations existing between the City Council and the bureaucracy ; the City Council and the Indian community ; and Natal Estates and the bureaucracy. The fourth issue centres on the problem of social reproduction and examines how the local state has used the provision of housing for Indians both as a means of control and to ensure the continued reproduction of urban labour power.

CHAPTER THREE

HOUSING POLICY IN DURBAN : THE THIRTIES TO THE FIFTIES

A study of the Council's housing policy from the thirties to the fifties is necessary to contextualise the events leading to the origins of Phoenix and to illustrate the 'making of **apartheid**' in Durban. Chapter three provides insight into the 'relative autonomy' of the local state in Durban and analyses the extent to which housing was central to the control and reproduction of the urban labour force. While attention is paid to the housing policy for all four population groups, emphasis is placed on the Council's attitude towards and actual performance in the provision of housing for Indians and Africans. In addition, the class and racial dynamics which dominated public and private housing, is highlighted.

During this period the local state underwent a change from a segregationist to an **apartheid** state. Dear and Clark (1981: 1279) have suggested that the form of the state may change as conditions of capital accumulation change, while the functions of the state are, in turn, determined by the political repercussions of crises in accumulation and by the overriding need to ensure the reproduction of social relations. Duncan and Goodwin (1982 : 168) have defined local state institutions as a response to local class relations. They question whether unevenly developed social relations and social consciousness matter to the development of local state institutions. In this chapter these propositions are

examined with respect to the adaptations in the form of the local state in Durban and in respect of its possible 'relative autonomy' from the central state.

In the literature on the 'housing question' reviewed in Chapter two Younge (1980: 16) contended that "if the state does not come to the aid of capital, or does so inadequately, the result is the 'illegal' occupation of vacant urban land by those groups who require shelter and who have no other way of getting it". In his response Maré (1980: 21) argued that the housing 'problem' should rather be located historically and be periodised according to changes within the reproduction of labour power brought about by changes in the structure of capital. Particular attention will be paid to Maré's contention in the context of the Indian and African responses to their own housing shortages in the thirties and the forties.

✓ This chapter is comprised of four sections, the first of which looks at the 1930's where the provision of public and private housing was segregated along class and racial lines. This is viewed against the background of industrial and demographic growth in Durban. The Coloured and White populations who were housed in private or Council dwellings, are contrasted with the growing African and Indian working class which settled outside the municipal boundaries in response to the rapid growth in the economy.

Section two takes into account the perception of the 1930's that the local state needed to expand its borders to facilitate industrial expansion. This was reinforced in the 1940's when urban-based industrial capital accumulation underwent a period of rapid acceleration throughout South Africa. The City Council, in anticipation of the planning problems which might be raised by such acceleration, appointed a special committee to investigate a "programme of post-war development". In 1943 this committee, together with the City Evaluator and Estates Manager suggested that the four population groups be housed in separate racial areas (cited in McCarthy, 1986: 9-10).

The Council's policy of segregation is shown to be the philosophy which prefaced the Group Areas Act which was brought into effect by the central state in 1950. Section three considers the implementation of the Group Areas Act in Durban and the reasons put forward by the Council to justify this move. It looks at the effects of the Act on population displacement, and notes the effects it had on economically stratifying the Indian population in Natal. The chapter concludes with a summing up and discussion of the major findings.

(1) Racial Segregation and Class Formation in the Thirties

In the early 1930's Durban was still a relatively small holiday resort cum port and commercial city, with some industry clustered around the Maydon Wharf, immediately west of the Bay. The ethnic

composition of the town before the incorporation of the 'added areas' was such that approximately 48% of the population was of European descent, 34% of African descent, 14% of Indian descent, and the balance being Coloureds (The Durban Housing Survey, 1952: 35). The close correlation of ethnic background with class positions, together with discriminatory clauses in property title deeds (operating since 1922), determined that a high degree of racial segregation existed. The majority of Indians and Africans were located outside the Old Durban Borough boundary which existed until 1932 (McCarthy, 1986: 5-6).

Those Africans who lived within the Old Borough boundary dwelt in "servant quarters" attached to larger houses, or in single sex "compounds" attached to factories and harbour areas. Wealthier Indians who were able to compete relatively freely in the urban land market, gravitated around the central business district where they also successfully practised commerce. The remainder of the Old Borough area was dominated by White occupants in private dwellings (Ibid. p.6).

Outside the Old Borough boundary lower income Indian and African settlement flourished. Intermingled with market gardening and a wide range of unregulated petty commodity production activities, Durban's "black belt" settlements were typical of their equivalents in colonial port cities throughout Africa. As the historian F. Cooper has remarked of the city in such contexts, it was in the first instance a centre of political dominance over a potentially hostile periphery, allowing at the same time for the

favourable reproduction of urban living conditions for the White population (cited in McCarthy, 1986: 6). The policy of segregation facilitated the reproduction of the growing Indian and African labour force since they were able to procure their subsistence in the peri-urban areas, while it simultaneously released the local authority of all responsibilities regarding these people since they had settled in the areas beyond the municipal boundaries.

While the borough itself contained 126 020 people in 1930, the population in the peri-urban areas was 101 786.⁽¹⁾ The Council's inadequate provision of housing within the Borough together with the high cost of land, contributed to the rapid growth of the peri-urban slum and shack settlements.⁽²⁾ Prior to 1932, many Indians settled just beyond the Durban boundary in order to avoid paying municipal rates and taxes and to escape municipal building standard controls (White, 1981: 3).

McCarthy (1986: 6) posed the question of why a presumably colonially orientated local state in Durban considered it necessary to extend its boundaries and formally incorporate the peripheral areas. He suggests that these areas should have been seen as political and financial liabilities insofar as their inhabitants were largely Black and poor. However, for two reasons

(1) Report of The Durban Boundaries Commission, cited in Torr (1985: 24).

(2) Report of The Durban Boundaries Commission (1930: 13).

the incorporation of the peri-urban areas was not seen to pose major political or fiscal problems. Firstly, the system of colonial social relations determined that Indians and Africans were not enfranchised to vote office bearers onto the Borough Council. Secondly with regard to financing, African urban settlements (which tended to be the areas of greatest poverty), had been made into financially separate entities within the jurisdiction of the municipal budget, in terms of the 1923 Native Urban Areas Act (Torr cited in McCarthy, 1986: 7). A separate Native Revenue Account was maintained autonomously of subsidisation; its funding emanating largely from the Council's monopoly of sales of sorghum beer. With regard to the Indians it was not possible for them to challenge the distribution of municipal revenues without a municipal franchise (McCarthy, 1986: 7).

The Durban Boundaries Commission in their 1930 report recommended boundary expansion. This was supported by the Council on the condition that no peri-Durban ratepayer be assessed rates or property taxes lower than those previous to incorporation (1930 Mayor's Minute cited in McCarthy, 1986 : 7). The principal motivations raised by the Boundaries Commission for boundary expansion can be classified into two groups. Firstly, they noted that the absence of effective Council control in the 'Black belt' had permitted the erection of temporary shelters, huts and shanties without adequate water supply, lighting and

(3)
sanitation. Secondly, the committee wished to promote the policy
(4)
of industrial development. The Commissioners remarked that :

"The natural line of industrial expansion is across the Umbilo [River] beyond the Borough boundary, into the South Coast Junction area, where already several factories exist. For the furtherance of Durban's industrial policy, and in the interests of the inhabitants of the present Borough and peri-Durban residents, it is not desirable that such an area should be under separate municipal control".

The emphasis upon industrialisation did not proceed independently of critiques of health conditions in the peri-urban areas. In 1931 the Chief Inspector of Factories in Durban compared the unsanitary conditions in peri-Durban with what he saw as the
(5)
favourable sanitary conditions within the Borough. Moreover, shortly after the incorporation, the Public Health Committee of the Borough Council moved rapidly to advocate "slum clearance" of these Black residential areas which were simultaneously being earmarked by the City Engineer's and City Valuator and Estates
(6)
Departments as suitable for industrial development.

With the expansion of the municipal boundaries in 1932 to four or five times its former size, the municipal population increased by

(3) Report of The Durban Boundaries Commission (1930: 5 and 13) and The Durban Housing Survey (1952: 28).

(4) Report of The Durban Boundaries Commission, cited in McCarthy (1986: 8).

(5) Natal Mercury, 21 September 1931 cited in McCarthy (1986: 8).

(6) Natal Mercury, 18 September 1934 cited in McCarthy (1986: 8).

some 51 000 Indians, 21 000 Africans, 20 000 Whites and 600 Coloureds (The Durban Housing Survey, 1952: 25 and 30) (refer to diagram 1). Five of the eight 'added areas' were predominantly Indian. After 1933, the period 1934 to 1939 was one of prosperity and exceptionally rapid growth, especially as a result of the growth of secondary industry in the city. For example, land at Congella was made available for industry and by 1938 all 70 acres of Council land had been taken up, while only 30 acres of the 198 owned by the Railways remained (Katzen, 1961: 1). In consequence, as secondary industries became a feature of Durban's economy, the needs at the local level changed. A large labour force was now required and the new municipal boundaries helped meet this need by incorporating much of the required work force from the periphery into the municipal area. The Council now assumed responsibility for the reproduction of labour power via the housing of these "new" citizens.

During this period of economic recovery, following the 1929 depression, the development of the motor car and the emergence of the "suburban dream" resulted in many Whites moving into the suburbs of the Bluff, Durban North (on the seaward side of Red Hill) and Woodlands / Montclair. These areas which were entirely suburban in character, provided living space for many Whites employed in the city centre. (7) As a consequence earlier elite residential areas closer to the city centre such as lower Berea,

(7) Personal communication, G. H. Waters (Lecturer in the Department of Sociology, University of Natal, Durban), 11 June 1987 and Waters (1979: 314).

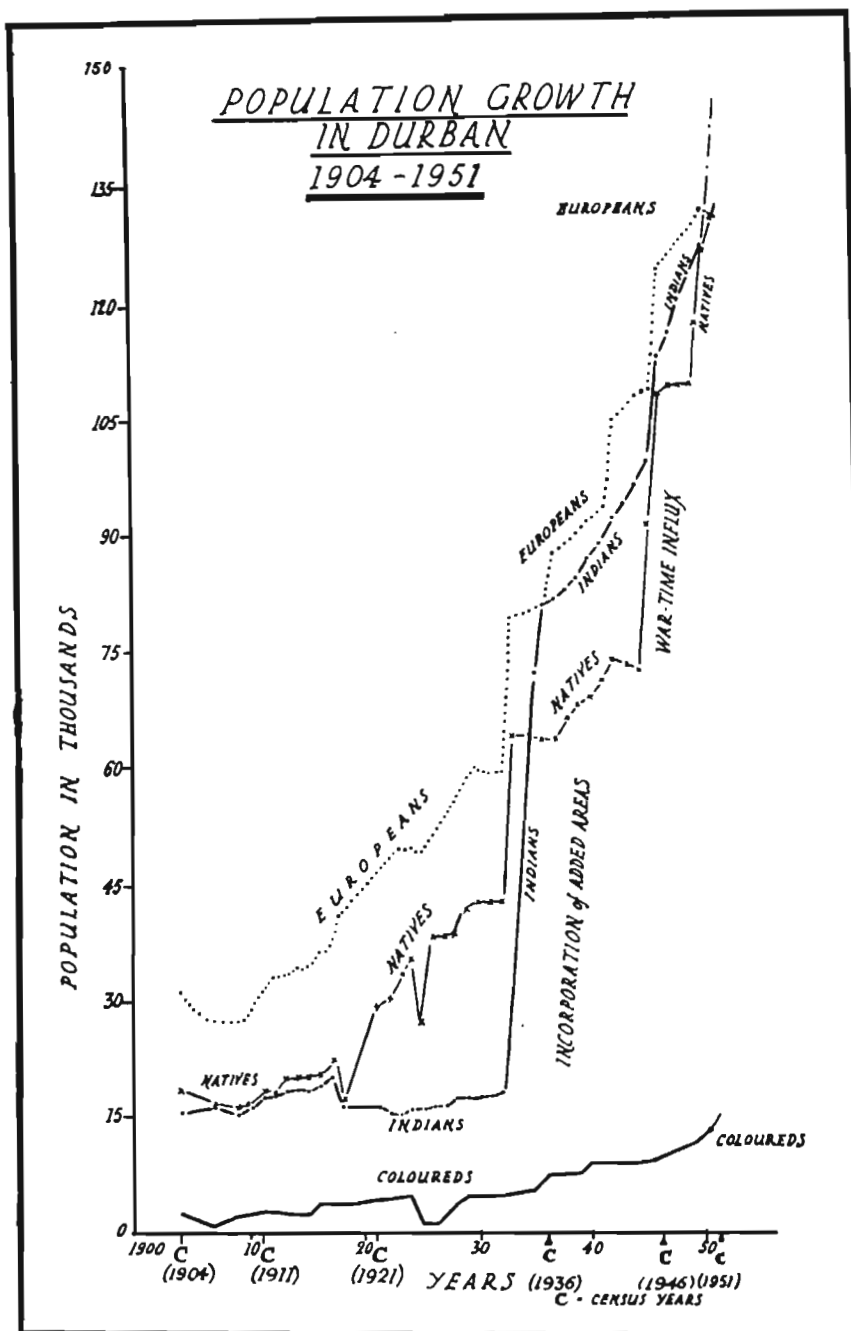


Diagram 1. Rate of Population Growth by Race, Durban, 1904-1951.

SOURCE : Department of Economics, Research Section, University of Natal. The Durban Housing Survey (1952: 32).

were being vacated by Whites and in many cases wealthier Indians assumed occupation of these dwellings (Palmer, 1957: 115).

Incorporation did not place an immediate burden on the City Council to provide housing for Whites and Coloureds since these two groups were in a position to secure housing for themselves on the private market. However there was no significant improvement in the housing of Durban's Indian slum and shack dwellers who (8) occupied land on the outskirts of the town.

The development of secondary industry in Durban witnessed significant changes in the class composition of the Indian population. Indians began to move into semi-skilled and operative jobs (White cited in Grest, 1985: 4). There was a decline of Indian employment in general agriculture from 26% in 1921 to 18% in 1936 and to 10,8% in 1946 (Padayachee, Vawda and Tichmann, 1985: 23). As the manufacturing industry came to play an increasingly important part in the structure of production in South Africa, so Indian employment in this area increased from 5 647 in 1934/35 to 8 450 in 1939/40 (Ibid. p.33).

During this period of changes in the structure of capital at both

(8) Durban's main Indian residential districts were located in the malarial low-lying alluvial areas or inland hilly areas cut off from the cooling sea breeze : Clairwood flats; the foot of the Berea between Greyville and Berea Road; west of the Berea Ridge in the regions of Cato Manor, Mayville, Sydenham and Clare Estate; north of the Umgeni River in the areas of Sea Cow Lake, Riverside, Prospect Hall, and in Jacobs and Merebank (Woods, 1954: 68 ; and Kuper, Watts and Davies, 1958: 95-119).

a central and local level, the Council did not respond to the demand for Indian housing. Palmer (1957: 109) has attributed the lack of a Council response as being partly due to the attitude of the Indians themselves since they refused to co-operate or consider any housing schemes involving segregation. On the whole though, the Council neglect of accommodation for Indians was a consequence not only of their relatively minor importance in industry as compared with Africans, (as could be inferred from Mare's argument), but was also the consequence of the absence of Indian voting-power at the local level ; racial prejudice ; commercial jealousy ; White concern with segregated residential areas and the belief that repatriation was the ultimate fate of South Africa's Indians. ✓ In consequence the City Council adopted the position that "to spend money on them would ... have been to spend money on an alien population, a large but unknown proportion of which was likely at any time, to be removed to their own country" (The Durban City Council and Durban Joint Wards Committee, no date). Because of this policy the patterns of occupation in Indian areas became distorted. It was reported that "the natural tendency for residential differentiation to emerge from economic differentiation had been largely thwarted [and] family units with high and low incomes were found near to one another..." (Burrows cited in White, 1981: 3).

Increased industrialisation in South Africa resulted in increased White prosperity and improved relations between the Indian and White communities - a situation described by Palmer (1957: 114)

as bordering on "troubled peace". However, as wealthier Indians increasingly acquired and occupied property in predominantly White areas, this accord gave way to open White antagonism towards the Indian "invasion". The City Council was at the forefront of the agitation which was probably caused by a growing realization that repatriation as a solution had failed to work, and that the Indian population of Durban was steadily increasing (White cited in Grest, 1985: 17). In 1935 the Council wrote to the Natal Administrator pleading for further protective legislation against Indian 'penetration' since between 1930 and 1934, 212 transfers of property from Whites to Indians had been effected in Durban (cited in Bagwandeem, 1983: 58).

The position towards these attacks adopted by the merchant leadership in the two main Indian organisations was conciliatory. In 1936 A.I. Kajee of the Natal Indian Congress ('the NIC') had entered into a "Gentlemen's Agreement" with the Natal Municipal Association whereby the leadership undertook to use their good offices to attempt to dissuade Indians from purchasing property in predominantly White areas. In 1939 the Natal Indian Association ('the NIA'), while stating its opposition to segregation, indicated it was prepared to make arrangements with the Council on a similar basis (White cited in Grest, 1985: 5).

This attempt at voluntary segregation was accompanied by the Council's development of a scheme at Cato Manor in 1939 consisting of 50 economic and 50 sub-economic renting units. The main catalyst for the Council's response was the threat that the

50 000 pounds voted for Indian housing as a result of the Thornton Commission Report ⁽⁹⁾ would be taken away. The Cato Manor scheme was not successful since there was a reluctance by Indians to participate in a project which implied segregation. The Council thereupon relaxed its efforts, claimed there had been a boycott of the scheme and refused to consider further municipal housing for Indians. Henceforth all existing Indian areas were neglected by the Council. The roads were not properly made and the provision of water, electricity and other amenities was bypassed (Palmer, 1957: 93). This neglect of accommodation and amenities for Indians can be seen as a major reason for the growing Indian middle class wishing to live in "White areas".

At the outbreak of the war Prime Minister Smuts indicated to Lawrence, the Minister of the Interior, that during the war the government would avoid legislative solutions to Indian 'penetration', and would continue instead to rely upon mutual co-operation between the communities concerned, to arrive at local solutions (cited in White, 1981: 14).

On the other hand, the City Council's recognition of its responsibility for the reproduction of African labour power was reflected in the very existence of a housing policy for Africans (which was guided by four fundamental concerns). Firstly, such a

(9) The Thornton Commission, appointed by the Minister of Public Health to enquire into the sanitary and housing conditions of Indians in and around Durban in 1928, stated that the Durban Corporation had done "little or nothing" to provide better housing for Indians (cited in Pachai, 1971: 128).

policy had to be geared towards the needs of employers ; the second concern was that of racial segregation ; the third objective was to eliminate slums and shacks ; and the fourth to house Africans in formal, controlled accommodation. These issues became the major preoccupation of the Council during the 1930's. Most municipal leaders believed that expanding formal accommodation for Africans was the best way to achieve segregation and to eliminate shacks, but apart from the construction of Lamont in 1934, "very little was done" to provide family housing (Maylam, 1983a: 419 and 420). Although hostel accommodation for labour was provided (women at Grey Street and Jacobs, and men's hostels were built at Dalton Road, the Point, Somsteu Road and Jacobs) during the 1930's (Maasdorp and Humphreys, 1975: 13), the Council largely adopted a *laissez-faire* approach, leaving Africans to organize their own shelter. During this decade many Africans found accommodation by renting rooms and "backyard premises" in the central Durban area while informal settlements rapidly grew on the periphery of the city (Maylam, 1983b: 14).

As the informal settlements mushroomed, the City Council became increasingly concerned about controlling these areas. Some individuals within the Corporation, notably the Medical Officer of Health, G.H. Gunn, advocated a "site-and-service" scheme in which :

"...the progress of slum elimination [should] keep pace with the ability of the displaced people to house themselves as far as possible, suitably assisted where necessary,

by loan facilities and the availability of approved and convenient sites" (cited in Maylam, 1983a: 421).

This compromise would have enabled the municipality to exercise a degree of control while retaining the advantage of cheapness. However it was not until the 1950's, with the establishment of the Cato Manor Emergency Camp, that such an option was finally exercised (Maylam, 1983b: 16).

(ii) From Segregation to Apartheid : The Housing Debate in the Forties

As the thirties drew to a close the outbreak of war gave impetus to the South African economy which grew rapidly with the GDP increasing from R 987 million in 1940 to R 1 515 million in 1945 to R 2 549 million in 1950 (South African Statistics 1982, 1982: 21,5 and 21,6). In particular, the manufacturing industry benefitted from the war since it was afforded a form of "natural" protection from overseas competition on the commodity markets, and since it catered for the demand for manufacturers for the armed forces (Hindson, no date : 5).

During the war, mechanisation and the restructuring of the racial division of labour changed the basis of capital accumulation in industry, and with it the pattern of reproduction of labour-power. The transition of manufacture to machinofacture involved the full utilisation of machinery which had been under-utilized at the beginning of the war. Due to the difficulties involved in importing new machinery during the war, the re-organization of

production often took the form of mechanisation of existing processes, thereby minimising the outlay of constant capital (Ibid. p.6). This period was also characterised by the substitution of African for White workers with the ratio increasing from 1,7 : 1 to 2,2 : 1 (Ibid.). Existing skilled jobs were simplified and taken over by the Black semi- and unskilled workers, while Whites were moved to supervisory and technical positions (Hindson,1987: 57).

Moreover, capitalist expansion in industry during the 1940's resulted in the massive absorption of African workers into wage labour. The employment of African workers in manufacturing alone grew from 131 000 in 1940 to 210 000 in 1946, whilst the African population of the urban areas increased from 1,1 million in 1936 to 1,7 million in 1946 (Ibid. p.53). In addition, wages increased substantially over the war years : between 1940 and 1946 average real wages of African industrial workers increased from R 111,00 to R 172,00 per annum (Ibid. p.57).

During the war years the Durban / Pinetown area tended to follow the general Union pattern fairly closely in respect of industrial growth. Between 1936/37, 62% of all the industrial workers in the province were employed in this area and the figure increased to 67% in 1949 (Fair,1955 : 62). Durban was able to maintain its position as the third largest manufacturing area in the Union with the net industrial output increasing from 11 204 000 pounds in 1938 to 22 653 000 pounds in 1945. The state (especially the harbour and the railways) was the largest employer of both White

and Black labour (Katzen, 1961: 154). It is important to note that although the racial composition of employment in private manufacturing in Durban did not change radically over the war period, there was a trend towards an increasing proportion of Black industrial employees, although this trend was interrupted with the return of the ex-servicemen in the years immediately following the war (Ibid. p.18).

During the war, building restrictions precluded the construction of large scale housing schemes for the whole population. This largely affected Indians and Africans owing to the inadequate Council response in the thirties. Consequently the most dramatic growth of Durban's shack population occurred in the 1940's with the most densely populated area being that of Cato Manor. In 1943 Gunn reported Cato Manor to be made up of "a dense mass of hovels, constructed of whatever scrap material comes to hand", and he estimated the shacks to be at least 1 500 in number. By 1946 there were about 5 000 known African-occupied shacks in Durban (cited in Maylam, 1983a : 415).

At the same time the general shortage of housing for Indians; the lack of better quality housing for the growing Indian middle-class; together with the unattractiveness of what had become de facto Indian areas, lead to an increased movement of Indians into the "White areas" in the early 1940's. Middle class Indians began to buy properties in the White suburbs, especially those which were adjacent to areas of predominantly Indian occupation. Purchases were made both for residential and investment purposes,

the trend being encouraged by the liquidity of capital experienced by merchants as a result of the disruption of trade after the outbreak of war in 1939 (White cited in Grest, 1985: 4).

The issue of Indian 'penetration' in the 1940's involved the Durban City Council (as the elected representative of the White bourgeoisie, petty-bourgeoisie and working class) on the one hand, and the Indian political movements on the other, in a struggle over the right of access to the private housing market in prime areas of Durban. However the question of public housing for the developing working class living in shack settlements was not raised with any force either by the NIC or NIA, since elements within the Indian merchant class were extensively involved in rack-renting to the Indian and African working class (Kirk cited in Grest, 1985: 5).

At this stage, no law prevented Indians from acquiring or occupying houses and land anywhere in Natal, but 1940 witnessed calls by city councillors for segregatory legislation against Indian 'penetration' as they regarded Gentlemen's Agreements to be inadequate. Lawrence persuaded the Council to pursue a non-legislative approach through the creation of a sub-committee (with NIA representation) to monitor and if possible, prevent further 'penetration'. As a further move designed to conciliate local White ruling interests, two commissions under Justice F.N. Broome were appointed; the first in 1940 to investigate the whole question of 'penetration' in Natal and the Transvaal since 1927;

and the second in 1943 to investigate 'penetration' in Durban
(10)
only.

Contrary to the suggestions of the 1943 Broome Commission Indian 'penetration' in Durban did not involve all strata of the Indian population. Margo Russell's study (1961) of the Botanic Gardens area provides evidence for this contention. In focussing on the occupational status of residents and ownership patterns she found that 'penetrators' tended to be professionals and managers who owned their properties, whilst White residents tended to be working class and tenants. As was the case in certain other parts of the lower Berea, she revealed that some properties in Botanic Gardens had anti-Asiatic clauses in their title deeds (in terms of the 1922 Durban Land Alienation Ordinance). In 1928 the first sale of property to an Indian took place. This was followed by a second sale in 1930, and thereafter there was a steady flow of interracial property transactions. But the first Indian moved in to occupy property only in 1938, and it was only in 1940, when there were ten Indian families resident in the area and a further twenty-five properties under Indian ownership that White residents began agitating against 'penetration'.

Thus it seems that it was occupation rather than acquisition of properties by Indians which lead to the initial White reaction.

(10) For a general outline and discussion of the Lawrence Committee and the two Broome Commissions of Inquiry see White (1981), Bagwandeem (1983) and Grest (1985).

Later however, Whites opposed acquisition as well, despite the fact that in the majority of cases 'penetration' was not followed by occupation (Ibid.). Under such circumstances there was pressure on the City Council to take some form of action to appease the White residents affected by the encroaching Indian middle class. The result was legislation in the form of the Trading and Occupation of Land (Transvaal and Natal) Restriction Act of 1943, ⁽¹¹⁾ which pegged the existing position of land ownership and occupation in Durban for three years from March 1943 to March 1946. This was the first Act since Union to impose legal restrictions on Indians in Natal.

In commenting on the Act, Lawrence emphasised that the City Council would be expected to provide Indian housing during the period of temporary protection given it, and that the legislation provided a 'breathing space' so that eventually provision could be made "not on compulsory but on voluntary lines. The solution [lay] in the provision of adequate housing and other facilities to which members of each community [would] be attracted by a natural process". In response the mayor said that "the City Council welcomed the opportunity of showing their bona fides by providing everything that [could] be indicated to them as being considered to be reasonably necessary in regard to Indian housing" (cited in White, 1981: 27).

(11) This acquired the popular name of the 'Pegging Act'.

However the effect of the 'Pegging Act' was to intensify the struggle at the local level. Clarkson, the Minister of Interior, emphasised that the government's future Indian policy would be based upon the philosophy behind the earlier 'Gentlemen's Agreement' and the intentions of the Lawrence Committee, but there were to be separate areas for Whites and Indians (cited in White,1981: 37). In contrast the divided Indian organisations were formulating strategies to counteract the setback they had received. In Natal the 'Pegging Act' was an impetus for Indian unity moves, and in July 1943 the NIA and NIC merged into the reconstituted NIC. The unity of the new organisation was very fragile as it contained within it very disparate political tendencies (Grest,1985: 7).

Following Smuts' United Party election victory in 1943, central government began to pressurise the City Council to implement its planned housing schemes. The inactivity of the Council in this regard prompted Clarkson, to say: "A majority of the members of the Durban City Council ... appear to regard the ['Pegging'] Act as something which gives them a mandate to continue their policy of doing nothing at all" (cited in White,1981: 34). Towards the end of 1943 the Council adopted its Programme of Post-War Development. The ten-year post-war housing programme was given top priority, and between 1944 and 1953, 31 040 dwelling units were scheduled to be built (Programme of Post-War Development,1943: 74). This involved the building of 3 300 houses and flats for Whites (mostly for sale), 17 600 for

Indians (mostly sub-economic), 2 940 for Coloureds (nearly half for selling) and 7 200 for Africans (all sub-economic) (Ibid.). This housing programme was "no less than revolutionary" in view of the comparatively minor achievements accomplished between 1920 and 1946 when only 1 595 flats and houses had been completed (The Durban Housing Survey, 1952: 120).

The planned housing programme for Indians represented the Council's first major response to the need for Indian housing. However further problems arose in respect of where these units should be built since the 'Pegging Act' was now in operation.

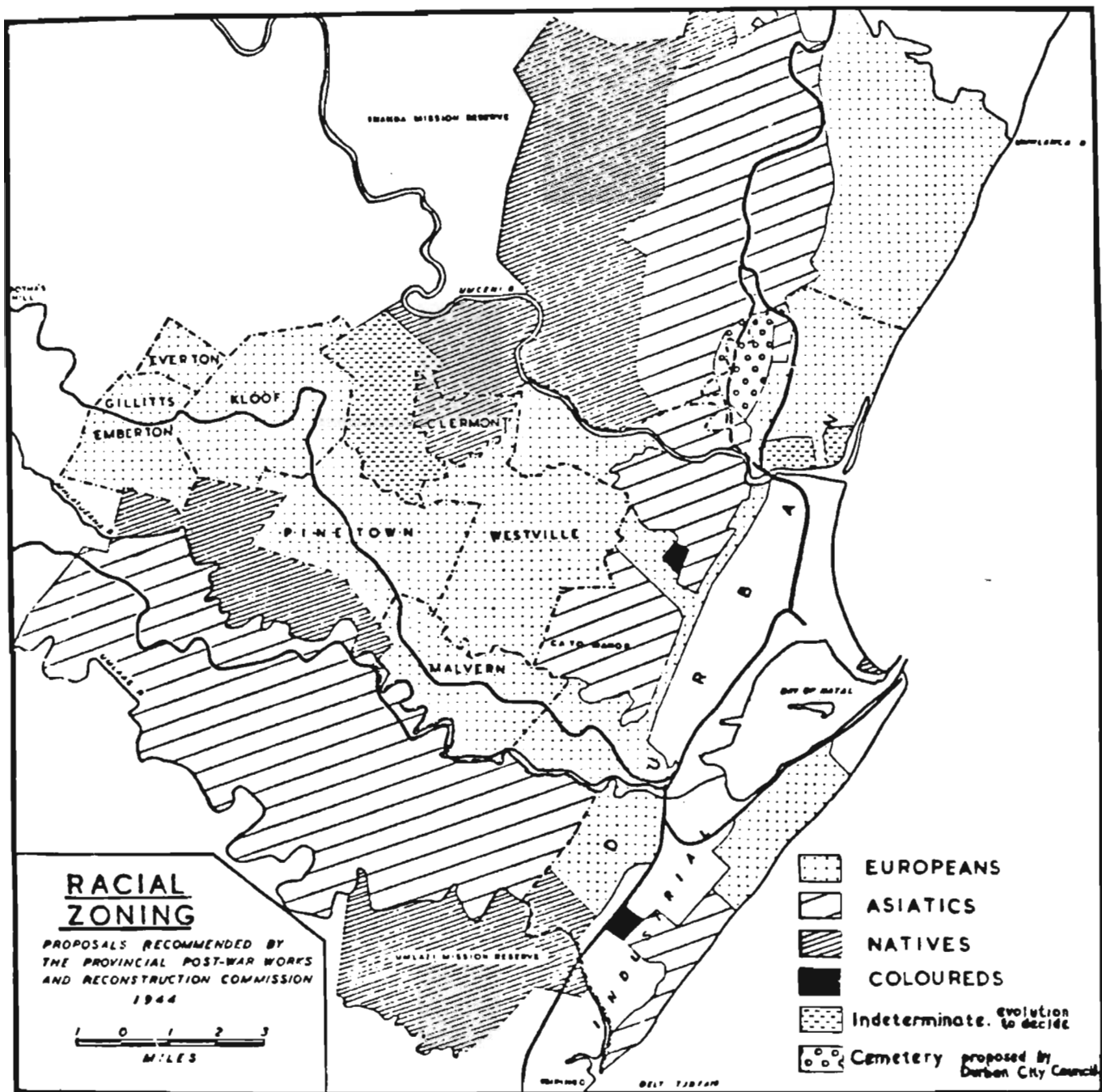
The Council's position was conveyed in the same year to the Natal Provincial Post-War Works and Reconstruction Commission. As part of the Council programme the City Valuator and Estates Manager submitted a plan involving radial racial zoning. In this plan it was argued that the interests of all racial groups could best be served if they were housed in separate areas. (12) It is worth noting that the plan for segregated racial zoning was the work of one of the senior members of the bureaucracy. This line of thought had long-term repercussions for not only did it become Council policy, but it prefaced the philosophy implicit in the Population Registration and Group Areas Acts, brought into effect at the level of the national state nearly ten years later (McCarthy, 1986: 10).

(12) Refer to The Durban Housing Survey, (1952: 405-408) for a summary of these proposals.

It is noteworthy that the City Valuator and Estates Manager had seen the need for a particular form of planning of racial zones (refer to map 2) arising partly out of the mutual interdependence of race groups in the production process. He argued that the locational imperatives of large industrial concerns determined that areas to the west and particularly the south of the Bay would be logical zones for future industrialisation.

"If this [the industrialisation pattern referred to above] comes about, then it will be necessary for housing accommodation to be provided for the four races, so as to enable each to be within reasonable reach of his place of employment. This means, therefore, that housing ...must be provided for the four races to serve the Old Borough Area and also, for the four races to serve the industrial area" (Programme of Post-War Development cited in McCarthy, 1986: 10 and 11).

In an attempt to speed up the implementation of a large nation-wide housing programme, the central government proposed in 1944 to amend the Housing Act to facilitate the availability of housing, and to consolidate the various provincial expropriation procedures (White, 1981: 51). One of the clauses in the Bill proposed to make it easier for local authorities to expropriate land for resale, while another provided for the establishment of a Natal Housing Board (Ibid.). The Council's reading of the proposed amendments to the Housing Act was that the expropriation legislation would empower it to go ahead with replanning for racial zoning as embodied in its 1943 proposals (Bagwandein cited in Grest, 1985: 8).



Map 2. City Valuator and Estates Manager's Racial Zoning Plan.

SOURCE : Department of Economics, Research Section, University of Natal. The Durban Housing Survey (1952).

Early in 1944 Durban's total African population was estimated to be 83 000. Of these, about 36 200 were housed by their employers, either in servants' quarters on private properties or in compounds ; about 16 400 were accommodated in municipal townships or hostels ; and about 2 200 were housed in private licensed premises. This left about 28 000 people who had to find some kind of informal accommodation for themselves (Maylam,1983a: 417).

The Durban City Council adamantly refused to use ratepayers' money to provide housing for Africans, and instead, in 1941 tried to place the onus on the employers who derived the most benefit from the African presence in the city. In the end most of the finance for African housing was borne by Durban's Native Revenue Account which drew most of its funds from the sale of beer to Africans (cited in Tichmann,1983: 18). The African working class responded to the shortage of housing by erecting their own shacks wherever they could rent land cheaply. The shack settlements served Durban's labour needs as a cheap form of accommodation, and saved the City Council and employers the costs of housing a large proportion of the working class. In addition, employers were relieved of the burden of subsidising the transport costs of the workers as the shack settlements were situated within a reasonable distance from the city centre (Ibid. pp.18 and 19).

Although shack settlements served Durban's cheap labour needs they compounded the Council's task of maintaining social and political control over the African working class. The settlements

were areas where Africans could escape control by police and officials ; where they had more opportunities for earning their subsistence ; and where they could shape their own lives more easily (Maylam,1983a : 419). The shack settlements thus produced contradictions for the local authority.

In the case of Indians in the mid-1940's, many were living in restricted parts of the urban area of the city in wood and iron dwellings within and around the periphery of the Borough, as well as further afield in the rural areas (Butler-Adam and Venter, 1984 [1]: 18). With the expiry of the three year period of enforcement of the 'Pegging Act' due in March 1946, various locally based interests including the Natal United Party, the Natal Municipal Association, the Durban City Council, the White voters, the Building Societies Association and the Joint Wards Committee mounted campaigns for a definite response from central government to their demands for legislated racial zoning.

In response to the organised White antagonism there was a growth in the radical bloc of the NIC, which re-invigorated and expanded the organisation. The struggle for control of the NIC was won by the radical petty bourgeoisie who criticized the ineffectiveness of the merchant class' "accommodationist" policy of compromise. The new leadership came into power in 1945 committed to the repeal of the 'Pegging Act', the removal of all barriers to the free movement of Indians between provinces, full franchise rights and compulsory education for Indians (Ibid.).

White and Indian representative opinion in Natal drifted further apart and the effectiveness of existing government policy posed an electoral threat to Smuts. The situation deteriorated to the extent that Smuts attempted to implement legislation which would both satisfy the White electorate and at the same time cause the minimum of damage to South Africa's image overseas. However the passing of the Asiatic Land Tenure and Indian Representation Act in June 1946 ⁽¹³⁾ served to worsen relations both abroad and at home; and this was further compounded when India obtained independence in 1947.

The Act itself imposed further restrictions on both occupation and ownership of properties by Indians. It dealt with the question of separate property holdings and the franchise in two chapters. Under the land tenure section Natal was divided into controlled and uncontrolled areas. The controlled areas were reserved only for White acquisition and occupation except for properties owned by Indians prior to June 1946. Within the uncontrolled areas Indians were free to buy and to occupy fixed property except in areas occupied by Africans, where permits were required (The Durban Housing Survey, 1952: 408-409).

Indians, for the first time, were granted representation in the South African Senate and Assembly. They were to elect two Whites to the Senate and three to the Assembly and were to be directly

(13) This was more commonly referred to by Indians as the 'Ghetto Act'.

represented in the Natal Provincial Council. The NIC rejected the representation provisions as discriminatory and consequently this part of the Act was never implemented (Johnson,1973: 75).

Under the new leadership of the radical bloc the NIC's response to the Act was to plan a mass resistance campaign and to make appeals for international assistance. The campaign brought no change in the government's attitude despite criticism from the 1946 United Nations session. A significant result of the accession to power in the NIC of the radical petty-bourgeoisie was a loss of the informal access to state structures at the local and national levels, and a move to forge a closer working alliance with the African National Congress, albeit at a leadership level only (Grest,1985: 10).

Pressure for land and dwellings in Durban continued as the Indian population increased and as more people moved into the urban areas. Between 1 December 1945 and 31 March 1950, an estimated total of 1 110 houses and 392 flats were built, 648 of which were sub-economic units constructed at Springfield. However, during this period the Indian population increased by 28 340 (28 %) which contrasted sharply with the increase in accommodation units which could only cater for about one third of the increase in population (The Durban Housing Survey,1952 : 276 and 277).

In fact, between 1944 and 31 July 1949, the progress in housing

provision in Durban in no way measured up to the demand. Although the Mayor's Minute of 1948/49 stated that housing had once again been given priority over other building works, the construction completed by mid-1949 appeared relatively insignificant in view of the 1943 housing programme which the City Council had pledged to implement with all possible vigour. Alongside the inadequate provision of housing for Indians, only 767 units were built for Whites, a mere 15 for Coloureds and 1 265 for Africans during this five year period (Ibid. p.120).

In the 1948 election campaign the 'Indian Question' became an important issue in Natal. The United Party government wished to give this issue a low profile, only reaffirming the 1946 'Ghetto Act' in its manifesto. However, the anti-Smuts parties made the 'Indian Question' one of the main issues of the election. In April the Durban Joint Wards Committee sent a circular to all the candidates in Natal asking them to oppose any legislation granting facilities or benefits to Indians unless these were applicable throughout the Union. The responses were largely in favour of this proposition, which suggests that the United Party's Indian policy contributed to its defeat by the National Party (White, 1981: 140-141).

Following the victory of the National Party, the already serious African housing position was aggravated by the Durban Riots of January 1949. A major source of the inter-communal antagonism was the lack of adequate housing for Durban's growing African population, and the conditions experienced in the shack

settlements such as Cato Manor and the single hostels. The self-financing Native Revenue Account served in effect, to limit the provision of municipal housing for Africans and to encourage the growth of slums. Many of these developed on Indian-owned land where a system of 'shack-farming' had emerged (Kirk cited in Grest, 1985: 12).

Communal resentment over the role of the Indian traders emerged as the flashpoint of the riots. The restrictions placed upon the development of an African petty bourgeoisie by Indian competition, and the withholding of trading rights by municipal control, led to a situation where a frustrated African petty bourgeoisie was ready to mobilise. The riots resulted in the destruction of Indian stores and the disruption of trade (Ibid.). Indian landlords lost control of the use of their land and were forced to evacuate the settlement. Moreover, as an indirect consequence of the Indian retreat from Cato Manor, the African shack population increased.

In general terms, it would be true to say that the aggressive stance adopted towards Indians by the White group (via the legislative controls), and the role played by the City Council in the creation of a hostile climate in the 1940's, largely contributed to the African belief that Indians were an unwanted element in the community and thus "fair game" (Ibid. p.13).

(iii) Group Areas in Durban

When the National Party came to power, Section II of the 1946 Asiatic Act (giving a limited communal franchise to Indians) was repealed, bringing it into line with the position that Indians were a 'foreign element' in the country. But as Indians had steadfastly refused to put forward candidates, this repeal made no essential difference (Palmer, 1957: 142). Then in 1950 the Suppression of Communism Act was introduced and was used to ban many Indian leaders during the decade.

Later that year the Group Areas Act was legislated not only to "peg the existing situation", but also to "remove the penetration (of White areas) which had already taken place" (Minister of Interior cited in Johnson, 1973: 85). In addition the 1949 Durban Riots were widely used as justification for the introduction of the Group Areas Act. The Minister of the Interior, introducing the Bill in the 1950 session stated that :

"... the dangers of residential juxtaposition between members of different races is not a newly discovered danger ... The Durban Riots of last year constitute a case in point, and show the dangers of residential juxtaposition, for the peace and quiet of the country" (Webster cited in Grest, 1985: 12).

However much of the technical preparation required for implementation had already been done by the Durban City Council, and was embodied in its 1943 Racial Zoning Plans. According to Kuper, Watts and Davies (1958: 34) "of all the cities in the

Union, Durban, through its City Council [had shown] the greatest enthusiasm for compulsory segregation", and the Group Areas Act merely provided the "final impetus to a process of segregated resettlement of Indians which had already been partly successful" (Schlemmer, 1976: 12). In 1950 the Mayor of Durban commented that :

"Having regard to the fact that this Bill in its broad principles followed closely upon and largely met the representations which the City Council had made to the Union Government regarding the directions in which the Asiatic Land Tenure Act No.28 of 1946 required revision, the City Council on 12 June 1950 approved the general principles of the Bill in so far as they affected this City ..."
(1949/1950 Mayor's Minute cited in Grest, 1985: 13).

Further on , he says :

"In a letter to me after the Bill had been passed, the Honourable the Minister referred appreciatively to the practical assistance which the City Council had so rendered in the formulation of this complex and far-reaching legislation" (Ibid.).

An immediate consequence of the Group Areas Act was reported by the Natal Housing Board when it stated that the difficulty it faced in finding suitable land for Indian housing was compounded by the doubt which now arose as to the final zoning of any particular piece of land. While regretting that a delay in the construction of houses appeared to be inevitable as a result of the Act, it nevertheless stated that "in order ultimately to achieve an ideal the very immediate needs of the homeless or inadequately housed must suffer" (Natal Housing Board, Fifth Annual Report, 1950/1951 : 20).

In November 1950, four months after the Group Areas Act became law, the City Council established a Technical Sub-Committee consisting of senior municipal officials, to prepare a scheme for its implementation in Durban. In a summary of their detailed report, which requested a pattern of race zoning very similar to that proposed by the City Valuator and Estates Manager in 1943 the Sub-Committee explained its philosophy. Emphasis was placed upon interdependence in production and exchange.

"European-owned industry employs a large number of non-Europeans; some European shops, even in fashionable West Street, encourage non-European custom; conversely, Indian shops in Pine.... and Grey Street have no lack of European patrons; and some stalls at the Native market in Victoria Street rely very largely on a curio trade with Europeans" (The Durban Housing Survey, 1952: 420 cited in McCarthy, 1986: 14).

However, whilst accepting the principle of residential segregation, the Technical Sub-Committee also emphasised that "the most important determinant of the situation of a race zone is its proximity to employment" (Ibid.). While it asserted that "if possible, settled and racially homogenous populations should not be disturbed", it nevertheless offered the view that "race zoning in some cases is almost indistinguishable from slum clearance and ordinary housing programmes" (Ibid.).

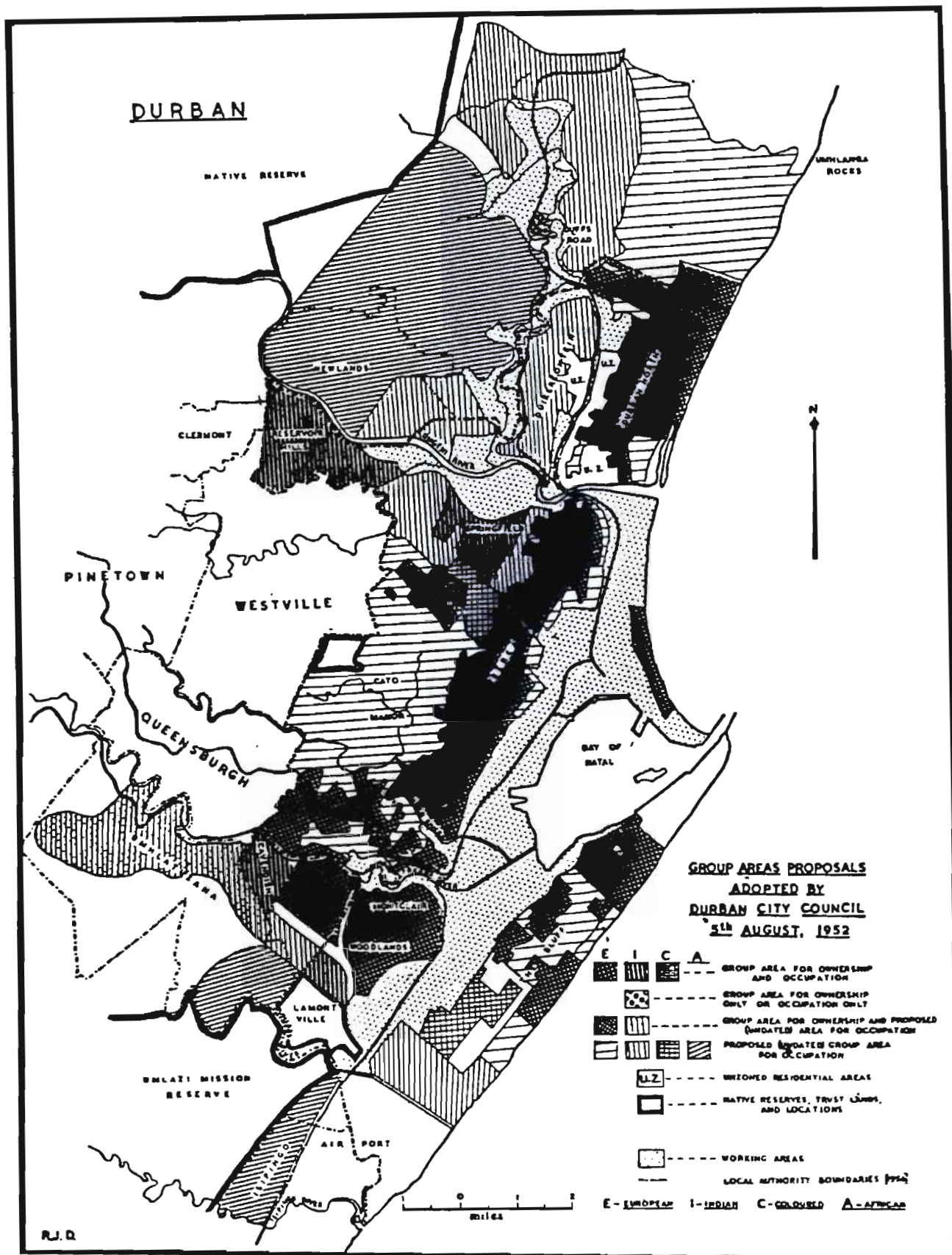
After a year's work, the broad plan provided for the displacement of over 70 000 Indians, 8 500 Coloureds, and almost 40 000 Africans from the area west of the Borough alone, as against a total White displacement of less than 12 000 (Kuper,

Watts and Davies, 1958: 192). On the release of the proposals there was such a strong outcry from city councillors and White residents over the proposed displacement of Whites that a revised plan submitted in January 1952 virtually confined displacement to Blacks ⁽¹⁴⁾ (refer to map 3). Displacement of Whites would now only involve about 3 100 persons; Indian 'penetration' was to be eliminated; and the old Indian settlements of the Old Borough were to be dissolved either into working zones or White areas. Most of the residential areas within the city would be reserved for Whites (Ibid. p. 198).

The Coloureds were allocated a small area on the inner Bluff ridge away from the sea front, as well as the existing housing scheme at Sparks Road, west of the Central Ridge. The Council proposed that the latter area should be expanded into a Coloured racial zone by the removal of some 10 000 Indians (Ibid. p. 200). The African zones fell to the south-west and the north west, and were for the most part, outside the city boundaries and adjoining the 'Native Reserves'.

The general pattern of proposed Indian settlement was peripheral, in the north-west, south-west and extreme south. In view of the impending relocation of about 55 000 Indians within the city, the City Council attempted to compensate the Indian population by allowing them to retain some of their established settlements -

(14) The Durban Housing Survey, (1952: 443 - 445 a) provides a summary of these proposals.



Map 3. Group Areas Proposals Adopted by Durban City Council, 5 August 1952.

SOURCE : Kuper L, Watts H and Davies R. Durban : A Study in Racial Ecology (1958: 201).

on the Bluff in the South, at Springfield, Sydenham, Clare Estate and Sea Cow Lake. Only on the extreme western perimeter of the city was there a new allocation to Indians - a residentially desirable tract of land at Reservoir Hills, which was not fully developed and only inhabited by some twenty White families (Ibid. p. 198).

This was the scheme submitted by the City Council to the Land Tenure Advisory Board ⁽¹⁵⁾ in early 1953. In the meantime the NIC had been soliciting Indian participation for the Defiance Campaign conducted between June 1952 and April 1953. Johnson (1973: 84) states that although Indians were expected to react vehemently against the Group Areas Act, the NIC was faced with an important tactical disadvantage in that in 1952 it was not yet clear which Indians might be forced to move. No group areas were to be demarcated until after government study groups had held hearings in each area concerned. At these hearings, Indians faced with relocation were invited to offer their objections and submit alternative plans. Again Indians had to choose between the alternatives which had always existed when segregatory legislation was introduced : "co-operation in the hope of securing some concession, or non co-operation, either in an attempt to defeat the plans, or as a matter of principle" (Kuper cited in Johnson, 1973: 84 and 85).

(15) This Board consisted of five government appointed members, two of whom could have been Indian. In practice no Indian members were appointed (The Durban Housing Survey, 1952 : 409).

At meetings throughout Durban, NIC speakers charged that the City Council's proposed resettlement scheme was designed to eliminate Indians from the city. However, the NIC could not maintain a united front amongst Indians. Indian "accommodationists" in the Natal Indian Organisation ⁽¹⁶⁾ ('the NIO') did not accept total opposition to Group Areas and were submitting alternative proposals to the Land Tenure Advisory Board.

The efforts of the NIC to defeat or delay the final declaration of Group Areas was threatened when the Land Tenure Advisory Board in Natal began to exclude its representatives from meetings on the grounds that the NIC was not an "interested party", and only sought to prevent Boards from functioning (NIC News cited in Johnson, 1973: 95). When the NIC challenged the exclusion in court, it was ordered that the Board had no right to limit the representation of bodies giving evidence. (However, by 1955 this decision was reversed when the Board, then renamed the Group Areas Board, was given full discretion to decide who should appear before it). After slight amendments, the revised Council plan was adopted by the Land Tenure Advisory Board in its recommendations to the Minister of Interior. These were announced in July 1954. These matters rested for three and a half years (Race Relations Survey 1957-1958 : 111).

(16) The NIO had been formed in 1947 "to represent moderate Indian opinion and to obtain whatever it could for the Indian people by what was described as mutual goodwill and consultation with government, provincial and municipal authorities" (The Graphic, 19 September 1958).

Obviously the intended removals under the Group Areas Act would greatly increase the need for housing for Coloured, African and Indian people in the group areas that were assigned to them and accepted by the Land Tenure Advisory Board in July 1954. In the case of Africans, pending the Group Areas zoning, 'emergency camps' were established where Africans were permitted to erect temporary structures until suitable permanent accommodation could be built elsewhere. In 1952 the City Council established the Cato Manor Emergency Camp to which rudimentary water and sanitation services were supplied. The Emergency Camp soon proved totally inadequate to cope with the rapidly growing population of Cato Manor. Further expansion of the Chesterville housing scheme (which adjoined Cato Manor) was not undertaken because in terms of government policy, the Cato Manor area was earmarked for White occupation. Instead, land was acquired at Duff's Road for the establishment of an African mass housing scheme to be known as Kwa Mashu.

The Group Areas Act consequently delayed the Council response to the problem of African housing in Durban by several years. It was not until 1956 that Kwa Mashu was proclaimed a municipal housing scheme and building could commence. In 1958 the removal of Africans from Cato Manor to Kwa Mashu began in earnest. According to Maylam (1983 a : 425) those who were among the first to make this move were generally happy to do so. But there were also groups who opposed the move, particularly the illicit liquor-dealers whose operations thrived in the relatively uncontrolled

shack settlements. In 1959 and 1960 this opposition flared up into violent protest and rioting. But the removals continued and by 1966 virtually every shack had been cleared from the Cato Manor area. About 82 000 people had been removed from the settlement, and another 13 000 were moved from other shack settlements (Ibid.).

In respect of housing provision for the other three population groups, the City Council adopted a "Fifteen Year Housing Programme" on 7 February 1955 whereby it undertook to construct a total of 1 000 dwellings annually, in the ratio of 300 for Whites, 100 for Coloureds and 600 for Indians, subject to the availability of funds. The City and Water Engineer was authorised to submit schemes for formal approval in order that sufficient land to implement the housing programme could be acquired in the following localities :

Whites - Land convenient to Old Main Line Stations and land west of the Berea.

Coloureds - Adjoining the existing Sparks and Merebank / Wentworth Schemes.

Indians - West of Woodlands (Chatsworth and Merebank).

Over the next three years there was a growing feeling amongst certain city councillors that the zoning plan for Durban was unrealistic. In February 1958 the Planning and Development Control standing committee decided to call for a comprehensive report in order that the situation might be re-assessed. On 5 June the City Council decided to prepare new zoning plans, paying more regard to the pattern of distribution of the various

race groups, and to the minimum disturbance of settled communities. But on the very next day Group Areas for Durban were proclaimed with only minor boundary changes to the recommendations of the Land Tenure Advisory Board made to the Minister and published in July 1954 (Race Relations Survey, 1957-1958 : 111).

In order to implement the Group Areas plan, a massive relocation of people was undertaken. Although Group Areas was a product of the early fifties, it has only been in the last two decades that resettlement has been instituted on a large scale. ⁽¹⁷⁾ By far the largest number of people to have been moved in terms of the Group Areas Act in Natal are African and Indian. But in focussing specifically on Durban, the story of the Group Areas Act significantly concerns the removal between 1950 and 1978, of about 140 000 Indian people from their original homes to new residential areas (cited in Butler-Adam and Venter, 1984 [1] :18). The Group Areas Act cost the Indian community at large in

(17) The Race Relations Survey 1984 (1985: 468) provides the following figures for families relocated from their homes in Natal (African population excluded) :

TABLE 1

From the commencement of the Group Areas Act up to December 1983

<u>White</u>	<u>Coloured</u>	<u>Indian</u>
817	3 743	25 160

According to the Association for Rural Advancement (AFRA) an estimated 745 000 African people within Natal had been moved elsewhere in Natal and to Kwa Zulu between 1948 and 1982 (cited in Race Relations Survey, 1985: 452).

material, social, emotional and cultural terms, but within that community the cost has by no means been uniform.

Those Indians who were forced to move and who could not afford to buy land, and build their own homes in "economic" areas such as Reservoir Hills and Silverglen, were provided with homes in the first municipal housing schemes built at Springfield, Merebank and Chatsworth. Others, who were less fortunate, moved into 'temporary' dwellings in areas such as Tin Town on the Springfield Flats, where they proceeded to live for many years until their removal to Phoenix in 1976.

The forced dislocation of between 50-80% of the Indian population to the peripheral zones of Durban has reinforced and exacerbated their class stratification. The more affluent Indians have been able to secure housing and land on the private market, while the Indian working class, being financially constrained, has been limited to residing in municipal housing schemes.

It is difficult to assess precisely how the Group Areas Act has affected and stratified the Indian population. Meer (1975: 20) has shown that at the time of the Group Areas Act there were about fifty small Indian communities within a five-mile radius of the city's centre. A housing survey conducted by the NIC in 1944 (covering a fifth of the population - 18 036), revealed an average size of 2 000 residents per community in nine areas. Membership, both social and ethnic, was mixed and all had about

the same share of people with either higher earnings, education or with greater community consciousness, on whom the others leaned. The largest sector of these communities (often as high as 90 %) was working class, but the place of work was within easy reach of home. Then in 1966, 75 % of Indians in and around Durban who lived on freehold land had their land expropriated by the White central and local authorities and were reduced to perpetual tenancy in the municipal townships (Ibid. p. 24).⁽¹⁸⁾

(iv) Conclusion

This chapter has argued that housing in Durban has a history of racial segregation resultant of the electorally expressed interests of White voters, who have had access to the local state structures. Until 1932 the majority of Indians and Africans, other than domestic servants and various industrial employees, were housed outside the boundaries of the White-occupied Durban borough. This segregationist policy facilitated the reproduction of 'non-White' labour power while making no demands on the Council to provide them with homes and services. The Native Revenue Account was intended to finance the needs of the African community while the Indian needs were ignored.

Then in 1932 the borough boundary was extended to incorporate 72 000 people from the peri-urban areas. Dear and Clark's (1981)

(18) Only in recent years have there been moves to boost home ownership.

postulation that the form of the state may change as conditions of capital accumulation change is borne out in the argument of the Durban Boundaries Commission which foresaw incorporation as a means to promote the rapidly emerging industrialisation of the city. Dear and Clark further argued that the functions of the state are determined by the political repercussions of crises in accumulation and the need to reproduce existing social relations. This point was also illustrated by the Boundaries Commission's wish to extend Council control to include the 'Black Belt'.

The 1930's saw a recovery in the national economy following the depression, with increased industrialisation in Durban necessitating a larger labour force. It also saw the White population at large enjoying greater prosperity, increased car ownership and the escalation of movement to private residential suburbs. In many instances wealthier Indians moved into the dwellings vacated by these Whites. The development of secondary industry significantly changed the class composition of the Indian population who moved from agricultural employment into semi-skilled and operative jobs in industry.

Although the City Council was prepared to incorporate the peripheral areas into the city, it remained reluctant to intervene effectively in the African and Indian housing crisis which had resulted from increased urbanisation. However, bearing witness to Maré's postulation regarding the reproduction of labour power, Council did provide hostel accommodation for

African labour since their importance to industry had been acknowledged. However it neglected the provision of housing for Indians whom it considered were to be repatriated to India in the near future and whose labour contribution at the time was relatively insignificant.

As many of the Indians became commercially competitive with Whites and were able to afford housing in 'White areas' they were regarded by Whites as a threat, and antagonism developed towards Indian 'penetration'. Initially the NIC and NIA were prepared to dissuade Indians from purchasing homes in 'White areas'. In response and in fear of losing its 50 000 pound grant for Indian housing, the Council consequently built 100 dwellings in Cato Manor. However Indian reluctance to participate in segregated schemes was regarded by Council as a boycott and Indian housing was thereafter neglected.

During the war, manufacturing industry in Durban boomed resulting in a massive Black population increase into the city. However war-time restrictions limited housing construction, with the result that after the war the shack population had reached catastrophic proportions and so had the housing shortage. In the face of such a housing shortage it became politic for the Council to protect White needs by requesting central government to introduce legislation to prevent further Indian 'penetration'. Indian resentment of this resulted in the emergence of the reconstituted NIC to oppose such discrimination imposed upon the disenfranchised population groups.

At the same time Council, finally recognising its legal obligation for Indian housing included them in a ten year housing programme. This programme was based on radial racial zoning which would not only meet White demands for segregated living areas, but would also zone the potential labour force to areas suitable to serve the needs of industry. However between 1945 and 1950 the Indian population increased by 28% while Council housing construction would only cater for a third of this.

White pressure on central government via the Durban City Council resulted in the 1946 'Ghetto Act' which reinforced the restrictions of the 'Pegging Act' and encouraged further Indian opposition. The 'Indian Question' became a prominent election issue in Natal and Smuts' failure to respond adequately to White antagonism towards Indians contributed to his defeat by the National Party in 1948. The accession to power of the Nationalists saw the Durban City Council's original expression of segregationist policies being crystallised at the central level in the form of **apartheid**, as legislated in (amongst others) the Group Areas Act of 1950.

These changes in the form of the local state in the 1940's are a manifestation of Duncan and Goodwin's observations that the formation of local state institutions are a response to unevenly developed local class and political relations. That is, the transition from segregation to **apartheid** was the consequence of the dominant class arming itself against the threats of 'non-

White' urbanisation, Indian 'penetration' and their consequences on the one hand, and the changing patterns of accumulation during South Africa's progress towards industrialisation on the other.

Four months after the Group Areas Act was legislated, the Council established a Technical Sub-Committee to prepare a scheme for the implementation of this Act in Durban. Emphasis in zoning was placed on proximity to employment and a reluctance to displace White families. Approximately 55 000 Indians within the city were to be relocated. Indian reaction was divided with the NIO "accommodationists" attempting to secure concessions while the NIC, who rejected segregation, became excluded from being represented at Land Tenure Advisory Board meetings. In 1958 Group Areas were proclaimed for Durban and were largely based on the City Valuator and Estates Manager's 1943 Racial Zoning Plan for the city.

~~The Act worsened the housing crisis for Indians, Africans and Coloureds.~~ In real terms between 1939 and 1958, despite the Council's pledges to implement its housing programme, the inroads it had made to alleviate the housing shortage were negligible. Following the 1958 proclamation the City Council embarked upon mass housing development for Blacks as a means to repair its inactivity over the previous two decades. This strategy forced the majority of the Indian and African population to assume tenancy in mass housing schemes which also facilitated state control and reproduction of labour power.

CHAPTER FOUR

THE CONCEPTION OF PHOENIX AND THE INDIAN RESPONSE : 1957-1964

Chapter three discussed how changes in the conditions of accumulation and in the form of capitalist social relations at the local level intersected with ideologies at a central level in the transition to an **apartheid** state. The resultant housing strategy adopted by the Durban City Council developed along class and racial lines with Whites obtaining housing on the private market in addition to Council-provided housing. The Coloured population was small in relation to the other three race groups and was housed in private dwellings. On the other hand, the Council did not provide adequate housing for the Indian and African groups who had to fend for themselves as they became increasingly urbanised and proletarianised.

The general discussion regarding Indian housing policy is narrowed down in Chapter four to focus specifically on the question of power relations at the local level through an examination of the role of municipal government in the conception of Phoenix and the "Indian response" to this development. In this chapter the aim is twofold. Firstly, to specify the distinct urban processes and local social relations operating at the level of the local state. This approach transcends that of Cockburn, Dear and Clark, and Fincher whose accounts are both reductionist and functionalist in conceptualising the local state in terms of

its functional relationship to the 'capitalist state as a whole'.

In viewing the local state as "a dialectical process of social relations" Duncan and Goodwin (1982) ask what is the nature of those social relations institutionalized in the capitalist state; and do local social transactions take place in local state institutions, specific to local areas and autonomous from those taking place in the central state? They question whether unevenly developed social relations and social consciousness matters to the development of a local level of state institutions. These questions about local social relations and local consciousness are useful ones to apply to the Phoenix and Durban City Council material and will be borne in mind throughout the study.

Secondly, the chapter aims to elucidate the manner in which the local housing policy effected the control and reproduction of the Indian labour force in Durban. In this regard the focus will concentrate on the Indian housing policy adopted by the Council in the late fifties and its subsequent emphasis on mass housing development.

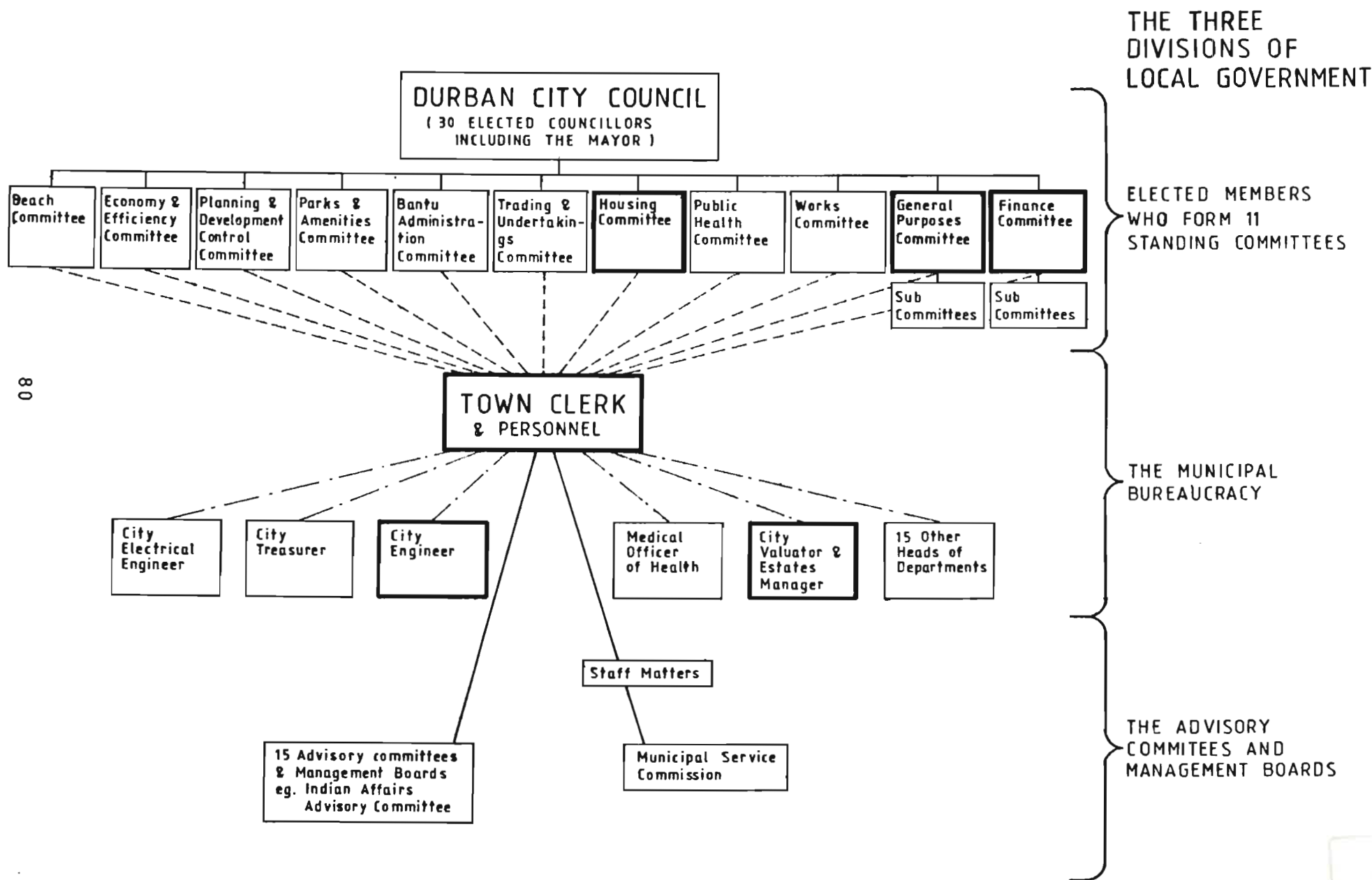
The first section of this chapter identifies and discusses the composition, structure and changes in municipal government in the late fifties. Since Phoenix emerged primarily as a project of the Durban municipality it is necessary to locate this development within the decision-making processes at the local level, and to establish how the City Council and the bureaucracy were

structured and what this meant for political decision-making. This section also looks at how other writers have explained the relationship between these two key bodies. The second section discloses the prominent and major role of the bureaucracy in initiating and formulating the eventual Council strategy for housing Indians. The initiative for a mass housing scheme to the north of the city emerged as part of this strategy and resulted in the further active implementation of the Group Areas Act by the Council. The differing levels of social and political consciousness among the Indian community in the response of the merchant class and the ratepayers' associations is discussed in section three.

(1) Municipal Government in Durban

The structure of municipal government can be conveniently categorised under three headings: the mayor and the City Council; the municipal bureaucracy ; and the advisory committees and management boards (refer to diagram 2). At the outset it must be noted that these three groups do not carry equal weight in the decision-making process. In the diagram the key decision-making positions in the Council standing committees and the bureaucracy have been highlighted in bold print since it is in the relationship between these two bodies that the key to understanding power relations at the local level is located.

STRUCTURE OF DURBAN LOCAL GOVERNMENT - 1958



In the fifties the City Council consisted of 24 members elected from 8 wards. Each ward was represented by three councillors who held office for three years staggered, with one-third of the total number of councillors retiring every year. The work of the Council was conducted by eleven standing committees, each consisting of 4-7 councillors, with a chairman who was elected from amongst the respective members. The committees were responsible for the formulation of policy and represented a two-way channel of communication, linking the Council (which settled policy) and the departmental system (which executed it) (Green, 1953: 262). The Finance Committee was considered to be the most important standing committee since most major policy proposals had to go through this committee as well as through the committee in whose functional area they fell (Purcell, 1974: 72).

The mayor was a member **ex-officio** of all standing committees with full voting rights. This practice afforded the mayor the opportunity of influencing decision-making within the standing committees. In addition, the mayor presided over fortnightly Council meetings where he had both a casting and a deliberative vote. A feature of the structure of the City Council was that the mayor was elected annually by the Council from among its members. This allowed any councillor the opportunity of being elected to this position, while simultaneously allowing for some councillors to act for long successive periods as mayor. This point is significant in light of the observations of the James Commission of Enquiry into municipal corruption in 1966 which

noted that "the natural tendency then for such councillors to take things into their own hands [could] become a positive danger".⁽¹⁾

In October 1956 certain significant changes were made to the Council electoral system. The City Council was enlarged to 30 members elected from 15 wards and biennial elections replaced the customary annual elections. Each councillor now served for four years with only one councillor from each ward standing in a given election. The prime reason submitted for these changes concerned the need to extend the life of the standing committees from one to two years since "in a large city like Durban, it is a disadvantage that committees hold office for only one year as large projects such as beach development, take a year to plan and continuity of policy is essential to avoid undue delays" (Mayor's Minute, 1953-1954: 48) . Further reasons put forward were that the work and cost of preparing for annual elections would be halved ; new councillors would have more time to "learn the ropes" ; the wards would be smaller and more manageable ; and the work of the Council would be more widely spread amongst the councillors (Ibid.).

The effects of these changes on power relations at the local level can be inferred from the work of John Purcell in his treatment of local politics in Durban over the period 1958 to

(1) Report of the Commission of Enquiry into the Durban City Council and Provincial Town and Regional Planning Commission, 1966, Part III, p.393.

(2)
1968. Purcell argued that in the late fifties and early sixties the local power structure was dominated by a machine-like Council "power group" linked to small business and property interests,⁽³⁾ and was characterised by an essentially passive attitude on the part of other councillors and the bureaucracy. These men exercised power sometimes by the threat or application of non-physical sanctions, but the main characteristic of this period was the patronage style of decision-making. Decisions were made secretly and verbally between councillors without consulting appropriate Council committees or city officials, the moving force behind many of these decisions being the payment of bribes in one form or another (Purcell, 1974: 237). One lesser member of the Milne-Osborne group observed with regard to the soliciting of bribes that "you get nothing for nothing in Durban" (*Ibid.* p. 239). Purcell further reported that in Durban when new councillors were elected, they were informed that they should co-operate with the "power group" in order to receive important committee positions or benefits for their wards (*Ibid.* p. 248).

(2) In his research Purcell analysed the politics of the White group as well as the relationship between Whites and the large, politically subordinate Indian community. The process of decision-making was analysed for both Whites and Indians using documentary evidence and interviews with Indian and White leaders as well as rank and file White citizens. His study of Durban was approached from the perspective of American community studies so that the case study would have relevance for the cross-national study of urban and local politics.

(3) For instance, Cecil Milne and Percy Osborn held the office of mayor for eleven years between them, while a third councillor, Sydney Smith, though only mayor once, was "the undisputed ruler and chairman" of the Finance Committee for over a decade (See Purcell, 1974: 262).

The James Commission (1966) discusses the business interests of Milne and Osborn.

In essence then the politics of patronage relationships was one of unequal influence. The James Commission of Enquiry reported that a multitude of minor decisions (the prices paid for land owned by councillors : the paying of bribes for advance information on town planning decisions, sympathetic treatment on licensing decisions ; and instances where councillors by-passed departmental heads and more or less forced lower echelon officials to hire friends or people to whom these councillors owed favours), were controlled by special personalistic relationships.

Alongside the patronage style of decision-making the Council continued its policy of "non-political" local government which in effect aimed to avoid all political party representation on its various advisory committees and management boards. ⁽⁴⁾ This policy was exercised via the establishment in September 1956 of separate Indian and Coloured Affairs Advisory Committees which were merely consultative bodies with no decision-making powers. According to the mayor the decision was in accordance "with the Council's policy of taking full advantage of the advice of the different sections of the community which [were] intimately affected by its decisions and actions" (Mayor's Minute 1956- 1957 : 31). A feature of these committees was the strong municipal contingent of six councillors and three board representatives, who

(4) Councillor J. Bolton stated that "the Council has decided against representation by organisations because of its policy to avoid politics" (The Graphic, 7 March 1958).

outnumbered the Indian and Coloured members (who had been co-opted with full voting rights). The Council's "non-political" stance was emphasised when Councillor J. Bolton severely criticized the NIC for introducing politics into their arguments; for repeatedly dwelling on "the question of the equal franchise", and for "always taking an extreme view" so as to be "at loggerheads" with the NIO (The Graphic, 7 March 1958).

In reality from 1956 onwards, Council 'liason' with the Indian community primarily involved the co-option of two founder members of the NIO, (P.R. Pather and A.M. Moolla) in their individual capacities onto the Advisory Committee. Both were businessmen and were considered to be "responsible" moderates by the City Council.

There appears to have been a convergence of interests between Pather and Moolla and the Durban City Council perhaps because of their similar involvement in patronage politics in their respective communities. The "accommodationist" stance of Pather and Moolla was however in direct contrast to the NIC which adopted a "confrontationist" position towards **apartheid**.

The main point to emerge from the Council's conscious efforts to co-opt Indian moderates onto the Advisory Committee was that care had been exercised to ensure that opposing interests from the Indian community would not be involved at any level of the consultation process. This was emphasised in the Council's rejection of the NIC, borne out in its statement that "the Indian

Affairs Advisory Committee was created by the City Council expressly as a forum for the ventilation of views of the Indian people upon municipal matters which concerned them, and it has always been felt that [the] Congress' attitude towards the Advisory Committee would be disadvantageous to the people whom [the] Congress represents" (The Graphic, 26 September 1958).

Alongside the City Council and the advisory committees, a vital cog in the machinery at the local level was the municipal bureaucracy consisting of city officials. The 21 permanent departments were (and still are) organised functionally, although their functions did not necessarily parallel those of the standing committees. Each department was headed by a senior official appointed by the City Council. The most important heads were the City Engineer, Town Clerk, City Valuator and Estates Manager, City Treasurer and the City Medical Officer of Health. They could not be removed from office without the approval of the Provincial Administrator. Each departmental head supervised a staff of varying size which reported directly to him. In theory all communication between the Council and the bureaucracy had to pass through the relevant departmental head in addition to the Town Clerk's Office (Purcell, 1974 : 75).

The Town Clerk was "traditionally expected to assume the role of co-ordinator at officer level", since it had become a "text book convention to regard the clerk ... as the first among equals in his relationship with the other principal officers" (cited in

Dearlove, 1979 : 129). He attended all Council meetings, and acted as a liaison officer between the public and the Council as well as between the Council and other departments. He was responsible for the proper conduct of Council business ; the storage of Council minutes and records ; and the supply of information to councillors. He advised the Council on staff matters, was the clerk of all Council committees, handled communication addressed to the Council and was responsible for the legal aspects of Council work. A former councillor has commented that a further major duty was the compilation of the Council and standing committee agendas, with the result that the Town Clerk was strategically placed to decide when issues should be tabled at a committee level.⁽⁵⁾

While the bureaucracy usually executed local decisions approved by the City Council, by the late fifties the bureaucracy was not necessarily the silent partner in the decision-making process. Purcell (1974: 244) argued that the bureaucracy as an institution had little access or influence and that councillors, by ignoring formal rules and channels, were able to neutralize the political skills and resources of most city officials. However, it is contended that the structural location of the bureaucracy and certain internal developments contributed towards the bureaucracy being a more active participant in the decision-making process than Purcell acknowledged.

(5) Personal communication, C.H. Herron (Durban City Councillor from 1972-1978) ; 2 October 1986.

The strength of the bureaucracy lay in the role it performed in initiating and defining proposals for approval by the standing committees and the Council. Thus the bureaucracy in its reports to the various standing committees, was able to influence and determine the decision-making criteria to be used by the Council. However its emphasis on universalistic, technical and cost-saving considerations resulted in the neglect of wider socio-economic and political ramifications. The bureaucracy's technical orientation not only reinforced the Council's "non-political" stance, but also resulted in greater Council reliance on their expertise and direction. It is plausible to suggest that such reliance provided the Council with a means of sidestepping difficult political issues and the subsequent pressures which these could generate.

An important development within the bureaucracy in the late fifties concerned the formation of a number of Departmental Sub-Committees (for example the Sub-Committees re Indian Housing, re Housing and re Land Transactions) whose membership comprised the senior departmental heads. These committees formulated the proposals presented by the bureaucracy to the standing committees, and consequently those recommendations which fell outside their frame of thinking tended to be neglected.

Council thus became dependent on the recommendations of the Sub-Committee for the development and effecting of major policy decisions; and because the Sub-Committee's meetings tended to be

limited to technical considerations it was assumed that qualified technical professionals would be best suited to analyse the matters at stake. ⁽⁶⁾ This meant that technical interests tended to dominate discussion and recommendations, and city councillors were generally not invited to attend such meetings although they could request to be present. Even then, their contribution was restricted to the asking of questions and they had no voting rights. ⁽⁷⁾ The swing of power away from the Council and towards the bureaucracy had far-reaching implications for the decision-making process at the local level, as will be borne out in the remainder of the study.

This discussion of the three categories of municipal government and power relations leads to the question of whether the power held by the local state is static, predetermined and coherent ; or whether it is the incremental product of ongoing struggles between councillors and bureaucrats for personal ascendancy.

(8)

(ii) "The Indian City of the Future"

The need for an Indian township to the north of Durban was first conceptualised in 1957 when the City Engineer suggested the establishment of a self-contained and self-sufficient township

(6) Personal communication, C.H. Herron, 2 October 1986.

(7) Ibid. and L.G. Vinton, (retired senior town planner in charge of the planning of Phoenix), 16 September 1986.

(8) Housing Committee Agenda, 21 May 1957 , City Engineer to Town Clerk, 17 May 1957.

(the "Indian City of the Future") on the North Coast in the vicinity of Verulam. The overflow from the city and the proposed Indian dormitory suburbs (namely Merebank and Chatsworth) would be channelled here. Although this motion was first considered by the Council in 1943 when the item was noted, the City Engineer claimed that the underlying reason for the recommendation remained the same; it being estimated that by 1976 there would be 185 000 Indians who would require "all the amenities of life to be provided in this self-contained community".⁽⁹⁾ However the Housing Committee had not favoured this recommendation because of the lack of information at its disposal and so the matter was dropped. The motion resurfaced a year later in a report by the Departmental Sub-Committee re Indian housing which offered a number of measures to help alleviate the problem of housing provision.

The Sub-Committee recognized that in the absence of suitable housing provided either by the Council or by private enterprise, the Indian people were being forced into the erection of haphazard illegal shacks without regard to public health. To combat this development it recommended that temporary dwellings be erected to relaxed standards in areas demarcated for Indian residence. It is important to note here that acceptance by the Council of this proposal meant that the Council was prepared to lower their housing standards in an effort to provide the much-

(9) Ibid.

needed housing for the Indian community and to ensure the continued reproduction of the labour force. This particular strategy was considered acceptable since it would result in a financial saving for the Council. It was also feasible since the Indian community did not have access to the local state structures to present any opposition to the provision of "second-rate" housing. At the same time existing "illegal" shacks erected by Indians in the city area were being demolished by the Council to implement the Group Areas Act. (10)

The Sub-Committee further recommended that private land-owners be encouraged to set aside areas which could be developed for Indian occupation via the erection by Indians of temporary dwellings in conformity with conditions set down by the Council. It is ironic to note that at this stage the Council appeared unwilling to accept full responsibility for Indian housing, yet, (as becomes apparent in Chapter five), when Natal Estates wished to become involved, housing suddenly became the preserve of the Council alone. Over and above the strategies already mentioned, the Council agreed that there was a need for further provision of permanent housing for Indians since it was estimated that 36 000 housing units were required over the next fifteen years. However, it claimed that with the exception of the Merebank / Wentworth housing scheme where 4 000 houses had been planned, there was "little or no land" available within the present city boundaries.

(10) Minutes of Durban City Council, 12 December 1958.

This unwillingness to house Indians within the city was continued as the Council readily complied with the Group Areas Act by deciding that the development of mass housing schemes for Indians (11) be pursued in the Umhlatuzana area (to the south of Durban) (12) and along the North Coast (both outside the city boundaries).

In agreement with the recommendations of the Sub-Committee, the Council resolved that all future Indian housing construction would be undertaken on mass production lines. Such a strategy served an important control function in terms of, for example, the planned layout of residential areas, roads and access routes to necessary services.

Along the North Coast in the vicinity of Verulam, approximately 7 000 acres was available for high density low-cost housing. The Sub-Committee recommended to the Council that an approach be made to central government (the Group Areas Development Board) to develop the North Coast scheme, whilst the Council would concentrate its efforts on the construction of Chatsworth and the Merebank / Wentworth scheme. It was considered unlikely that sufficient funds would be available for the Council to develop (13) both schemes within the next fifteen years.

(11) Five thousand acres was to be acquired by the Council in the Umhlatuzana area for the erection (beginning in 1960) of Chatsworth township, comprising 20 000 dwelling units.

(12) Minutes of Durban City Council, 12 December 1958.

(13) TCF Box 86, File 643/5 : 4, Departmental Sub-Committee re Indian Housing to Town Clerk, 17 November 1958.

The Sub-Committee report warned the City Council that should the Group Areas Development Board not agree to assist, then the many thousands of Indians who were already living in the areas set aside for occupation by other race groups, would have to remain in those areas and the Council would be unable to fully implement the Group Areas Act. (14) As it turned out, the Group Areas Board did not assist and the responsibility for Indian housing was left in the hands of the Council, who eventually established Chatsworth and Phoenix. Residential segregation was thus exercised and implemented in terms of central government policy which had been **de facto** Council policy for many decades before it became **de jure**.

In a memorandum to the City Council on the question of the Group Areas Act and Housing, the NIC called on the Council to refrain from giving effect to the Act; to cease displaying animosity towards Indians; and to abandon its plans for the compulsory acquisition of land from Indians already residing in these areas on the pretext that it needed this land for housing schemes. A further request was made to the Council to design housing projects upon existing Indian areas and to abandon its plans for uprooting settled communities from their present areas (The Graphic, 12 June 1959).

In dismissing these demands the chairman of the Housing

(14) Ibid.

Committee, Councillor J. Higginson, stated that the Council's proposals for the North Coast township "involved making representations to the Group Areas Development Board to develop this scheme as a positive instrument of Group Areas resettlement" (The Graphic, 25 September, 1959). However in his address to the annual general meeting of the Asherville Ratepayers' Association in September 1959, Higginson indicated that a decision from the Group Areas Development Board on this matter was not likely to be received in the near future. He did not speculate on any reasons for the slow government response but pointed out that the government had in the meantime appointed an internal departmental committee to investigate the question of the shortage of accommodation for Indians in South Africa.

Three years later, there was still no report on this investigation and on 20 July 1962 The Natal Mercury reported that the rehousing of Indians in Durban (some 60% of whom were living in shacks or other totally unsatisfactory conditions), was the biggest social and economic problem facing the Council. In response to this problem, Council had begun the construction of Chatsworth township. Since this scheme was due to be completed by September 1966, the City Engineer recommended that a further scheme be contemplated to the north of the city. In a report to the Housing Committee in August 1962 the City Engineer indicated that no progress had been made on this issue owing to the failure of the Group Areas Development Board to respond to the Council resolution of 12 December 1958 that the northern scheme be

developed with government resources. Furthermore, he gave no explanation on the procedures involved, or the extent of communication between the City Council and the Group Areas Development Board.

On 19 September 1962 a meeting took place in Pretoria between representatives from the DOCD and the Durban Corporation. The Corporation delegation informed the DOCD that they regarded the "northern scheme more as an obligation of the government than of the Council", although the latter would possibly consider planning and building the scheme if the total cost was met by the government. ⁽¹⁵⁾ No definite response from the government was forthcoming.

On 10 May 1963 further impetus for a scheme to the north of the city was provided by a Sub-Committee report in which the existing Indian housing position had been examined and a shortage of 24 000 houses by 1968 projected. The report recommended that the Verulam / Tongaat and Phoenix / Mount Edgecombe areas were topographically the most suitable for low-cost housing, but it made no mention of the administrative status of the proposed township. In response to the decision of the bureaucracy to investigate the Phoenix / Mount Edgecombe area for Indian housing, Natal Estates informed a municipal delegation that the

(15) TCF Box 40, File 643/1: 4, City Engineer to Town Clerk, 12 December 1962.

area "should be left alone" since its acquisition by the Council would have "the effect of destroying the profitability of one of the largest mills in the sugar industry".⁽¹⁶⁾

However on the advice of the City Engineer the Verulam / Tongaat area was rejected on the grounds that it would present difficulties with regard to the provision of transport, water and electricity.⁽¹⁷⁾ The Housing Committee's acceptance of technocratic arguments in rejecting this area indicates the influential role of the bureaucracy in prescribing the criteria for Indian housing provision.

The Sub-Committee's choice of the Phoenix / Mount Edgecombe area where water, electricity and rail access could be "more economically arranged" (and which was approximately the same distance from Durban as Chatsworth), did not meet with the immediate unanimous approval of the Housing Committee. At their meeting on 17 May 1963 Councillors A. Moelwyn-Hughes and T. Blakely expressed their concern at the removal of the Indian population away from the Borough, but the intervention of the mayor, Cecil Milne, was instrumental in the recommendations being endorsed subject to this question being discussed with the National Housing Commission and Group Areas Development Board.

(16) CEF 599/74/8/1 : 1, cited in The Natal Estates Limited to the City Valuator and Estates Manager, 24 July 1964.

(17) Minutes of Housing Committee, 17 May 1963.

At the City Council meeting of 3 June 1963 the matter was referred back to the Housing Committee with similar criticisms to those of the minority members in the standing committee being voiced. C. Williamson argued that "it was shocking that the Council, after opposing the zoning of the central Indian areas of Durban should now accept the principle that they should be removed entirely". Councillor G. Hardman issued a warning about future Indian mass housing development when he said that "the City Council, by building Chatsworth, was taking part in the development of what was going to become one of the most colossal slums the country had ever seen" (The Daily News, 4 June 1963).

The Housing Committee reconsidered the matter on 21 June 1963 and reaffirmed its original recommendations to the City Council. Again Moelwyn-Hughes expressed his disapproval in the matter suggesting that before the Council embark on any scheme to the north, further investigations be made to find suitable land within the city, or at least in closer proximity than the Phoenix / Mount Edgecombe area. The chairman, Sol Harris, attempted to override Moelwyn-Hughes' objection by pointing out that the envisaged proposal was a matter of principle. He added that a large area of land was required for Indian housing in a comparatively short time and that "the Council was merely being asked by the Sub-Committee to bring to the notice of the government departments concerned, the facts pertaining to the future requirements for Indian housing".⁽¹⁸⁾ This was not entirely

(18) Minutes of Housing Committee, 21 June, 1963.

true as the Sub-Committee was in effect seeking full Council approval for the Phoenix scheme.

The Council referred the matter back to the Housing Committee again on 1 July 1963 and while this matter was being debated by the Council, opposition from certain sectors of the Indian community had emerged. A feature of this response was that the the Indian community was not united in voicing its opposition to the north Durban scheme proposal. Because of their strong disapproval of the Group Areas proclamations, the NIC had become a victim of an ostracisation campaign waged by the City Council in the late fifties. This had been followed by heavy central state clamp-downs which hampered its ability to function as an effective organisation. Hence the NIC was not in a position to collectively organise and structure Indian opinion on this matter.

With the NIC sidelined, the Indian people did not have an organisation through which their opposition could be effectively channelled. As a result the "Indian response" comprised the appeal of the commercially-oriented Pather and Moolla on the one hand; and the ratepayers' associations of Mayville and Greyville, and the Cato Manor Indian Ratepayers' Coordinating Council⁽¹⁹⁾ on

(19) The Council was a federal body representing the Mayville Indian, Mayville North, Stellawood, Cato Manor Housing Scheme and Cato Manor Trimbourn Road Ratepayers' Associations (Personal communication, P. Seebran, former president of the Cato Manor Indian Ratepayers' Coordinating Council, 24 September 1986).

the other. However these two groups had a different grasp of the same reality. Pather and Moolla had involved themselves in the advisory bodies and had generally adopted a conciliatory attitude towards the structures created by the Council for Indian representation. But their ability to represent a broad section of Indian opinion was questionable given that the NIO had been non-operative since 1958 (The Graphic, 19 September 1958). On the other hand, the ratepayers' associations were no better placed to speak on behalf of the Indian community in Durban since they were largely area based, and had attempted to safeguard the interests of their ratepayers through the independent lobbying of the City Council. It is to the substance of the differing Indian responses that the focus is now turned.

(iii) The "Indian Response"

The opposition from the ratepayers' associations operating within the Greater Durban Area was voiced from the middle of 1962 when the Sub-Committee was formulating its recommendations for the establishment of the northern housing scheme. The Mayville Indian Ratepayers' Association expressed the fear that the Housing Committee's plans would result "in the destruction of the legitimate rights of the Indian community to live in Durban. There [was] sufficient space within the area of Durban for the establishment of an Indian Housing scheme and since Indians [had] made a tremendous contribution towards the prosperity of Durban, why should they now be deprived of enjoying their

(20)
rightful share of the city and the fruits of their labours?".

The Association further argued that "the City Council [was] most desirous of establishing an Indian housing scheme to house Durban Indians right out of sight, and to achieve these ends [played] on the ready made excuse that it [was] government policy to do so". (21)

Similar sentiments were expressed by the Cato Manor Indian Ratepayers' Coordinating Council. It viewed "with alarm the proposals to establish an Indian housing scheme near Verulam ... on the grounds that it [was] unjust to remove [the Indians] 13 to 15 miles away from Durban". (22) Dhanpal Naidoo, secretary of the Greyville Indian Ratepayers' Association, summed up the evolving Indian antagonism towards the City Council: "under the guise of providing housing for the homeless Indians, the Council seems to be working hand-in-hand with the government to clear Durban of all non-whites and make it a wholly white area" (Daily News, 6 June 1963).

The arguments presented by the ratepayers' associations were largely political in content. There was general agreement that the Durban City Council should refrain from the implementation of the Group Areas Act by refusing to embark upon the planning of a

(20) TCF Box 43, File 643/5 : 6, Mayville Indian Ratepayers' Association to Councillor Milne, 27 August 1962.

(21) Ibid. Mayville Indian Ratepayers' Association to Town Clerk Clerk, 15 October 1962.

(22) Ibid. Cato Manor Indian Ratepayers' Coordinating Council to Town Clerk, 23 October 1962.

mass housing scheme outside the boundaries of the city. However the local state, in its attempt to be "non-political", ignored the arguments being put forward by the ratepayers' associations who in turn had no effective channels for seeking recourse.

Consequently the opposition from the ratepayers' associations subsided and the direction of the "Indian response" (in the form of Pather and Moolla) turned to focus on the choice of the area. Unlike the views held by the ratepayers' associations, Pather and Moolla initially believed that the Council was sincere in not wishing to remove the Indian community away from the central city area (The Graphic, 14 March 1958). Hence their disagreement with the Council proposal revolved only around the siting of the new scheme at Phoenix / Mount Edgecombe.

The area of land suggested by Pather and Moolla as an alternative site for Indian housing development was situated roughly between Kwa Mashu, Richmond farm, the Umgeni River and Sea Cow Lake. This area was closer to Durban than the area earmarked by the Council and consisted of 5 000 acres. However most of this land was considered by the City Engineer to be topographically unsound for low cost high density development, although he did acknowledge that 1 000 acres of the area could be developed, but not as economically as in a scheme comprising several thousand acres. (23)

(23) Housing Committee Agenda, 27 February 1964, City Engineer to Town Clerk, 13 February 1964.

The City Engineer's criticism that this land was not served by water-borne sewerage was regarded by Pather as "merely clouding the issue" (Natal Mercury, 4 March 1964). The City Engineer further pointed out the absence of a railway service and noted that even if 1 000 acres were developed, it would only cater for about 3 000 housing units; the equivalent of one year's demand. Hence "in view of the serious consequences of delaying a decision" the City Engineer urged the Housing Committee to rather adopt the Phoenix / Mount Edgecombe proposal as recommended in (24) the Sub-Committee report of 10 May 1963.

Following the Housing Committee's endorsement of the Sub-Committee's recommendations and their rejection of the alternative site, Pather and Moolla reformulated their grievances to the extent that they now concurred with the fears expressed approximately two years earlier by the ratepayers' associations. Pather claimed that the "architect of the scheme, A. Kinmont, [the City Engineer, wanted] to send the Indians as far away as possible from the city centre" (Natal Mercury, 4 March 1964). This attitude reflected a change in Pather's thinking. He added that "the undue haste with which the City Engineer's proposals were accepted by the Housing Committee [did] not augur well for the future of Durban's Indian Community" (Ibid.). The editorial of The Graphic on 6 March 1964 echoed similar sentiments when it commented : "it would appear that every Indian will be forced to leave areas he has developed and start afresh in the bundus."

(24) Ibid.

Councillor P. Geary took "strong exception" to the allegations that the Housing Committee was acting with "undue haste". She argued that the City Engineer had first recommended the construction of the scheme in May 1963 and since then the matter had been discussed by the Housing Committee and the Indian Affairs Advisory Committee (Natal Mercury, 5 March 1964). The City Engineer added that since Chatsworth was to be completed within four years, it was necessary to be ready with a new scheme so that building teams could immediately be switched to the new area (Ibid.). The City Engineer's overriding concern with the efficient deployment of the building teams from Chatsworth to Phoenix (as opposed to the need for Indian housing) is prominent throughout his correspondence to the Council re this matter.

The choice of area was again discussed by the full Council on 2 March 1964 but was referred back to the Housing Committee. In the interim, support for the views held by the ratepayers' associations, and Pather and Moolla, came from the former chairman of the Housing Committee, J. Higginson. He argued that "if the Council co-operated with the government by carrying out Group Areas legislation it would amount to a breach of faith, and lead to the loss of a tremendous [amount] of confidence and goodwill which had been built up between Indians in Durban and the Council" (Natal Mercury, 19 March 1964). It is difficult to comment on the sincerity of Higginson's concern, but such sympathy with "the Indian housing problem" from an ex-Councillor was an exception to the norm since the Council generally had a

poor history of liason with the chosen leaders of the Indian population.

In fact the Council's perception of the matter was reflected in Councillor Pat Geary's somewhat naive response to Higginson's criticisms : "I assert that this proposed township has got nothing to do with the Group Areas, displaced persons being only one small factor in many. The main reason for the scheme is that there are literally thousands of Indians badly housed, in many cases living under deplorable conditions, verging on slums - a disgrace to the fair name of Durban" (Natal Mercury, 23 March 1964).

Such a comment illustrates how the Council deliberately sidestepped the fundamental issue that "the Indian housing problem" could not be understood in terms of the housing shortage alone. Council's use of quantifiable arguments aimed to absolve the Council of any responsibility for the creation of the initial shortage of housing for Indians. However the inadequacy of the Council's response to the provision of housing for Indians right up until the sixties, resulted in the sudden urgency for Council to embark upon mass Indian housing development to offset the impending crisis. (25)

A small concession was made to the Indian community when the

(25) Mass housing schemes in group areas coincided directly with central government policy for 'non-White' housing and control.

Housing Committee agreed that an inspection be made of the areas of land suggested by Pather and Moolla, as well as that suggested by the City Engineer. This was carried out on 1 April 1964 whereafter it was agreed that both areas could be utilised for Indian housing development. In real terms this gain was insignificant for at the City Council meeting on 7 April 1964, the Housing Committee adopted a resolution that the area at Phoenix / Mount Edgecombe be approved in principle as the most suitable area for future Indian housing development (and the area suggested by Pather and Moolla was not utilised). It further agreed that the owners of the land be informed of the Council's intentions, and that discussions be held with the Group Areas Development Board concerning the possibility of the Board accepting financial responsibility for the scheme.

(iv) Conclusion

Chapter four has explored the conception of Phoenix and in so doing has offered an explanation of the workings of the local state and its Indian housing policy in Durban during the late fifties and early sixties. The nature of power at the local level was analysed through a study of the relationships between the City Council and the bureaucracy, and the City Council and Indian community, as revealed in the conception of Phoenix.

This analysis revealed a number of relevant findings. For instance, the Durban City Council was seen attempting to adopt a

"non-political" stance in the running of the city's affairs. However, in the face of the vigorous implementation of **apartheid**, and the central government crushing of Black political and community organisations, the City Council's "apolitical" stance was ironic as it served to reinforce central government political ideology. This was borne out in the Council's refusal to acknowledge the views of the NIC with regard to Indian representation and local housing policy. Furthermore the Council was seen to negotiate only with "moderate" Indian "leaders" of its choice, as the conciliatory attitude of these "leaders" did not pose a threat to the Council. This refusal to liaise with popular Indian leaders was a conscious decision by the Council to exclude the views of a major sector of Indian opinion who posed a direct threat to the successful functioning of the Advisory Committee.

Council's disregard of the opinions of the NIC and its dependence on Pather and Moolla for Indian representation on the Indian Affairs Advisory Committee illustrates how the different class positions and interests of these two factions affected their political consciousness and the creation of local state institutions. This bears out Duncan and Goodwin's (1982) argument that unevenly developed social relations and social consciousness influence the formation of local state institutions. The "confrontationist" stance of the NIC and its absence from any Council-created bodies, assisted in determining that the Advisory Committee was destined to assume a "moderate" direction, without

being truly representative of Indian opinion. The effects of this development, coupled with the Council's absence from key decision-making bodies within the bureaucracy, resulted in greater Council reliance on the technocrats for initiating and formulating Indian housing policy.

The analysis further highlighted the growth in the power of the bureaucracy and the subsequent demise of the City Council as an effective decision-making body. The explanation for this 'transfer' of power may lie in the fact that in the years prior to the James Commission, much of the Council authority was rooted in the charismatic personalities of individual councillors. In the early sixties however, the death of Councillors Moelwyn-Hughes and Harris, and the barring of Osborn and Milne from holding Council office as a result of the findings of the Commission, contributed to this shift in power relations at the local level. This movement was facilitated by the structural location of the bureaucracy in municipal government, the accession to power of stronger departmental heads, and the formation of a number of internal Departmental Sub-Committees which performed the important role of formulating and sanctioning the recommendations to be submitted to the various standing committees. X As such the conception of Phoenix was determined by a "bureaucracy-centred coalition" entered into between the senior bureaucrats and their Council supporters. The Council in turn relied on the technocrats not only because they were considered experts, but because by so doing they could sidestep the presence of a range of political issues, and not question fundamental

assumptions. The bureaucracy thus became the "senior partner" in the alliance and the Housing Committee became dependent on the initiatives of the bureaucracy for the preparation of the proposals for the Phoenix housing scheme. The City Council proved not to be an important decision-maker except in the formal sense of approving proposals developed in the bureaucracy.

The consolidation by the bureaucracy of the Phoenix scheme proposal illustrates how local social transactions take place in local state structures, specific to local areas. Such transactions are relatively autonomous from those taking place in the central state. However, it needs to be qualified that the central state through its policy of **apartheid** created the broad framework from within which the local state operated. Opposition came from the minority members of the Housing Committee, two other councillors, the ratepayers' associations, and Pather and Moolla. Those councillors who disagreed with the Phoenix proposal argued that its acceptance would reinforce the Group Areas Act and force Indians to live a considerable distance outside the central city. This latter criticism had first been voiced by the ratepayers' associations, and later by Pather and Moolla once their alternative area for housing development had been rejected by the bureaucracy. However the establishment of Phoenix would enable the Council to house Indians in a planned and structured township which would facilitate easy control should unrest occur, while also assisting in the reproduction of a healthy labour force vital to both commerce and industry.

The opposing perspectives held by members of the Housing Committee and the Indian community reflected the existence of a differing level of political and social consciousness. The position of the Indian community, had been weakened by the clamp-down on the activities of the NIC, and consequently lacked an organisation capable of mobilizing the people in order to rally support against their intended removal from Durban. Hence the Indian community was disparate in the presentation of its response, and together with the minority members of the Housing Committee, was unable to impress upon the Council the need to reconsider its proposed mass housing scheme development. Their position of "limited flexibility" was in the main mediated by the bureaucracy who through its constant submission of reports, urged the Council to adopt its recommendations for the establishment of Phoenix.

It is apparent then that the Council realized the need for further Indian housing, but in the events leading to the decision on this matter, the Council ignored the political and moral arguments being waged against its implementation of the Group Areas Act. In addition, the bureaucracy was instrumental in providing the Council with the necessary "technical expertise" which it needed to make its decisions. In the Council's defence it is noted that it did defer for further investigation a number of Sub-Committee reports. However, it failed to seek outside professional assistance to verify the Sub-Committee recommendations, while also consciously excluding the opinions of

various Indian community and political organisations. Council finally gave its support to the Phoenix proposal primarily because of pressure exerted by the bureaucracy who also presented Council no alternative to the Phoenix housing scheme proposal. The Council approval for the scheme in April 1964 was significant in that it confirmed the balance of power in favour of the bureaucracy at the local level, and set the pattern for the future dependence of the City Council on the recommendations of the technocrats with regard to the establishment of Phoenix.

CHAPTER FIVE

THE BUREAUCRACY AT WORK : TOWARDS THE ACQUISITION OF LAND AND CONTROL OVER HOUSING, 1964 - 1970

Chapter four identified the increasing dependence of the Durban City Council on the technical 'experts' for the conceptualisation of the Phoenix project, while simultaneously disregarding Indian opinion on this matter. Chapter five covers the period in which the City Council set about acquiring the necessary regional and central authorities' support as a pre-requisite for the acquisition of the land at Phoenix. The chapter also covers Natal Estates' separate proposals for the development of a private township on this same land.

The process of obtaining the approval for the housing scheme was lengthy and spanned some six years before the Council was able to secure their initial land requirements. Section one deals with the period in which the bureaucracy was involved in a series of protracted negotiations with a major land owning and sugar producing company (Natal Estates) at the local level, and also with regional and central government.⁽¹⁾ The bureaucracy at the central level emerges as an uncoordinated and poorly integrated unit, stalling over Council's application to establish Phoenix. Initially the regional and central government and Natal Estates

(1) In Max Weber's conception of the bureaucracy as an ideal type of rational - legal - authority structure, it was argued that the norm of impersonality would ensure impartiality, rationality and efficient operation of the bureaucratic structure (cited in Prasad, 1974: 6). In contrast however, this study indicates the strong personalistic influence of certain senior bureaucrats.

were unsupportive of the Council's proposals, and a struggle developed in which the Council fought to maintain its control over the provision of Indian housing.

Section two illustrates how the technocrats were instrumental in lobbying the support of the central government so that both central and local government could join forces to refute the housing proposals of Natal Estates in favour of the Council. Section three covers the decision by Natal Estates in 1968 to establish a major residential complex on their land in response to the continual loss of sugar cane land since the 1950's for residential and industrial purposes. This action by the Company together with their unwillingness to part with their land to the Council resulted in a confrontation between the Company and the local state. In the process the local state assumed the role of advocate for the Indian people in respect of housing provision and argued strongly against private enterprise becoming involved in Indian housing. This tactical shift in the Council's argument will be shown to represent an attempt by Council to maintain control and thwart competition. Since the interests of the Company were not directly represented on the Council, there were no direct avenues for communication with the decision-making bodies at the central level. Consequently the possibility of the Company's proposals for a private township being favourably considered by the authorities were minimal.

The Company's development proposals brought a sharp response from

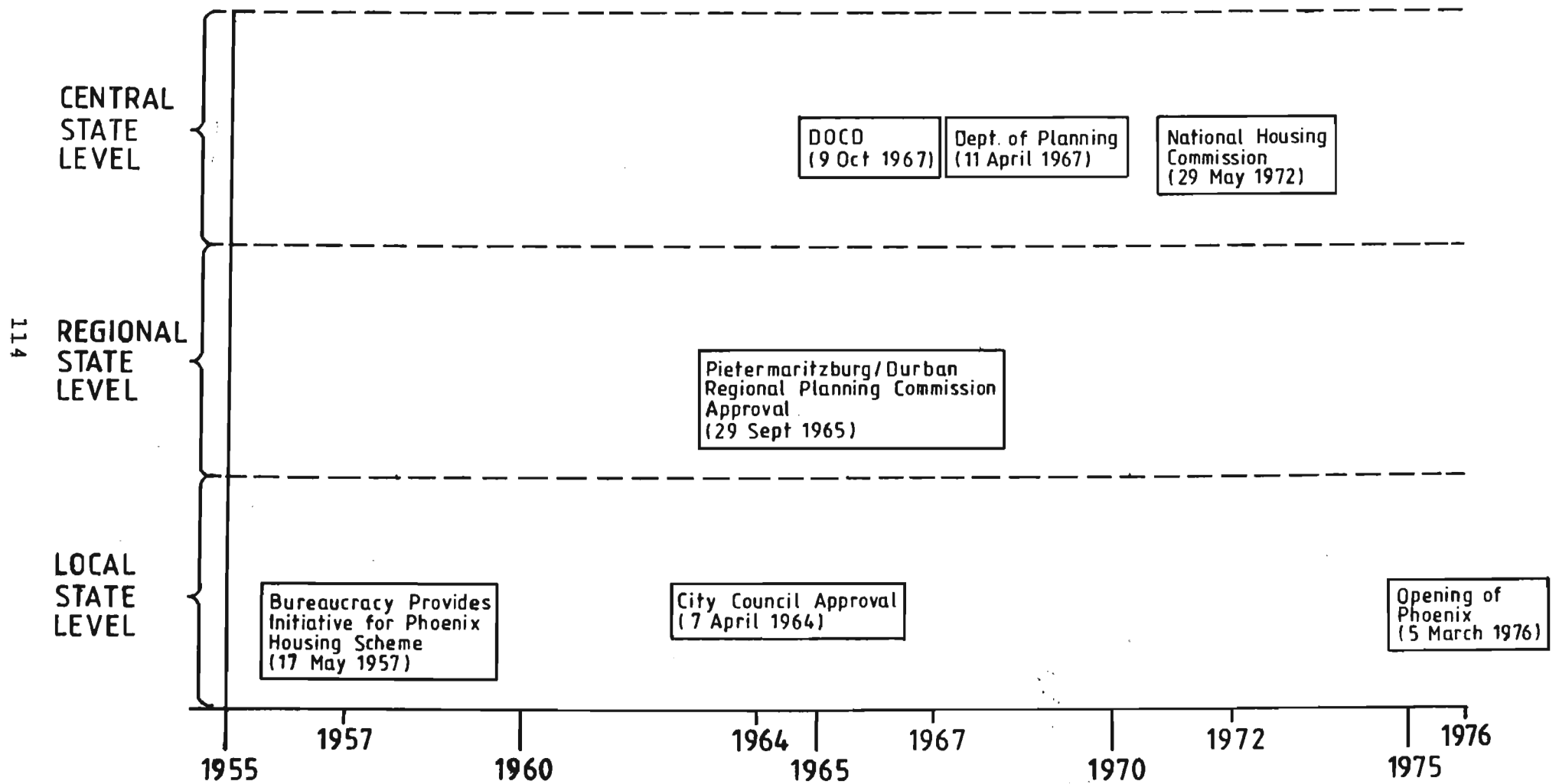
the City Council who decided that the Company should be resisted from proceeding with the development of their land which had already been earmarked by the Council for acquisition. In the meantime, the City Council continued to seek central government authority and a situation arose where the Council was in the process of acquiring the land in terms of the Housing Act without having secured all the necessary central government approval. Thus finding itself in an awkward position the Council approached the DOCD to assist in this matter and to help expedite the progress of the acquisition of the initial land requirements. This acquisition is dealt with in the fourth section of the chapter.

(i) The Battle Lines Extended - New Forces Enter the Fray

Following the City Council's approval of the Phoenix scheme it was then necessary for the Council to obtain regional and central government authorisation, and to inform Natal Estates of their proposal. Diagram 3 represents a flow chart of the various state levels and respective bodies involved in the establishment of Phoenix in relation to the time sequence involved for the scheme to reach fruition.

The government was first informed of the Council's proposals on 26 June 1964 at a meeting between representatives of the City Council; the Minister of Housing; and the Chairman of the National Housing Commission. The mayor stressed the urgent need

FLOW CHART FOR HOUSING SCHEME APPROVAL
FROM LOCAL TO CENTRAL LEVEL - THE
EXAMPLE OF PHOENIX



for the Council to provide further housing prior to the completion of Chatsworth, and in this regard referred to the suitability of the land in the Phoenix / Mount Edgecombe area.

One month later the Council informed the Company of its plans for the usage of their land. In response Natal Estates voiced their "great concern" at the decision of the Council to investigate an area of their cane land, stating that it was prepared to co-operate with the Council in the development of Indian housing in the Effingham / Newlands area but not in Phoenix. (2)

It must be borne in mind that at this time Chatsworth was already being built to the south of Durban, while the Group Areas Act prevented the development of Indian housing within the main residential areas of the city and to the west, since these were reserved for occupation by Whites. Thus the North Coast region represented the only area available to the Council in their consideration of future mass housing for Indians.

Although the Council approached the DOCD about their proposed scheme at Phoenix it was the Department of Planning who advised that although the Council might eventually have to seek land outside the city to house its Indian population, there was enough land in Chatsworth to meet the demand "for some time to

(2) CEF 599/74/8/1 : 1, The Natal Estates Limited to the City Valuator and Estates Manager, 24 July 1964.

come" since only half of the 19 000 housing units for Chatsworth
(3)
had been completed.

At the same time the City Council had set about securing regional acceptance for their proposal. On 4 December 1964 the Pietermaritzburg / Durban Regional Planning Committee considered a report called 'The Future Indian Housing Requirements for the City of Durban' in which the City Engineer laid down the five criteria he considered necessary to achieve a satisfactory housing scheme. He stated that the land had to be acceptable in terms of the Group Areas Act, geologically and topographically suitable, served with transport routes, accessible for the provision of services and large enough to
(4)
enable the use of mass production building methods.

The overriding of moral and political issues and the social choices of individuals by technical criteria in the sixties may be explained in terms of the following three factors. Firstly the Council's conscious attempts to exclude Indian opinion during the thirties to the fifties together with the central state's clamp-down on Indian organisations and leaders in the sixties, meant that the Council was dependent on the City Engineer's Department to set the criteria for a satisfactory mass housing scheme. It

(3) Housing Committee Agenda, 10 December 1964 , L.Botha to Town Clerk, 18 November, 1964.

(4) TCF 643/5 : 10, Box 43, City Engineer to Director, Town and Regional Planning, 9 November 1964.

also provided a way-out for the Council who would then not have to take the responsibility themselves for any criticism voiced against the set technical criteria. Secondly, "human" issues tended to be overridden because of the largely technical training of the engineers, architects and planners employed by the City Engineer's Department. Thirdly, through their professionalisation it is probable that these technocrats have been socialised into believing that their own expertise is sufficient to qualify them to meet the needs of the city. It was only at a much later juncture (in 1982), that the City Engineer's Department finally conceded that housing should "cater for ... the aspirations of the people", and be planned "in consultation between future residents and town planners".⁽⁵⁾

After consideration of the various factors involved, the Regional Planning Committee found itself unable to reach a decision regarding the feasibility of the Phoenix scheme because there was insufficient information regarding the population potentials of various areas available for Indian settlement; there was insufficient information regarding future increases in the Indian population; and because The Natal Estates strongly opposed the City Council's proposals as it would adversely affect the sugar industry.⁽⁶⁾

(5) See the brochure on Phoenix New Town published by the City Engineer's Department (1982: 3 and 4).

(6) Cited in TCF 643/5 : 10, Box 43, City Engineer to Director, Town and Regional Planning, 26 May 1965.

The matter was consequently deferred pending a detailed investigation to be undertaken by the staff of the Town and Regional Planning Commission and the City Engineer's Department. In this way co-operation was secured between local and regional levels of government, thereby allowing the bureaucracy the opportunity to lobby the support of the Commission for their proposal. Significantly Natal Estates were not part of this investigatory team and hence their particular interests would not be directly represented.

In an attempt to break the deadlock over their opposing views the mayor and the main Heads of Departments met representatives of the Company to discuss the "possible basis of negotiation for the acquisition of some 7 700 acres of land required for housing purposes in the Phoenix area". Although the Company stressed that they were not willing sellers, (particularly as some of the land was suitable for industrial purposes which would increase its value), Chris Saunders indicated that the lowest price the Company would be prepared to consider, was R 600 per acre. On the other hand, the City Valuator and Estates Manager indicated that he valued the land at R 350 per acre. ⁽⁷⁾ There was no indication of the criteria being used by the two parties to arrive at their independent valuations. It seems then that the Company opposition to the Council proposal was not as rigid as first indicated in

(7) TCF 643/5/3 : 1 , Notes of meeting held in Mayor's Office in regard to Natal Estates Land at Phoenix, 29 June 1965.

May 1963 and that they would seriously consider selling their land if adequate compensation could be secured. (8)

An important development designed to assist the City Council with the planning of certain areas in Durban was the establishment of the State Committee re Housing. (9) At its first meeting on 29 July 1965 the mayor intimated that the Council look to the Committee for support in expediting government approval to acquire the land for its scheme to the north. However, H. Nel was not entirely supportive and repeated the Department of Planning's view that "Newlands should be developed first and that Phoenix / Mount Edgecombe was something for the future" after the Council had submitted its proposals to the Department of Planning. The bureaucracy at the central level emerged as uncoordinated and fragmented; Nel submitted that the DOCD was unable to dictate to the Department of Planning where it should plan, and pressure could not be placed in favour of any particular area until the area had been proclaimed as a group area by the Group Areas Board.

In an attempt to speed matters up, this subject came before the Pietermaritzburg / Durban Regional Planning Committee again. The

(8) Access to the records of Natal Estates may have enabled the researcher to explain why the Company, as unwilling sellers, was prepared to meet with the Council and discuss selling prices.

(9) The following persons sat on this committee : Dr. V. Shearer (mayor), H. Nel (Deputy Secretary, DOCD), C. Hands (City Engineer) and Professor T. Louw (National Housing Commission).

City Engineer reported that his Department was prepared to compromise and accept the development of mass housing at Newlands providing the Phoenix scheme could proceed simultaneously. He argued that the situation had arisen whereby large numbers of illegal Indian shacks had been erected in various parts of the city, and thereby indicating the inability of Indian families to find suitable accommodation. (10)

In light of the increasing shortage of Indian housing, the unsuitability of other land for low-cost housing and the growing pressure from the bureaucracy in Durban, the Regional Planning Committee agreed to support the proposal of the City Council. There was a proviso that the southern portion of the land at Phoenix adjoining Kwa Mashu be reserved for industrial development, and that the western portion of the Newlands area be simultaneously developed for Indian housing. (11) This latter decision was a direct response to the compromise offered by the City Engineer and shows the capacity of a higher level of government to enact decisions based on local initiatives.

The Town and Regional Planning Commission acceptance of the Council plan took nineteen months and was crucial as it gave the City Council further support against objections raised by The Natal Estates. This support enhanced the position of the Council

(10) TCF 643/5 : 10, Box 43, City Engineer to Town and Regional Planning Commission, 26 May 1965.

(11) TCF 643/5/3 : 1, Pietermaritzburg / Durban Regional Planning Committee to Town Clerk, 4 October 1965.

when approaching the various central government bodies for their approval. At the same time it apparently reduced the Company to a position of negotiation with the Council over the sale of their land. Soon afterwards, on 1 November 1965, the City Council adopted a resolution stating that the DOCD and the Department of Planning be informed of the regional decision and that they take the necessary steps under the Group Areas Act to proclaim the Phoenix and Newlands areas for Indian occupation. The Departmental Sub-Committee re Indian Housing was requested to submit a broad outline scheme for the development of the areas with preliminary estimates of cost, and the City Engineer was authorised to map the Phoenix / Mount Edgecombe and Newlands Indian Housing Scheme areas.

On 9 November 1965 the Town Clerk furnished the DOCD with a letter of application for the approval of Phoenix. In their reply the DOCD confirmed that their position towards the establishment of the Phoenix housing scheme remained as that stated during the first meeting of the State Committee re Housing on 29 July 1965.⁽¹²⁾ It is apparent that the government was stalling in coming to a decision, possibly because of the low priority afforded to Indian housing provision. At that time the government was concentrating on the provision of Coloured housing at Atlantis and Mitchell's Plain in Cape Town.⁽¹³⁾

(12) TCF 643/5 : 1, DOCD to Town Clerk, 2 December 1965.

(13) Personal communication, L.G. Vinton, 22 September 1986.

With no further response forthcoming from the DOCD, the City Engineer again attempted to lobby central government support for the Phoenix scheme via the submission of population statistics and economic criteria. He advised that there were two main factors which had created an extreme urgency in the matter. Firstly, there was an immediate need to provide tens of thousands of housing units for the 250 000 strong Indian population which was growing rapidly. Secondly, the Departmental organisation which had been built into an efficient machine in the establishment of Chatsworth was rapidly approaching the stage where it would have to be reduced or even broken down if there was no assurance of continuity of work. (14)

As part of the preparatory work for the scheme, and in accordance with a directive from the Council on 1 November 1965, the Departmental Sub-Committee re Indian Housing tabled a report to the Housing Committee on 25 August 1966 revealing their plans regarding the establishment of Phoenix. (15) Development of the township had been planned over seven years beginning in 1968, but it was not foreseen that full development would be immediately achieved since it was ultimately dependent on the availability of funds. Furthermore, the report recommended that while the

(14) TCF 643/5/3 : 1, City Engineer to Department of Planning, 27 April 1966.

(15) The township was to cover approximately 7 560 acres at a cost of R 25 million, and would supply some 270 000 people with 30 000 dwelling units (18 400 houses, 8 250 flats and 2 600 better class houses under the loans to individuals scheme) (The Graphic, 26 August, 1966).

area be initially incorporated into Durban, it anticipated that it would eventually be declared a self-governing local authority.

However the Sub-Committee pointed out that the Council faced a problem in fixing the standard of services to be provided, as this factor would have an important effect in deciding how soon the township could be granted self-governing status. The Sub-Committee identified the dilemma facing the Council by stating that if the bare minimum of facilities were provided the residents would not be encouraged to strive for autonomy and financial self-sufficiency, but on the other hand, if facilities were provided too lavishly it could be a long time before they would be able to administer the township themselves. The report fails, however, to explain why it believed that both situations would result in the same consequence.

The Housing Committee endorsed the Sub-Committee's recommendations and on 29 August 1966 the City Council adopted a resolution seeking the approval of the Minister of Community Development for the acquisition of the land in the Phoenix /
Mount Edgecombe / Newlands area for Indian housing purposes. (16)

(ii) Central - Local Cooperation Against Natal Estates

While the Council was seeking central government authority for

(16) This was indicated on City Engineer's Plan No. 1809.195.

the approval of the Phoenix housing project Natal Estates, in a surprising move, submitted a Need and Desirability Application on 1 February 1967 to the Town And Regional Planning Commission, (17) Pietermaritzburg, to develop a section of their land themselves. The City Council had already attained regional approval and had produced an outline scheme for this same area indicating preliminary estimates of cost. Furthermore, the Council was in the process of securing the approval of the various central state bodies while the Company had earlier indicated to the Council that they were willing to sell their land at R 600 per acre.

In the Council's defence, the City Engineer argued that "the Corporation, with its vast experience and resources in developing both industrial areas and non-European housing schemes, [was] in a better position than a private body to develop the Phoenix / Mount Edgecombe area, and that the development by a private concern would jeopardise the Council's proposals in the area". (18)

Support for this opinion came from the Planning and Development Control standing committee when it agreed to oppose the proposal by the Company to develop the 1 650 acre industrial township to the north of Durban (The Natal Mercury, 13 April 1967).

(17) Natal Estates made application to develop Melkhoute Kraal, Lot 19 of No. 1555, Lot 22 of No. 1543 and Lot 20 of No. 1557 Victoria County which was, in effect, the same land required by the Council for Phoenix.

(18) CEF 599/74/8/1: 1, City Engineer to Town and Regional Planning Commission, 23 February 1967.

In June 1967 talks were held between the DOCD and the Housing Committee where the secretary for the DOCD was requested to use his influence to speed up the zoning of the Phoenix / Mount Edgecombe area, so that the Council could proceed with its proposed Indian township (The Daily News, 15 June 1967). However, Natal Estates claimed that the Council's intentions to develop the area at Phoenix had only just come to their notice through the recent press report and they wished "to make it perfectly clear that [they had] no intention of disposing of any of their land to any outside body".⁽¹⁹⁾ The City Engineer was "somewhat surprised" at this response, for in May 1963 the Company had been advised of the Council's proposals by the said mayor, and tentative negotiations for the purchase of the land⁽²⁰⁾ had been instituted by the City Valuator and Estates Manager.

At the Housing Committee meeting on 14 September 1967 the Deputy City Treasurer (Accounting and Finance) pointed out that it was likely that the Company would provide the better type of housing, but that it would not achieve the same density of development as the Council and thus would not meet the needs of the majority of the people. In an attempt to hasten central government approval, the Town Clerk further corresponded with the Secretary for Planning on 26 September 1967. He reiterated the Council stance

(19) TCF 643/5/3/ : 1, The Natal Estates Limited to Town Clerk, 5 July 1967.

(20) Ibid. City Engineer to Town Clerk, 16 August 1967.

that "in the interests of the Indian community as a whole no body other than the Council must develop the Phoenix / Mount Edgecombe area".⁽²¹⁾ Council's sudden attitude of responsibility for the well-being of the Indian people reflects a change from earlier responses and presents an interesting contradiction, considering that there had been no consultation with Indians regarding the choice and planning of Phoenix. It is surmised that the threat posed by Natal Estates was a contributory factor to this newly adopted stance.

After a delay of almost two years the DOCD gave their approval for the Council to acquire the land in the Phoenix / Mount Edgecombe / Newlands area and to obtain the necessary permit from the Department of Planning.⁽²²⁾ The Departmental Sub-Committee re Housing requested the City Valuator and Estates Manager to continue negotiations with Natal Estates for the acquisition of the land even though the approval of the Department of Planning was still outstanding. At this time the Council had not yet informed the remaining Indian property owners within the area of their proposals for the Phoenix housing scheme, as the focus had been concentrated on acquiring the land from the major property-holder in the area.

On 11 April 1968, the Secretary for Planning informed the Town

(21) Ibid. Town Clerk to Department of Planning, 26 September 1967.

(22) Ibid. Regional Representative, DOCD to Town Clerk, 9 October 1967.

Clerk that the Minister of Planning had approved the recommendation of the Group Areas Board that the Phoenix / Mount Edgecombe area be proclaimed for Indian ownership and occupation. There was therefore no objection in principle to the acquisition and development by the Council of the land prior to its proclamation. Council was requested to arrange for the area to be surveyed and beacons.

Meanwhile the Company continued to be an unwilling seller of its land to the Durban City Council. Despite Company objection to its proposal, the Council had secured the support of the Pietermaritzburg / Durban Regional Planning Committee, the DOCD and the Department of Planning. This consensus at all three levels of government strengthened the position of the City Council in their attempt to secure the major portion of the land from the Company.

(iii) The Development Proposals of Natal Estates

Natal Estates had not given up hope of developing their own land and a year after the submission of their application to the Town and Regional Planning Commission, the Company adopted a report which would act as a "form of guidance to ensure the harmonious usage" of the Company's land. ⁽²³⁾ This had been

(23) TCF 643/5/3 :1, Report on an Outline Plan for the Ultimate Usage of the Company's Land, 27 February 1968.

necessitated by the increasing demands since the early 1950's for cane land to be used for industry and residential townships. The report encompassed large scale plans for the development of all the cane land in the ownership of the Company. It visualised that the total area would ultimately be developed for White and Indian residential purposes, and consist of all the necessary amenities such as roads, sewerage, water supply, open spaces, schools and shopping areas. Provision had also been made for the industrialisation of large acres of land.

The Company's outline plan involved the creation of a "new city" responsible for the provision of its own public services and completely autonomous in respect of administration. It was to be built on Company land in the Phoenix / Mount Edgecombe / Ottawa area with an eventual population in the region of (24) 400 000 people. The report considered this area to be conveniently situated for all race groups and adequately separated the Indian from White areas for residential purposes.

The scheme would accommodate 176 000 Indians, 79 500 of whom would be from Durban, while the housing of Indians from Durban was regarded as part of a "long-term development plan". The Departmental Sub-Committee re Housing argued that the Company's proposals for Indian residential development, together with certain land which it had indicated for industrial development,

(24) 5 701 acres had been allocated for subdivision into 22 200 lots for Indian resettlement on both sides of the North Coast Road with a density of 6-10 sites per acre.

would absorb all the land required by the City Council for the Phoenix / Mount Edgecombe scheme. The Company was aware of this situation and as a compromise suggested that the City Council should concentrate its mass housing activities in the Newlands / Torvale area where 594 acres of Company land would be set aside (25) to house an ultimate population of 51 480 Indians.

Although one of the planners has remarked that the City Engineer's Department did not consider The Natal Estates proposals to constitute a "serious threat", (26) the Council authorised the Town Clerk in collaboration with the City Engineer to resist any moves by the Company from proceeding with the development of their land which had been earmarked for the Council housing scheme. (27)

In late August, the Housing Committee gave consideration to a report by the Departmental Sub-Committee re Housing on the effect of the Company's proposals on the City Council's planned Indian Housing Scheme. The report drew attention to the fact that during 1964/65, the Company had vigorously opposed the alienation of a portion of its land in the Phoenix / Mount Edgecombe area for Indian housing, on the grounds that this would seriously affect the economy of the sugar industry. It was this aspect which had

(25) Ibid.

(26) Personal communication, L.G. Vinton, 26 September 1986.

(27) TCF 643/5/3 : 3, Minutes of Durban City Council, 29 July 1968.

caused a lengthy delay in the Pietermaritzburg / Durban Regional Planning Committee reaching a decision about the Council's Indian housing proposals. Hence the Sub-Committee voiced its surprise at (28) the Company's intention to develop their land themselves.

The report focussed on the crucial question of why the City Council should develop the land at Phoenix / Mount Edgecombe when Natal Estates was prepared to do so. Several reasons were put forward. Firstly, the City Council under the Housing Act, was responsible for providing housing for its citizens, whereas Natal Estates had neither the compulsion nor the resources to do so. Secondly, within the city there was a shortage of land for Indians and the Phoenix / Mount Edgecombe area had already been approved for Indian occupation by local, regional and central government. Thirdly, approximately 60% of Durban's Indians were in the sub-economic income group and required extensive sub-economic government funding which would not be available to the Company, whose proposals could thus be regarded as a profit-yielding commercial project. In the fourth instance, the Company's plans only provided for the housing of 79 500 Durban Indians whereas the local authority intended to house 150 000 in the area within a few years. Finally the Company's proposal of 10 housing units per acre would not solve the low-cost housing problem and the Council intended to develop about 15 units to the acre.

(28) Housing Committee Agenda, 30 August 1968. Report of the Departmental Sub-Committee re Housing, 15 August 1968.

It is interesting to note that although the Housing Act had been legislated in 1920, it was only in the 1960's that the City Council appeared to recognise its responsibilities for Indian housing, by using its legal obligation as a means to overcome the attempts of Natal Estates to enter the field of Indian housing. Thus in its 'war of position' with Natal Estates the City Council adopted the strategy of maintaining central government support when its control over housing provision at the local level was being threatened.

While the Council scheme catered for a greater number of people than the Company's, and the Council was emphatic that it was more able than Natal Estates to combat the Indian housing shortage, neither organisation consulted Indian opinion on the planned living environment. Both bodies appeared to regard their technical expertise as being adequate for the task. However, the Council's delay in securing central government approval for their scheme, did not strengthen their position in this matter, since over four years had elapsed since the Council first approved of the Phoenix scheme. During this period their application had remained in the web of the central government bureaucracy who were still in the process of considering the Council proposal.

The Departmental Sub-Committee's report motivating for the Council to develop the scheme at Phoenix was approved by the Housing Committee for presentation to the City Council on 30 August 1968. On 9 September 1968 the Council requested the

Group Areas Board to expedite the proclamation of the Indian Group Area. It further authorised the City Engineer to report to the General Purposes Committee on the incorporation of the land at Phoenix / Mount Edgecombe into the city, and upon the proclamation of the Group Area the City Engineer was to proceed with the preparation of the outline plan of the scheme.

On 12 September 1968 the City Valuator and Estates Manager forwarded to Natal Estates the amended Hand Plan depicting the area of land to be acquired from the Company. (29) At the same time the City Valuator and Estates Manager informed all the other property owners within the boundary, of the proposed housing scheme at Phoenix (see Appendix 1 for an example of this correspondence). The total area required embraced some 1 793,64 hectares (4 600 acres) and acquisition of the land required negotiations with 135 individual property owners over and above Natal Estates, which was the largest, owning 68% of the land.

As far as can be determined there had been no previous correspondence between the local authority and the minor land-owners, despite Council approval having been obtained in April 1964. The tone of the letter shows little sympathy for those who would have to move to make way for the housing scheme. In retrospect, it has been suggested by a member of the City Estates Department that the intended removal of the settled population indicated a lack of planning, for had there been adequate

(29) Hand Plan No. S.H. 2942 A - see map 4 in back pocket.

forethought, it would have been possible to incorporate the existing dwellings into the housing scheme. This would have gone a long way to combat the monotony of a dwelling environment (30) consisting of a limited number of designs. Furthermore, it would have alleviated the problem of having to destroy existing dwellings and rehouse the tenants.

(iv) The DOCD Purchases the Initial Requirements

With the wheels of bureaucracy turning very slowly, it was almost four years after the Council directive of 1 November 1965, that the City Engineer completed an "Outline Plan and Statement". The proposals catered for two separate Indian New Towns : Newlands, for an eventual population of about 60 000 ; and Phoenix (confirmation of its official name) housing approximately 150 000 persons.

(31)
The allocation of housing types were determined from results obtained from a socio-economic study of the Indian community carried out by the Department of Economics, University of Natal,

(30) Personal communication, D. Hopper, 5 November 1986.

(31) The basis of allocation of housing types were as follows :

<u>TYPE</u>	<u>UNITS PER NET ACRE</u>	<u>% TOTAL</u>
"Better class houses"	8	5
Scheme Houses	average 12,5	50
Duplex Units	22	30
Flats	40	15

Cited in CEF 599/74/A, Newlands and Phoenix Indian New Towns. Outline Plan and Statement.

Durban. Instead of adopting a policy of consultation with the people the Council had called in "experts" in October 1964 to advise them on the housing needs of the Indian people; the facilities to be provided in mass housing schemes; the types of dwelling units; the Indian attitude to current Council housing policy; on the question of single family accommodation against extended-family accommodation and the extent to which the Council should make provision for the aged in their mass housing schemes. (32)

The housing allocation plan was forwarded to the DOCD for their early approval to "enable the City Council to make positive progress towards acquiring the land and launching both schemes and to take the next step involving the submission of the Master Plan including details of the cost structure of each new town". (33) The DOCD signified its approval and permission was granted for the City Engineer to proceed with the more detailed planning in the Newlands and Phoenix areas.

At this stage the Departmental Sub-Committee re Housing felt that it was difficult to determine the planning of the area and exactly which land would be required for housing purposes. It was of the opinion that all the land required for the Phoenix Indian housing scheme should be acquired in terms of the Housing

(32) Cited in A Survey of Indian Housing in Durban (1966: 1-2).

(33) TCF 643/5/3 : 4, City Engineer to Secretary, DOCD, 18 March 1969.

Act, No. 4 of 1966, which empowered a local authority "subject to the said provisions, to purchase, expropriate or otherwise (34) acquire land".

However in terms of the Housing Act there were certain pre-requisites applicable to the expropriation of land by a local authority for housing purposes. For instance, the Housing Act could only apply after a housing scheme had been approved by the National Housing Commission, and this in turn, required the prior indication that the area in question was going to be developed (35) for Indians in terms of the Group Areas Act. The Regional Representative of the DOCD, R. Barnard, brought this to the attention of the Assistant City Engineer (Housing) when he pointed out that "Natal Estates Limited and others may raise difficulties if it is known that the City Council has not fully (36) complied with the requirements". The implication here was that the City Council had not obtained all the necessary government approvals for their housing scheme before attempting to acquire the land. This was true for the National Housing Commission had not been approached by the Council and thus the Council had no *locus standi* to negotiate with the Company over the purchase of their land. The Company was thus entitled to

(34) Ibid. Notes of a Meeting of the Departmental Sub-Committee re Housing held on 25 March 1969 and Housing Act, No. 4 of 1966.

(35) TCF 643/5/3 : 1, cited in City Engineer to All Branch Heads Concerned, 20 April 1966.

(36) Ibid. Cited in Assistant City Engineer to Town Clerk, 2 April 1969.

have refused to consult with the Council or the bureaucracy in this matter.

The question that arises is why the Council placed itself in this position. It seems highly doubtful that the Council could have been ignorant of the law since experience had been gained with the Chatsworth scheme and also because the experts in the bureaucracy would have been familiar with the procedure to be followed as a result of their prominent role in the field of housing provision in Durban. It seems possible that the Council could have been confident of the support of the National Housing Commission since the other central government bodies had already expressed their approval and hence their continuation with the preparation of the scheme would not further delay the establishment of Phoenix. There is also the possibility that the Council was acting in haste to ward off the challenge of control over mass housing from Natal Estates.

In April 1969 the main Heads of Departments met with the DOCD and discussed the possibility of the DOCD acquiring the first portion of land for the Phoenix scheme. In return Council was prepared to make 112,9 hectares (271 acres) of this land available for development by the DOCD. This suggestion can be seen as an attempt by the bureaucracy to avoid any legal complications which could arise during the process of the land acquisition. The initial acquisition of the Company land by the DOCD would facilitate the progress of the scheme itself and

simultaneously allow the Council time to secure the National Housing Commission approval.

On 9 July the DOCD advised that 348 hectares (885 acres) of the Phoenix area was to be acquired by the Community Development Board and that a portion of this land would be retained and developed by the Board. The balance of this land (in extent approximately 239 hectares) would be transferred to the Council at the cost of acquisition plus interest, transfer and survey fees and all other incidental costs. (37) (These additional costs would inevitably be passed on to the occupants of the dwellings through their payment of rent and other administrative fees).

Consequently the DOCD informed The Natal Estates that they were anxious to acquire 348 hectares of the Company land. The land would be acquired in terms of the Housing Act of 1966 and the Department requested that the Company "indicate the lowest price per acre [that they were] prepared to accept therefor". (38) The Company submitted an offer to sell their land to the Department at an overall rate of R 1 468 per acre. (39) Council obtained appraisements of the property from H. Francis who valued the

(37) CEF 599/74/377 : 1, Regional Representative, DOCD to City Engineer, 9 July 1969.

(38) CEF 599/74/377 : 1 , DOCD to The Natal Estates Limited, 16 July 1969.

(39) CEF 599/74 8/1 : 1, Huletts Property Holdings Limited to DOCD, 29 September 1969.

land at R 1 440 per acre, (40) and from H. Dickinson (41) who
(42)
valued it at R1 400 per acre.

The City Valuator and Estates Manager considered that it would be more expedient for the state to acquire all the land required for the Phoenix scheme, and to this the Departmental Sub-Committee re Housing gave its approval on 29 August 1969. The City Valuator and Estates Manager was mandated to seek the views of the DOCD on their acquisition of all the land in the Phoenix area, and then to transfer to the Council all the land surplus to their requirements. This represented an attempt by the Council to move in completely under the DOCD umbrella. However the senior officials and members of the Community Development Board concluded that it would be unwise for the Department to agree to this request. (43) Meetings were held between the DOCD and the Company on 20 and 21 January 1970 to reach a Purchase and Sale Agreement on 348 hectares (885 acres) of Natal Estates land. The agreement was signed on 25 March 1970 and in November 1973 transfer of the land described as Lot Inataba No. 15006 was

(40) Ibid. Appraisement of certain property to be acquired by the DOCD from Natal Estates Limited, 28 November 1969.

(41) Ibid. Valuation of Portion of Land Required for Indian Housing on Natal Estates Land at Phoenix, 18 December 1969.

(42) Francis submitted a total quote of R 1 138 240. Dickinson estimated the value of the property at R 1 253 300, with the land averaging R 1 300 per acre and the existing buildings being valued at R 83 300.

(43) Ibid. DOCD to City Valuator and Estates Manager, 14 October 1969.

registered in favour of the Community Development Board.

(v) Conclusion

This chapter has sought to explore the events leading to the regional and central government's approval of the Phoenix housing scheme and the subsequent acquisition of the first portion of land. A feature of this period was the struggle between the City Council and The Natal Estates over the issue of control of housing for the Indian community.

Having approved the Sub-Committee's recommendation that further Indian housing should be pursued in the Phoenix / Mount Edgecombe area the City Council entered into a period of prolonged negotiation with the various regional and central state authorities. The undue delay of six years is partly explained by the rigid chronological procedure to be followed and by the many departments to be consulted (such as the DOCD and the Department of Planning which acted on the recommendations of the Group Areas Board). The bureaucracy at the central level functioned as a

(44) Details of the agreement included : (i) A purchase price of R 1 215 per acre, (ii) The payment of 85% of the full purchase price would be deposited with the Company before registration of transfer, (iii) The boundary of the scheme would be realigned to agree with the existing road network, (iv) The cemetery would be excised from the acquisition programme, (v) The Company was to retain the rights to extract water and (vi) The irrigation pipes could be removed by the Company at their own expense (Ibid. cited in Land Required by the DOCD from Natal Estates for development for Housing Purposes : 885 Acres, 1970).

disjointed unit, where the various departments were unprepared to influence each other in their decisions regarding the Phoenix scheme. This situation was compounded by bureaucratic delays, as well as stalling and incompetence over decision-making - as revealed by the fact that the Phoenix housing application was accepted by the DOCD without the area having immediately been zoned for Indians.

It is difficult to comprehend why the central government was initially insistent on the City Council developing the Newlands scheme first, especially since the Departmental Sub-Committee had identified the need to embark upon a scheme to cater for the housing needs of 150 000 people. Perhaps the government was of the opinion that they would be called upon to bear the responsibility for the financing of the scheme at a time when Indian housing provision was afforded low priority; the emphasis being placed on Coloured housing at the time. Central government's opposition to the development of Indian housing beyond Chatsworth exacerbated this shortage, but was challenged by the bureaucracy in Durban who sought regional support for the Phoenix scheme. This was secured only after the City Engineer had agreed for the Council to simultaneously develop both Phoenix and Newlands.

The attempt by Natal Estates to enter the field of Indian housing provision further contributed to the delay of central government approval to the Phoenix scheme. Instead of being evicted from

their land, the Company opted to build a massive residential complex catering for all population groups. This plan was viewed with concern by the technocrats who wanted to maintain the local state's control over housing provision. (Such control included the structured layout of townships, the provision of planned formal housing and accessibility to services such as water mains). The ensuing conflict emphasised the powerful role of the bureaucracy in the decision-making process at the local level, as the Departmental Sub-Committees set about securing the necessary regional and central government approval for their scheme.

In motivating their application to develop Phoenix, the Council argued that they were best equipped to tackle such a project since they had the funding and the technical expertise at their disposal. Moreover they were able to consult University personnel for their data about the housing needs of the Indian community. Ironically, the future residents of Phoenix - (the Indian community at large) were never consulted on the matter.

The confrontation between Natal Estates and the City Council was resolved by central-local state cooperation which ensured that the Council maintained its control over housing. In fact this close working relationship between the two levels of government amounted to a manipulation of the 'rules' of the game by the Council who used the DOCD to purchase the initial Council requirements of land, since the Council had not yet secured all the authority they needed from the National Housing Commission to legitimise their negotiations with Natal Estates. In

hindsight, Vinton has remarked that this state of affairs was beneficial to the planning of the scheme since government expropriation entitled the local authority to take occupation of the land after only one month. However, if a local authority expropriated the land for housing purposes, three months would have to lapse before occupation could be assumed. (45)

The Council request to move in completely under the umbrella of the DOCD represented an attempt to strengthen and secure their position in acquiring the remainder of the land for the housing scheme. Despite the refusal of the DOCD to meet this request the Council had favourably attained the support of the central state for their housing scheme application. The result was that Natal Estates was placed in the position where negotiation with the Council over the sale of their land was the only option available.

(45) Personal communication, L.G. Vinton, 26 September 1986.

CHAPTER SIX

LAND ACQUISITION, PLANNING AND HOUSING : THE FOUNDING OF PHOENIX INDIAN NEW TOWN

Chapter five examined the events leading to the purchase of the land initially required for the establishment of Phoenix. This chapter detailed the confrontation between the City Council and Natal Estates over the control of Indian housing, and disclosed how central-local state cooperation resulted in the purchase of the land. The DOCD was of necessity, involved in this acquisition because the Council did not possess the authority to expropriate the land concerned.

While the negotiations between the Company and the DOCD for the 348 hectares were in progress, the Master Plan for the scheme was being prepared on the supposition that its acceptance by the DOCD would facilitate the approval of the scheme by the National Housing Commission. The first section of this chapter identifies and discusses the highly technical nature of the Master Plan, which resembled the Blueprint style of planning developed in America and Britain at the turn of this century. The planning of Phoenix, based on the concept of 'New Town' planning devised in England after the second world war, is discussed in the context of planning throughout the country and in relation to the absence of consultation with the Indian community, the City Council or professional (private) town planners.

A major feature of the proposed Indian New Towns concerned the different form of planning for mass housing in Durban. Cluster housing was advanced as an alternative residential pattern aimed at overcoming the drab and depressing appearance, and the monotony of the linear pattern developed in earlier housing schemes (as seen, for example at Chatsworth).

Following the Council approval of the Master Plan and having secured the land for first stage development in Phoenix, the City Estates Department spent the following six years in protracted negotiations with Natal Estates for a piece of land eventually finalised at 1 134 hectares (2 908 acres) and comprising two-thirds of the planned housing scheme area. The second section reveals how during the earlier part of this period, the local state sought to maintain its control over housing by adopting certain persuasive tactics, which placed pressure on Natal Estates to part with their land on agreeable terms prior to possible central state expropriation. The Company's initial compensation claim is also dealt with in this section.

The Council did not begin negotiations with the 109 Indian land-owners (who occupied 202 hectares)⁽¹⁾ until the Company land had been secured. This settlement is discussed in section three

(1) These acquisitions occurred from February 1976 onwards, and consequently fall outside the scope of this study.

which also reveals how the City Engineer's Department simultaneously embarked upon the layout and provision of services in Community Areas 2, 3 and 4 while Ilco Homes⁽²⁾ constructed the first houses in April 1975.

(1) The Master Plan for Phoenix

The decision to make use of 'New Town' planning techniques in Phoenix and Newlands was made by the City Engineer's Department, following a study of the literature on mass housing obtained from England, and from impressions gained on visits to townships such as Chatsworth to the south of Durban and Mitchell's Plain in Cape Town.⁽³⁾ Such 'New Towns' were based on the "Garden City" and "City Beautiful" concepts which emerged in the late nineteenth century urban areas of England following the Industrial Revolution when housing, overcrowding, health and poverty were a problem. In 1898 Ebenezer Howard proposed a new small, self-sufficient kind of town surrounded by a green belt and known as the "Garden City". On the other hand, the "City Beautiful" movement aimed at housing the cultural and public functions of the city in grand buildings in the centre of the city, thus "decontaminating their relationship with the workaday city" (cited in Scott, 1982: 66). This idea to upgrade the visual

(2) Ilco Homes is a private construction firm, specialising in the field of low-cost housing.

(3) Personal communication, L.G. Vinton, 16 September 1986.

quality of the city's heart merged with the Garden City movement as it too was based on the principle of separating the functions of the city.

Blueprint planning set out to represent any urban situation as an inflexible, static, physical structure at a particular point in time. This resulted in the creation of an ideal, simplified blueprint of the desired future towards which planning activities were geared. In order to accomplish this, the blueprint plan was accompanied by a set of technical standards and land use regulations. In fact, these tools of blueprint planning were adopted directly from "the kit bag of civil engineering" (*Ibid.* p. 68). Faludi (*Ibid.*) argues that it is practically impossible to design a blueprint that can be fully implemented without necessitating modifications resulting from changes in the urban environment. Nevertheless, the concept of a relatively inflexible master plan as the representation of a desired future, endured right up until the 1960's in Britain and America (*Ibid.* pp. 68-69).

Blueprint planning gave way to new emerging approaches to planning in Britain and America from the 1940's onwards, but it has remained the cornerstone of planning policies in South

(4) For a discussion of the various types of planning such as Blueprint, Process, Functional, Normative, Comprehensive, Incremental and Mixed Scanning covering the period 1910 - 1980 see Scott (1982: 66 - 90).

Africa. For instance, apart from minor amendments which have facilitated a greater efficiency of, and rectified the inconsistencies in town planning, Natal is still bound by the Natal Town Planning Ordinance, No. 27 of 1949. This Ordinance legislates that the physical planning of a municipal urban area is one of the most important functions of the local authority (Scott, 1982: 234), and hence planning is reduced to the evaluation of various technical considerations which are informed by the experiential and subjective approach of town planners.

Ironically, Chatsworth which was built in the 1960's did not have a master plan. Certain town planners regarded this as a major shortcoming in the Chatsworth scheme, the result of which was a "hotch-potch" type of planning by "inexperienced architects", thus creating the impression that "an engineer had designed the township and organised the sewerage system, and then tacked the houses on to the land".⁽⁵⁾

The production of a blueprint or master plan for Phoenix was a direct outcome of the prevailing blueprint planning policies in South Africa. Its preparation was regarded by the town planners as an essential part of the establishment of the housing scheme, aimed at overcoming the "military [and] inhuman look of the areas in Chatsworth".⁽⁶⁾

(5) Personal communication, L.G. Vinton, 16 September 1986.

(6) Ibid.

* Since Chatsworth was the first major housing scheme developed by the City Council, the personnel involved were somewhat inexperienced. Consequently this was carried over into the planning of Phoenix, where in the early stages they were frequently "clutching at straws".⁽⁷⁾ The town planners had little first-hand knowledge of the social life of the Indian people and did not involve them in the planning of the housing scheme. Socio-economic data (in the form of household sizes, the economic structure of the people and their projected situation for the next two decades) were obtained from the Department of Economics, University of Natal, in 1966 and from the Research Branch of the City Engineer's Department.

* An examination of the Master Plan⁽⁸⁾ reveals a lack of consultation of literature to provide a theoretical framework for the planning strategy. The absence of an analysis preceding the planning of the scheme meant that the informal experiential approach to urban areas adopted by planners was an in-built feature of the Master Plan. Scott (1982: 240) suggests that this approach to planning is subjective and descriptive in its method of analysis; is characterized by an absolute view of space; a relatively static view of time, treats people mechanistically and conceives of urban areas at a macro scale.

(7) Ibid. 22 September 1986.

(8) See City Engineer, Durban (1969). Indian New Towns. Newlands and Phoenix Master Plan.

While the Master Plan made no direct reference to goals and objectives, the most obvious implicit goal was that of creating a low cost mass housing scheme within the Group Areas framework controlled by the Durban City Council. Other implicit goals can (9) be inferred by carefully sifting through the Master Plan.

The City Engineer's statement that planning should "begin with the people" is ironic since there was a total absence of consultation with the future residents and Indian community organisations. The interpretation of this statement rested with the town planners alone, and their understanding of the needs of the people had been formulated via "second-hand" information obtained from University academics and fellow colleagues in the

(9) These goals include the following :

- (i) planning should "begin with the people....." but standards should not be lowered owing to the sub-economic incomes of tenants (City Engineer, Durban, 1969: 28);
- (ii) social intercourse should be a consideration in the design of housing units, and there should be a range of styles (Ibid. pp. 21 and 29);
- (iii) traffic should be limited in residential areas (Ibid. p. 30);
- (iv) proximity to places of employment should be considered (Ibid. p.3);
- (v) public transport and car parking needs should be considered (Ibid. p.47);
- (vi) the town centre should be easily accessible (Ibid. p.23);
- (vii) and schools and recreation areas would be provided in each cluster (Ibid. pp. 26 and 29).

Research Branch of the City Engineer's Department.

No mention was made in the Master Plan that the establishment of Phoenix was a further implementation of the Group Areas Act and that its establishment by the City Council would give the Council the right to maintain control over Indian housing provision.

Significantly, the only reference in the Plan to finance was procedural. It referred to the "preparation and submission for approval by the National Housing Commission of the Master Plan and Report supported by a financial report with a broad statement of the cost breakdown and the overall cost of the scheme" (City Engineer, Durban, 1969: 59). The inattention paid to the financing of the two schemes creates the impression that there was either an oversight on the part of the planners to fully consider all aspects of the scheme or that this responsibility would eventually be assumed by the City Treasurer's Department.

The residential development of the two areas was based on the concept of siting groups of housing units around open spaces and play areas, separating the groups with open spaces, linked by pedestrian footpaths (Ibid. p.29). This type of 'Cluster Planning' was based on Howard's idea of the "Garden City" established for example at Letchworth and Welwyn in England in 1903 and 1919 respectively. 'Cluster Planning' was chosen in preference to the linear style as it was more suited to the hilly

terrain and would result in a road-saving of 25% . Furthermore "the introduction of varying building masses disposed in an open setting...." would dispel the monotony of the linear layout such as that seen at Chatsworth, while developing a greater sense of community belonging. (10)

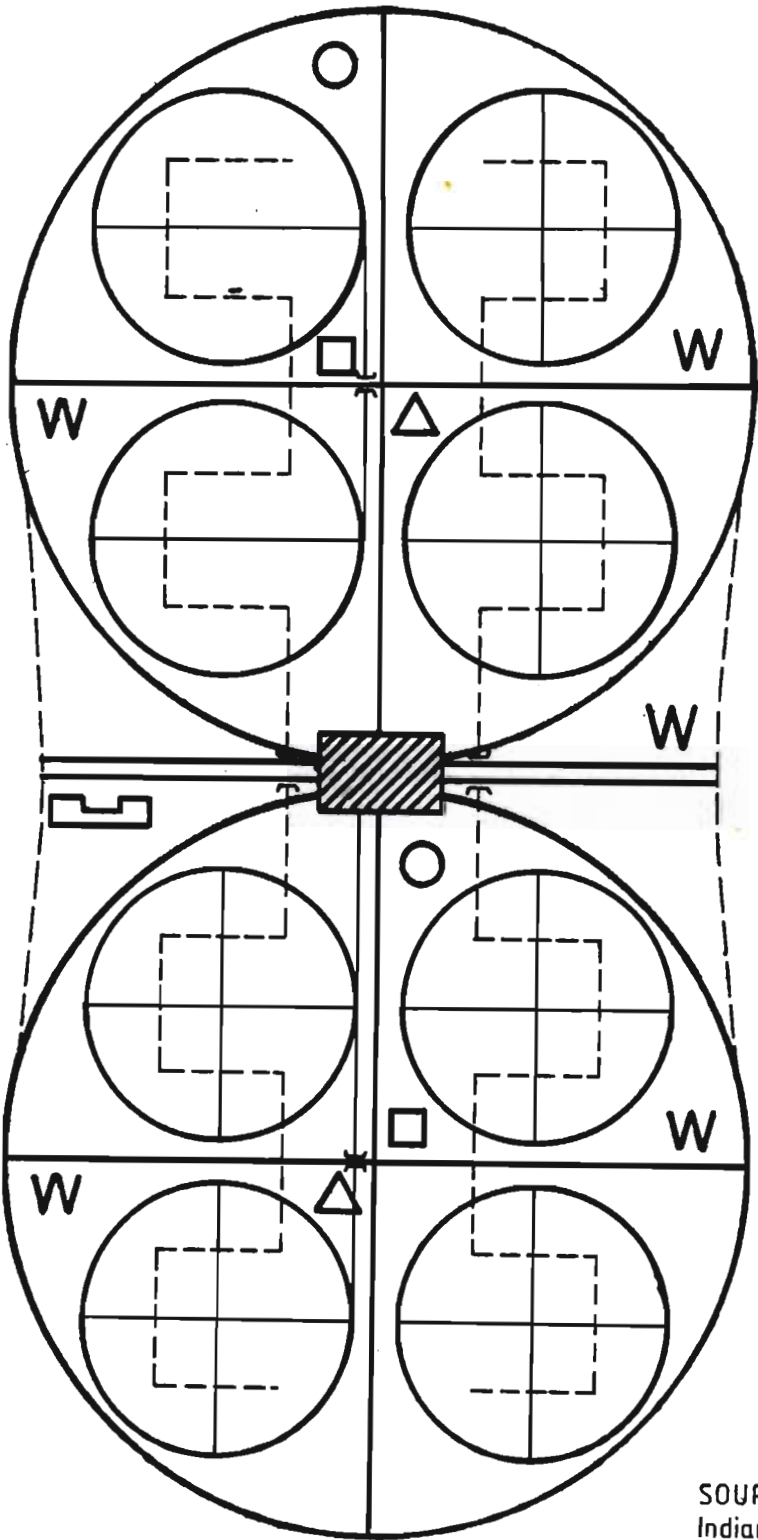
In 'New Town' planning, land was required for working, living, shopping, leisure and movement areas. The size, location and linkage of these land uses were established in terms of various criteria: the proximity to schools and other amenities ; the population necessary to support a single school ; and the convenient and economic provision of shopping facilities (Ibid. p.25). Although a rapid increase in car ownership was foreseen, the design attempted to cater for walking as the main mode of intra-community travel. The maximum desirable walking distance arrived at was about 500 metres (Ibid.).

With these guidelines of proximity, minimum support population and maximum desirable walking distance, the basic residential unit was the 'community area' housing 8 000 people. The 'community area' was in turn divided into two approximately equal sized 'neighbourhoods' each containing a secondary school and a shopping centre (see Figure 1) (Ibid. p.27).











(10) Vinton (1978: 3) and personal communication, 16 September 1986.

FIGURE 1

THE COMMUNITY STRUCTURE



◁ community = 2
neighbourhoods
8000 people.

-  community centre
-  secondary school
-  religious building
-  local centre
-  primary school
-  hall
-  bus route
-  collector road
-  local road
-  pedestrian way

SOURCE : City Engineer, Durban.
Indian New Towns. Newlands & Phoenix
Master Plan. (1969).

The smallest collection of housing units called a 'group' contains 250 people. The housing unit groupings would have minimal road penetration and would be interconnected with pedestrian ways, open spaces and communal parking areas. Four of these 'groups' would constitute a 'cluster' of 1 000 people. A 'cluster' would comprise a religious building or small hall, possibly a nursery school and a large 'run-about' area for children. The neighbourhood comprising of four clusters (i.e. housing 4 000 people) would be made up entirely, or in part, of single detached houses, semi-detached houses, duplex units and blocks of flats of between one and three storeys (11) (*Ibid.* p.29).

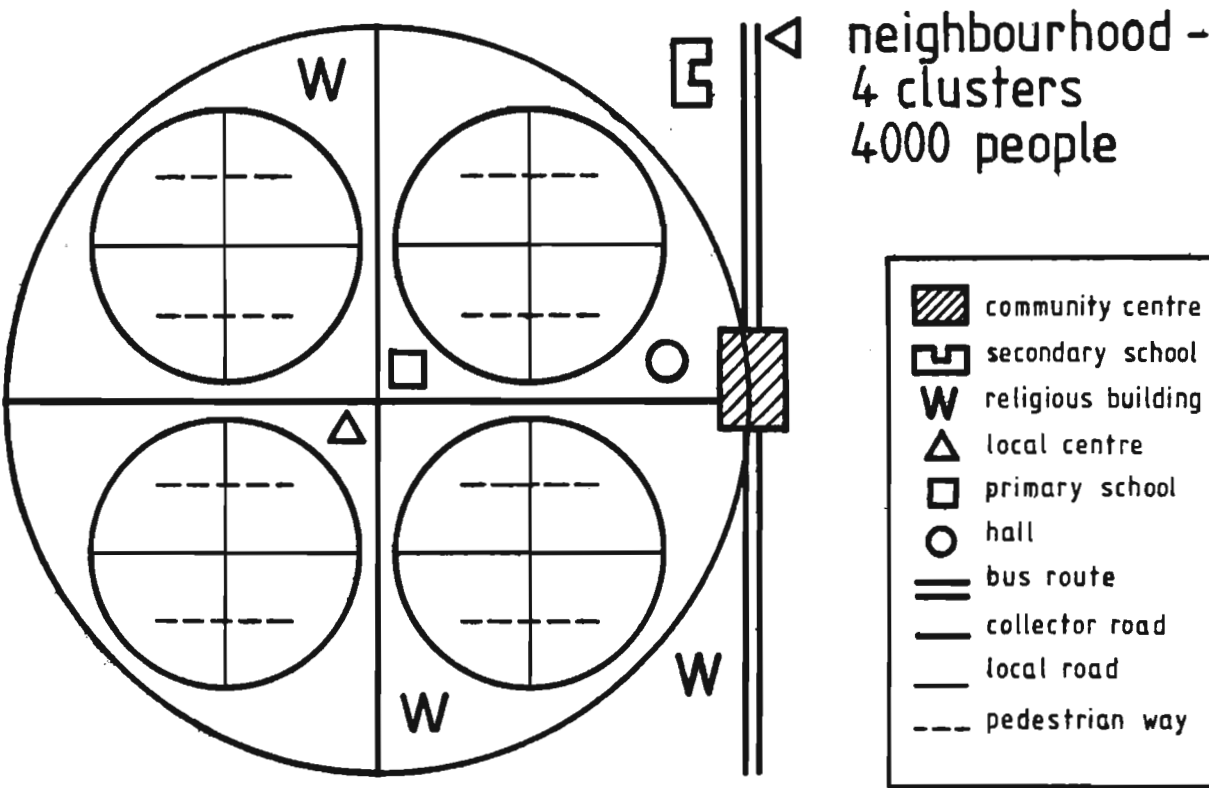
The combination of housing-types aimed to draw people from various income levels into each community area. Also located in the neighbourhood would be an infant/primary school, two or three religious sites, one or two corner shops and possibly a small hall (see Figure 2).

Provision was made for 18 community areas at Phoenix, where approximately 22 000 housing units were to be constructed, providing accommodation for 150 000 people. In the planning of the community areas the aim was to ensure that each area was self-sufficient. However, there were certain needs which the community area as a small unit could not provide. Consequently land was set aside for a major shopping and civic centre, a

(11) Refer to photographs at end of text.

FIGURE 2

THE NEIGHBOURHOOD STRUCTURE



SOURCE : City Engineer, Durban.
Indian New Towns. Newlands & Phoenix
Master Plan (1969).

teacher's training college, a hospital and for industrial purposes.

From a reading of the Master Plan it is apparent that Phoenix was planned on the basis of ranges, thresholds and standards. The ranges refer to the acceptable distances which people move in order to reach services; the thresholds are the minimum support populations required for a service to function effectively; and the standards are the minimum quality and/or quantity acceptable for any service, as determined by some official authority, or as laid down in legislation (Isemonger, 1979: 67). In terms of planning in the context of Phoenix, these criteria clearly illustrate the technical and cost-saving approach to housing provision adopted by the City Engineer's Department to the exclusion of moral issues such as the social choices of individuals who were affected by planning decisions.

The Master Plan was adopted by the City Council on 1 November 1969 without critical examination. This could be interpreted as a tacit statement by the Council that they couldn't "judge" such matters. From this point onwards the City Engineer and City Valuator and Estates Manager became the main personnel involved in the negotiations surrounding the acquisition of the remaining Council housing scheme land from Natal Estates.

(ii) The Initial Claim of Natal Estates

Shortly after the Council's endorsement of the Master Plan and the subsequent acquisition by the DOCD of 348 hectares (885 acres) of Natal Estates land, the Company was advised of the Council's intention to proceed with the acquisition of the balance of the land, in extent 1 230 hectares (3 041 acres).⁽¹²⁾

In response, the Company enquired whether the Council would furnish a programme of its land acquisition in order that it could phase out its farming operations in conformity with the Council's intended scheme of progress.⁽¹³⁾ At that stage no such detailed planning had been undertaken, so it was not possible for the Council to meet the Company's request.

In December the DOCD was informed that the City Engineer's Department would be in a position to commence development in Phoenix on 1 March 1971. In terms of Clause 6(c) of the Agreement of Sale entered into between the Department and Natal Estates, the purchaser was entitled to give the seller eight weeks notice to vacate up to a maximum of 125 acres at any one time. Accordingly the DOCD was requested to make the necessary arrangements to meet the City Engineer's Department's request for land for the construction of the Spine Road (from the old North

(12) CEF 599/74/8/1 : 1, City Valuator and Estates Manager to Huletts Property Holdings Limited, 24 February 1970.

(13) Ibid. Natal Estates Limited to City Valuator and Estates Manager, 1 July 1970.

Coast Road to Phoenix Station); and the occupation of a portion of Community Area 4, ⁽¹⁴⁾ which was to be used for the ⁽¹⁵⁾ establishment of a Headquarters Site and ancilliary works. Council approval was granted on 29 March 1971 for the preliminary layout and provision of necessary services for the first stage development of Community Area 4. The balance of this area (in extent 80 acres) was acquired by the City Engineer on 1 July 1971.

The procedure followed in respect of the Council's acquisition of land for Community Areas 2 and 3 was the same as that process which had been followed in securing the land for Community Area 4. The DOCD acted on behalf of the Council in requesting the Company to relinquish the land, as and when required by the City Engineer.

During December 1971 the Company drew the Council's attention to the fact that the sugar mill depended upon a spray irrigation system which disposed of effluent. The system would have to be re-sited or an alternative means of disposal introduced before the Council could take occupation of Community Area 5. Discussions were held between the Council and the Company on this matter, and in March 1972, the Company indicated that until such

(14) Approximately 106,5 acres of this area (which was known as Stonebridge) was occupied.

(15) Ibid. City Valuator and Estates Manager to DOCD, 28 December 1970.

time as the Council was able to furnish details of its Services Development Programme, they were unable to take the matter of land acquisition any further. (16)

Meanwhile it was brought to the attention of the City Estates Department at a meeting on 1 February 1972 with representatives from the Community Development Board, that no formal application for the establishment of a housing scheme at Phoenix had been submitted to the National Housing Commission. Undeterred the Estates Department estimated the total cost of the acquisition of the 136 properties (in extent 1 793,64 hectares / 4 600 acres) to be the sum of R 7 250 000. A large proportion of this amount, (just over R4 million), was considered necessary for the purchase of the 1 230 hectares (3 041 acres) of land from Natal Estates. (17) In retrospect, this amount was R1,5 million in excess of the final compensation agreement entered into between the City Council and the Company.

On 10 February 1972 the City Treasurer finally submitted the formal application for the approval in principle of the National Housing Commission for the Phoenix Housing Scheme. In support of the application a copy of the Master Plan (18) and schedule

(16) CEF 599/74/8/1 : 2, Huletts Property Holdings Limited to City Valuator and Estates Manager, 30 March 1972.

(17) CEF 599/74 A : 2, Memo to Deputy City Valuator and Estates Manager from T. S. Evans, 9 February 1972.

(18) City Engineer's Plan No. 1809.254 - see map 5 in back pocket.

reflecting full details of the estimated cost were submitted (see Figure 3). Just over R48 million was budgeted for the building of 22 050 dwelling units, 85% of which were to cater for the sub-economic / lower income bracket. This cost, however, was estimated in 1972 and housing development only commenced in April 1975.

The National Housing Commission gave its approval to the Phoenix scheme and raised no objection to the Council negotiating with the owners of the land for the acquisition of all the sites required for the scheme. ⁽¹⁹⁾ It is interesting to observe that although the Council first informed the Natal Estates of the planned Phoenix scheme in 1963, and began negotiating for all the land in 1968, the required central state approval was only sought by the Council in 1972 after it had been informed by the DOCD that it had not met all the necessary requirements for the acquisition of land for the housing scheme. The question that emerges is whether this delay was purely bureaucratic in nature, or whether it was deliberately contrived in order to guarantee central state approval of an already well-advanced project.

The Company was requested by the City Estates Department to lodge its claim for compensation and an agreement similar to that concluded between the Company and the DOCD was envisaged,

(19) TCF 643/5/6 : 1, DOCD to City Treasurer, 29 May 1972.

PRELIMINARY ESTIMATED COST AND OTHER DETAILS RELATING TO SCHEME
(BASED ON MASTER PLAN REPORT)

TYPE OF ACCOMMODATION	NUMBER	NUMBER AND SIZES OF UNITS		ESTIMATED COST EACH	TOTAL
Flats 15%	3 300	220	L.R. only	R 1 400	R 308 000
		1 300	L.R. + 1 B.	1 700	2 210 000
		1 780	L.R. + 2 B.	1 900	3 382 000
Duplex Units 30%	6 600	660	L.R. + 1 B.	1 300	858 000
		3 960	L.R. + 2 B.	1 600	6 336 000
		1 980	L.R. + 3 B.	1 800	3 564 000
Semi-detached Houses 45.5%	10 000	4 730	L.R. + 3 B.	2 000	9 460 000
		4 370	L.R. + 4 B.	2 500	10 925 000
		900	L.R. + 5 B.	2 700	2 430 000
Detached Houses 4.5%	1 050	495	L.R. + 3 B.	3 200	1 584 000
		455	L.R. + 4 B.	3 500	1 592 500
		100	L.R. + 5 B.	3 700	370 000
Better Class 5%	1 100	520	L.R. + 3 B.	4 500	2 340 000
		480	L.R. + 4 B.	4 800	2 304 000
		100	L.R. + 5 B.	5 100	510 000
Total No. of Living Units	22 050	TOTAL ESTIMATED COST OF LIVING UNITS			R48 173 500

BREAKDOWN OF LIVING UNITS TO BE IN ACCORDANCE WITH THE U/M INCOME GROUP CLASSIFICATION	
Sub-Economic	55%
Lower Economic	30%
Economic	11%
Higher Income	4%

LAND ALLOCATION	
	Acres
Residential	1695
Education	440
Town Centre	145
Community Centres	190
Open Space and Recreation	820
Reserve	80
Religious and General (Creches, Hospitals, etc.)	200
Cemetery	40
Road Reserves	790
Railway Reserve	45
Restrictions (Steep Land, Electricity Transmission, Servitudes, etc.)	485
Total Area of Scheme	4 930

PRELIMINARY ESTIMATED COST OF SERVICES		
Roads	Spine Road	R 1 010 000
	Town Centre Ring Road	100 000
	Bus Routes and Minor Roads	2 450 000
	Road Bridges over SAR	220 000
	Footpaths	610 000
	Car Parking Areas	2 860 000
Stormwater Drainage	Stormwater Reticulation	3 700 000
	Canalize Streams	20 000
Sewerage	Reticulation	2 840 000
	Trunk Mains	250 000
	Disposal Works	2 170 000
Water	Reticulation	1 670 000
	Trunks within Scheme	230 000
	Access Trunks, Reservoirs, etc.	1 880 000
	Meters	360 000
Electricity	Supply and Distribution	3 000 000
Miscellaneous	Services in Town Centre	1 450 000
	Construction Headquarters	160 000
	Survey Costs	350 000
	Remove Ext. 3Ph. EHT Line	50 000
Total Estimated Cost:		R25 380 000

RATIO AND DENSITY OF LIVING UNITS	
Flats	15% - 40 per acre
Duplex	30% - 22 " "
(Semi-det.	45.5% - 13 " "
Houses (Detached	4.5% - 9 " "
(Better class	5% - 2 " "
Total Population : 144 000 persons	

FIGURE 3

although at a much lower price than R 3 002 per hectare (R 1 215 per acre), (the amount previously paid to the Company by the (20) DOCD).

Following a series of discussions the Company furnished a compensation claim seven months later, together with the terms and conditions on which it was prepared to sell the 1 230 (21) hectares of land to the local authority. It regarded the land concerned as being particularly suitable for residential development and that its value should be derived from its township development potential. This fact enabled the Company to refer to land values determined in previous sales and other acquisitions from themselves where the property concerned had development potential. In this regard, they mentioned the acquisition by the DOCD of the 348 hectares (885 acres) first acquired for the Phoenix scheme, for which a price of R 3 002 per hectare (R1 215 per acre) was paid in 1970. A second example was the intended acquisition of Company land in Newlands for which the Council had agreed to pay a price of R 3 335 per hectare. Referring to the more suitable quality of the land at Phoenix, (as compared to the Newlands area), and in particular to the prices of land in comparable sales, the dates of these sales, and the nature of the land involved, the Company valued the land to be acquired at R 3 700 per hectare (R1 442 per acre).

(20) CEF 599/74/8/1 : 2, City Valuator and Estates Manager to Huletts Property Holdings Limited, 3 July 1972.

(21) Ibid. Huletts Property Holdings Limited to City Valuator and Estates Manager, 19 February 1973.

In addition to the value of the land, there were also numerous existing buildings, including 'houses for Whites', 'Indian dwellings' and 'African compounds'. The Company's claim for buildings amounted to R 206 059.

The compensation claim was investigated by the City Valuator and Estates Manager and the City Engineer together with the Company's representatives and the Council response to these meetings was conveyed to the Company on 22 March 1974. The Company was informed of the manner in which the Council was able to meet the Company's request with regard to the servitudes dealing with irrigation canals; underground water mains; irrigation pump stations and dams; power transmission lines and telephone lines; and cane haulage roads. The Council refused to accept responsibility for the disposal of the mill effluent, and stated that alternative arrangements should be made by the Company in regard to its spray treatment of the area. (22)

It was not Council policy to effect payment of any purchase price before the passing of transfer, or in the case of expropriation, before the passing of the dominium in favour of the Council. However, the Council suggested that if it acceded to this point and the major portion of the purchase price was paid on signing the agreement, continued occupation of the land for farming operations would reduce the compensation claim. Alternatively,

(22) CEF 599/74/8/1 : 3, City Valuator and Estates Manager to Huletts Property Holdings Limited, 22 March 1974.

a separate tenancy agreement could be negotiated, and finally,
(23)
payment could be effected against occupation.

Further meetings between the Company and the bureaucracy revealed there was some confusion regarding the actual area to be
(24)
acquired. Consequently a further Hand Plan was prepared and forwarded to the Company, indicating that the total area to be acquired had been reduced from 1 230 to 1 134 hectares (2 908 acres). Further amendments were considered likely as a result of the possible establishment of the airport at La Mercy.

The City Valuator and Estates Manager could not see his way clear to accept the purchase price claimed by the Company since the area of land under consideration was approximately three and a half times that purchased by the DOCD, and the prices therefore could not be compared. Furthermore a development of this magnitude would involve local authority control and the payment of rates, and the fact that the City Engineer had highlighted unsatisfactory soil conditions in various parts of the city, (including Phoenix) would detract from the value of the land. Finally, he stated that subsequent to the Company's negotiations with the DOCD over the initial area for the Phoenix scheme, both the Private Townships Board and the City Council had imposed more

(23) Ibid.

(24) Hand Plan No. S.H. 2942 D - see map 6 in back pocket.

onerous conditions for approval of housing schemes. This factor coupled with escalating costs of development would thus outweigh any appreciation in land value. (25)

The City Estates Department examined other sales of large tracts of land which had residential potential and these revealed a range from R 1 500 to R 2 500 per hectare. Cognisance was also taken of the Company's own sales and after allowing for variables, a figure of R 2 000 per hectare was recommended by the Council as a purchasing price. A warning was sounded that should it be necessary to resort to expropriation, the City Estates Department would reserve the right to argue the case at a figure more appropriate to the risk, time and other elements attached to a purchase of such a large holding. (26) These threats left Natal Estates the choice of reconsidering their compensation claim to make it more acceptable to the Council or to take their chances with the compensation derived from central state expropriation of their land. As it turned out the Company adopted the strategy of trying to secure the best possible deal from the Council.

(25) CEF 599/74/8/1 : 3, City Valuator and Estates Manager to Huletts Property Holdings Limited, 5 April 1974.

(26) Ibid.

(iii) The Settlement of the Land Negotiations

While the acquisition of the land was being pursued by the City Estates Department, the City Engineer's Department had almost completed installing services such as roads, storm-water drainage, sewerage, retaining walls and sub-soil drainage in Community Areas 2 , 3 , and 4. The preliminary layout and provision of services for Community area 5 had been approved by the Council on 1 July 1974. In accordance with the development programme prepared in October 1971, the preparation of Community Areas 6 and 7 were to follow thereafter.

In August 1974 the Company indicated that occupation of Community Area 5 could possibly take place towards the middle of 1975 and the cost of an alternative system of effluent disposal would be in the region of R 250 000. The continuity of this process of effluent disposal was considered vital to the operation of the Mill, and consequently the Company stated that it was not in a position to vacate Community Area 5 before the capacity of the new scheme had at least reached that of the existing one.

Further meetings were held with the Company where the above-mentioned difficulty was noted, together with the fact that the Department of Transport had indicated certain limitations regarding the noise zone which would result from the proposed La Mercy Airport. The City Engineer consequently revised his programme of development and instead of Community Areas 5 , 6 and

(27)

7, he now required Community Areas 10 to 14 inclusive.

The Company responded to the changed programme by agreeing to make Community Area 10 available to the City Engineer in January 1975. It indicated that dependent on the replacement of the spray irrigation system in Community Area 5, occupation would be granted on or about 1 March 1975. However, the Company was unhappy with the 8% per annum occupational interest rate offered by the Council, which was the rate approved by the National Housing Commission in 1971. There was a request for representations to be made to the DOCD to increase the interest rate to concur with the current interest rates prevailing at the time (12% per annum).⁽²⁸⁾

A meeting was held on 18 March 1975 between the bureaucracy's departmental heads and the senior officials of the Natal Estates in order to finalise the land acquisition proceedings. The Company agreed to reconsider its compensation claim outlined in its letter of 19 February 1973. The land would no longer be valued according to its township development potential, but rather in terms of its value as agricultural cane-land and for consequential milling and other losses sustained by the Company. A number of tentative agreements were reached. A Liason Sub-

(27) Ibid. City Valuator and Estates Manager to Huletts Property Holdings Limited, 5 September 1974.

(28) Ibid. Huletts Property Holdings Limited to City Valuator and Estates Manager, 3 December 1974.

Committee was to be constituted to facilitate occupation by the Council of the various community areas, and the Company would grant occupation of these areas subject to payment by the Council of a 9% occupational interest rate. In the Agreement of Sale the Company would have certain servitudes registered in its favour and its farming operations would continue uninterrupted as long as they did not impede the progress of the housing scheme. Council authority would be sought for the acceptance of domestic sewage from adjacent Company-owned areas draining into the Phoenix area ; and in the event of sugar cane not being sufficiently mature for reaping, detailed records of such cane would be compiled by the Liason Sub-Committee for the purpose of assessing its value.

(29)

In the submission of a further claim dated 16 May 1975 the Company stated that certain information in respect of the consequential losses to be suffered by them was still outstanding. Nevertheless, the Company submitted that the land was of prime agricultural quality, the greater portion of which, through upgraded management and improved methods of husbandry, was continually reaching improved levels of cane production. These facts, coupled with the general good quality of soil and rainfall, the close proximity of the area to the mill and ready availability of labour and water, rendered the area valuable

(29) TCF 9/3/1/3 : 1, Notes of Meeting held in regard to the Acquisition of Natal Estates Land at Phoenix / Mount Edgecombe, 18 March 1975.

above average caneland, and capable of attracting an excellent price on the open market. Accordingly the Company valued the land and improvements in the sum of R 2 346 440 (that is R 2 058 per gross hectare / R 833 per acre).⁽³⁰⁾

The Departmental Sub-Committee re Land Transactions considered the claim of the Company on 4 July and 5 September 1975 and decided that full consideration could only be afforded when the complete claim had been furnished. Soon thereafter, the Company submitted the balance of its claim based on the loss of throughput, which represented a total claim for compensation of R 4 677 602, which calculated to R 3 758 per hectare / R 1 521 per acre.⁽³¹⁾

(30) For a detailed discussion of the data collected to support the Company's claim see TCF 10/1/1/3 : 1, Huletts Property Holdings Limited to City Valuator and Estates Manager, 16 May 1975.

(31) The breakdown of the compensation claim was as follows :

Land and Improvements	R 2 346 440
Claim in respect of mill effluent and waste water disposal	R 198 200
Loss of Marginal Milling Profits	R 2 132 962
Total	<u>R 4 677 602</u>

CEF 599/74/8/1 : 3, Huletts Property Holdings Limited to City Valuator and Estates Manager, 5 September 1975.

Council initially rejected the Natal Estates claim and consequently on 10 September 1975, members of the DOCD were invited to a special meeting of the Departmental Sub-Committee re Land Transactions to discuss the problems encountered by the City Council in the negotiations with the Natal Estates for the acquisition of their land. Here it was decided that before the City Council request the DOCD to expropriate the land on its behalf, a further meeting would be held with Natal Estates in order to inform them of the possible Council course of action in regard to the acquisition of the land. It was further agreed that independent valuers conversant with compensation claims based on loss of throughput would be appointed to assist the Council in evaluating the Company's claim.⁽³²⁾ The Council's action in seeking outside professional assistance suggests a change in Council attitudes. However, it is more likely that Council wished to assess to what extent Natal Estates were attempting to inflate their compensation claim. It is thus suggested that independent valuers were consulted in the hope of strengthening the position of the Council in their negotiations with the Company.

At a further meeting held on 7 October 1975, where the DOCD and Natal Estates were represented, the Company voiced its strong objection to the proposal by the Deputy Town Clerk that the DOCD

(32) Valuations were obtained from Measured Farming S.A. (Pty.) Ltd. and P.J. de St. Pern. In addition R. McElligott of Messrs Alex Aitken and Carter, undertook a computation regarding cane farming, past yields and anticipated yields of Natal Estates Limited in respect of the land to be acquired by the City Council.

expropriate the land on behalf of the City Council. However the Company had finally been forced into a situation where it had no choice but to compromise with the City Council, in the hope of achieving a settlement more amenable than that which would result from expropriation. It argued against expropriation on the grounds that liaison was necessary in handing over areas under cane ; occupation and installation of services could be tied contractually to overcome objections by the National Housing Commission ; the Council had already occupied some of the community areas in the scheme and it was questionable whether another expropriating body would be bound by this policy agreement ; and a new Expropriation Act offering more favourable treatment to expropriatees had been gazetted and its operation (33) was imminent.

Despite these objections, the DOCD, in anticipation of a request from the Council for expropriation authority, applied to the Community Development Board for the necessary consent. The Board gave its approval and the consent of the Minister of Community Development was thus awaited.

The City Valuator and Estates Manager informed the Departmental Sub-Committee re Land Transactions on 17 October 1975 that P.J. de St. Pern had furnished a valuation of R 1 648 000 for the

(33) CEF 599/74/8/1 : 3, cited in Summary of Discussions between Officials from Natal Estates and the City Council, 7 October 1975.

land and crops as against the Company claim of R 2 346 440 .

In an attempt to make further progress in the land acquisition matter the Council responded to the land valuation claim of Natal Estates contained in their letter of 16 May 1975. The Company had claimed compensation for the land on the basis of its value as agricultural land for sugar cane farming. It was submitted that the City Council should not be expected to pay more than a willing buyer would pay. Accordingly the Company was advised that the Council should acquire the land for not more than R 1 500 000 in the knowledge that the Company's claims under the loss of marginal milling profits and mill effluent disposal were still (34) being investigated. Consequently on 16 January 1976, the City Valuator and Estates Manager advised the Company that his offer to recommend to the City Council that the Company be paid for the land at a rate of R 2 000 per hectare as set out in his letter of 22 March 1974, was being formally withdrawn. This change in attitude could have been prompted by the possibility of the Council being able to secure the land at a cheaper rate than the offered price, (especially since independent valuers had been drawn into the negotiation proceedings).

Three further meetings were held in an endeavour to finalise the claim for compensation brought by Natal Estates against the Durban City Council. The decision of the City Valuator and

(34) CEF 599/74/8/1 : 4, City Valuator and Estates Manager to Huletts Property Holdings Limited, 7 January 1975.

Estates Manager to withdraw his offer proved to be correct under the circumstances since on 5 February 1976 the total compensation claim was settled at R 2 540 000, or R 2 240 per hectare (R 906 per acre).
(35)

Soon after the City Council had secured the 1 230 hectares of land from Natal Estates it accepted the offer of the Community Development Board to expropriate all the remaining 109 Indian-owned properties, (in extent 202 hectares), for the New Town and undertook to take transfer of the properties at the cost of acquisition.
(36) Almost eight years had elapsed since the Indian property owners had first been informed of the Council's proposals and while the Council's acquisition of Natal Estates land had been a protracted affair, its finalisation seemed to

(35) The claim was settled on the following basis :

Land and Improvements	R 2 011 012
Transfer Duty to be incurred to obtain replacement land and in order to mitigate any loss suffered by The Natal Estates Limited	R 100 000
Consequential farming losses	R 351 230
Relocation of mill effluent disposal scheme and disposal of domestic effluent	R 77 758
Total	<hr/> R 2 540 000 <hr/>

See Appendix 2 for a detailed breakdown showing calculations and comparative acquisition data of the City Council's final offer to the compensation claim of Natal Estates (TCF 10/1/1/3: 1).

(36) Ibid. Minutes of the Durban City Council, 16 February 1976.

indicate that the Council success in acquiring of the remaining properties was a foregone conclusion.

Phoenix was officially opened by the Minister of Indian Affairs, Community Development and Tourism, S.J.M. Steyn, on 5 March 1976. Up to that stage Community Areas 2, 3, and 4 had been provided with full engineering and road services including street lighting. Housing construction had commenced in April 1975 and the first residents occupied Community Area 4.

Significantly, at this time, Community Areas 2, 3, and 4 were still in the ownership of the DOCD, since the transfer agreement of 30 September 1975 had been rescinded, owing to the incorrect size of the unsurveyed reservoir site being included in the purchase agreement. On 20 April 1976, the City Council acquired the remainder of Lot Intaba No. 15006, (in extent 239 hectares / 585 acres) from the DOCD, at a price of R 1 128 983,27 with the accruing rate of interest having been determined from 1 January 1976 to the date of payment of the purchase price.⁽³⁷⁾ This price was approximately R 53 000 in excess of the initial amount paid by the DOCD five years previously and would ultimately be borne by the future residents of Phoenix when their rent and administrative fees were calculated.

On 28 June 1976 the Town Clerk sought the consent of the Minister

(37) Ibid. Minutes of the Durban City Council, 20 April 1976.

of Community Development for the acquisition of the properties under the ownership of Natal Estates (refer to Appendix 3). The necessary approval for the purchase of land for Indian housing, by the Durban City Council, was only forthcoming a year later, at which time the National Housing Commission also resolved that an advance of R 2 723 270,53 at a rate of interest of 9,25 % per annum be granted to the Council. Payment was to be made to Natal Estates Limited within 3 working days of the receipt of the Minister's consent. (38)

(iv) Conclusion

The acquisition of Company land for the Phoenix housing scheme during the seventies bears witness to the influential and dominant role of the bureaucracy in the decision-making process at the local level. The acquisition of the land was primarily the responsibility of the City Estates Department (39) who executed the decisions arrived at by the Departmental Sub-Committees re Land Transactions, Housing and Indian Housing. The City Engineer's Department contributed by planning the layout and services required for each community area. Other than giving its approval to the strategies initiated and formulated by the bureaucracy, the Council's role in these developments was nominal.

(38) TCF 10/1/1/3 :2, DOCD to Town Clerk, 22 July 1977.

(39) It should be borne in mind that this was the Department responsible for the production of a radial racial zoning plan for Durban in 1943.

The tactics employed by the Engineer's and Estates Departments to make Natal Estates sell their land suggests that the local state was more concerned with achieving a satisfactory business transaction than with the urgent need to provide mass housing. Several factors may be mentioned in support of this contention. Firstly, Council's rejection of the initial Company claim on the grounds that it was excessive may have been valid, but it must be remembered that the claim fell within the R4 million budget prepared by the City Estates Department in 1972. Hence the Council's stalling over the matter of settlement served only to further exacerbate the 'Indian housing problem'. Secondly, the City Estates Department attempted to force the Company to reduce their claims by threatening them with central state expropriation. Thirdly, in seeking the assistance of independent valuers, the Council believed that its contention that the Company's claim was inflated would be supported, and the Company would be forced to re-submit its claim at a greatly reduced figure. Fourthly, the Council manipulated the procedures involved for the acquisition of land, and instituted negotiations with Natal Estates without having secured all the central state approval. Finally the historical inflexibility of the Council, and its failure to consult with the Indian community over the land acquisition further reflects the Council's overriding concern with financial viability and control over housing provision.

After the Company had failed to gain access to the Indian housing

market they were pushed into a defensive position in which they had no alternative but to try and secure the best possible price for the sale of their land. The Company's difficulties were compounded by the fact that it had no access to the state structures. Hence, while they were partly responsible for the long delay in the submission of their compensation claims, this tactic should be interpreted as an attempt to improve their bargaining position against the overwhelming odds facing them. An important point that emerged from the Company's negotiations with the Council was its preference to conclude an agreement with the local authority at almost any cost rather than to risk the intervention of the central state. It seems then that the Company considered that it would be able to sell its land in a private sale to the Council at a better rate than it would receive if the central state intervened. However the Company ended up in a position where its hands were tied while the Council manipulated the requirements for establishing the housing scheme and lobbied central state support. The Council's tedious wearing down of the Company's compensation claim took place at the expense of the Indian community who had to wait twelve years for the Council to provide the urgently required dwelling units which it first approved way back in 1964.

The Indian community was also bypassed in the preparation of the Master Plan which introduced the concept of 'Cluster Planning' for Phoenix. By the late sixties numerous criticisms of 'Cluster Planning' had emerged. For example at Chandigarh in India where construction had begun in 1951, there were criticisms that the

planning was "idealistic", assuming for example, that an area coloured green on the Master Plan would result in a delightful parkland. The design was also criticised for its numerous scattered buildings and wasted ground ; movement along the footpaths was affected by having to cross the major east-west roads which separated the sectors; and the city epitomised the Master Plan which was self-contained, authoritative and inflexible (Gethin, 1973: 291-294).

With these criticisms at hand, one may question why this concept of planning was chosen for Phoenix. Certainly the terrain at Phoenix suited the use of this design but it is possible that Phoenix also provided an ideal testing ground for planners to experiment with the new and unproven cluster low-cost housing design. Furthermore, numerous criticisms had emerged about the linear development in Chatsworth and the hilly terrain in Phoenix was not conducive to linear planning. A climate had also been created where the Council had no obligation to consult with the Indian community and with power being entrenched in the hands of the bureaucracy, the town planners had a relatively free reign in choosing the design of Phoenix. However, according to Vinton (1977: 67) the "Indian people were canvassed to considerable lengths through their Local Affairs Committees" on this matter, and as a result it was considered that this concept of housing was acceptable. However, this is not entirely true since the North Durban Indian Local Affairs Committee ('the NDILAC') was only formed in October 1969 without Phoenix ever being placed

under its jurisdiction and the Master Plan was approved by the Council in November 1969. Furthermore the NDILAC only acted in an advisory capacity and its first members were in fact nominated (40) by the Administrator of Natal.

It is further suggested that the choice of a design resulting in self-sufficient community areas constituted an attempt by the Council to create a township which had the capacity to be self supporting and independent of the local authority. This contention is not entirely without substance if one considers that during the mid sixties the idea of 'non-White' local (41) government was first conceptualised at the regional level. In opposition, anti-autonomy campaigns were waged by the residents of Phoenix and other community organisations soon after the inception of the township. These campaigns, together with the nation-wide uprisings and resurgence of community struggles from June 1976 onwards, witnessed the re-emergence of an organised popular Indian response to conditions at the local level.

(40) The question that emerges is how representative could the NDILAC have been of the views of the poor considering that this body was not elected by the people it was supposed to represent?

(41) TCF 140/8/1 : 1, refer to the Memorandum prepared by the Administrator's Standing Committee on Non-White Local Government on "Financial Assistance for Local Authorities in the Development of Non-White Group Areas for eventual Non-White Local Government", 7 December 1965.

CHAPTER SEVEN

CONCLUDING REMARKS

This study has focussed on housing as one 'practice' of social reproduction at the local level. An examination of the provision of Indian housing in Phoenix provides a case study for investigating the growth of bureaucratic power with regard to housing in Durban. While the elements of a theory of "the local state" and its role in securing "conditions favourable to capital accumulation" were first found in Cockburn's (1977) analysis of the London district of Lambeth, her dissolving of central-local relations into a relationship of functional dependence has meant that certain historical experiences at the local level have been ignored. In South Africa where racial capitalism permeates every aspect of society, the possibility of the 'relative autonomy' of the local state is one such historical experience which cannot be ignored. In consequence this study has precluded any direct appropriation of Cockburn's argument which conceptualises the local state as "a key part of the state in capitalist society".

Nevertheless, this study has found that Cockburn's assertion that the local state contributes to capitalist reproduction via the reproduction of the labour force (through such measures as the provision of housing), constitutes a fundamental reason for investigating the local state and housing in Durban. This study has argued for the need to grasp the specificity of the 'local' through an analysis of local social relations in order to

conceptualise the relationship of the local state vis-a-vis the central state ; to grasp the nature and expression of power relations, and to understand the extent to which housing has been central to the control and reproduction of the urban labour force.

The third chapter of the study provided the historical context for the adoption by the central state of an **apartheid** housing and relocation strategy in 1950. This chapter illustrated how the Durban City Council's residential segregatory measures provided the model upon which legislation such as the Group Areas Act was based. At the level of central-local relations, the acceptance by the central state of measures initially developed at the local level, proved that the local state in Durban during this period was not merely an agent of the central state. It influenced and was largely responsible for determining eventual central state housing policy via its responses to both changes in the pattern of accumulation, and White electoral reaction to increasing 'non-White' urbanisation.

In the 1950's mass housing in planned and structured townships located in Group Areas away from the White city centres, was regarded by the central state to be the most adequate way to meet the housing needs of the Black population ; the labour requirements of White industry and commerce ; and to satisfy the organised electoral expression of White interests. Phoenix was one such low-cost mass housing scheme, conceived of by the Durban City Council to cater primarily for working class Indian

people. It was located in a Group Area to the north of Durban outside the boundaries of the city, as part of the Council's subsequent **apartheid** housing and relocation strategy.

Since Group Areas legislation provided stringent conditions for proposed residential development, the findings of this study support the contention of Dear and Clark (1981) that legal and constitutional arrangements can be important control mechanisms of the central state. However the study does not concur with Dear and Clark's argument that the "local state has no inherent legal authority or power", since the responsibility for White, Coloured and Indian housing lay with the local state (although central state approval was required). The power struggles waged at the local level regarding the creation of Phoenix (resultant of its situation within a specifically local context) served to illustrate the capacity of the local state to exercise 'relative autonomy' from the central state.

In the analysis of power relations at the local level, this study has argued against approaches such as Fincher's (1981). She attempts to link the local state structure to "the fundamental relations of particular periods of capitalist development and the transitions between them", and sees local specificity being dissolved into the "merely empirical". Such a position implies that the local state is simply the manifestation or agent of the central state. In contrast, other writers such as Saunders, Byrne, and Duncan and Goodwin, have provided evidence to suggest

that the local state "is far from being one of unproblematic functionality" (Wilkinson, 1983: 6). Saunders (1981) however, has remained caught in the web of functionality by attempting to locate class and non-class oriented issues at the central and local state levels respectively. Byrne (1982a) erroneously tends to focus his analysis exclusively on **conscious** class action at the local level while ignoring other non-class discourses such as race, which are crucial for an analysis of the central and local states in South Africa (Wilkinson, 1983: 11). This study has followed the approach of Duncan and Goodwin (1982) who argue that in order to adequately conceptualise the local state and the possibility of its 'relative autonomy' from the central state, it is "more profitable" to focus on social relations than on structures and their functions. In this study such power relations have included those existing between the City Council and the bureaucracy ; the City Council and the Indian community ; and the bureaucracy and Natal Estates.

During the embryonic stages of the development of Phoenix the local state in Durban experienced significant changes in the balance of power. As a result of ongoing struggles between city councillors and technocrats for personal ascendancy and increased authority, this period witnessed the growth and rise to power of the bureaucracy and the subsequent decline of the City Council as an effective decision-making body with regard to housing. Bearing out Duncan and Goodwin's (1982) contention, the structure and composition of the bureaucracy (as the major decision-making institution) was ultimately determined by the internal struggle

between itself and the City Council for control over access to the key decision-making committees at the local level. The bureaucracy emerged not only as the executor of Council decisions, but as the major force initiating the Phoenix scheme proposal as well as Council Indian housing policy. The consequence of the emergence of the bureaucratic style of local government was that technical considerations were emphasised over ideological and political ones.

The Council's nominal role in the establishment of Phoenix left the bureaucracy largely free to determine the area, planning and pace of the scheme. Since the Council had already disregarded what it labelled the "political" demands of the NIC regarding Indian housing, the bureaucracy had only to deal with the objections of the ratepayers' associations, and Messrs Pather and Moolla. Ignoring the former group and using technical arguments to override the criticisms of the latter, the bureaucracy produced the blueprint Master Plan for Phoenix, based on technical, economic, management and control criteria. This experiential approach to planning converged with the central state **apartheid** housing strategy while it conveniently avoided consultation with the future recipients of this 'expertise'.

It is likely that the bureaucracy would have considered its actions to be in accordance with Weber's model (cited in Prasad, 1974: 6) where the norms of impersonality and neutrality would have ensured rationality and the efficient operation of the

bureaucracy. When viewed from the perspective of the bureaucracy (representative of the dominant class), Phoenix successfully fulfilled its primary function. Situated within a Group Area it fitted into the grand **apartheid** plan by moving the Indian population away from the White city centre while still meeting the labour requirements of industry and commerce. The low-cost mass housing catered for the needs of relocatees and it provided the local state (through its ownership of the homes) with control over the reproduction of labour power.

In economic terms the scheme was also considered by the bureaucracy to be viable because the area chosen was accessible to water, electricity, provision of sewerage systems, transport routes, and the topography and soil were suitable for low-cost mass housing. However, in this analysis of local social relations it has been argued that the bureaucracy was not neutral in its pursuit of particular interests. For instance, in retrospect, it is doubtful that the economic viability of the scheme had been seriously considered since the costs had not been accounted for in the Master Plan. Such an omission casts doubt upon the efficiency of the bureaucracy in this respect. Furthermore, the bureaucracy's decision to develop cluster housing is questioned not only because of its experimental nature, but also because the method of mass housing away from the city centre would not have been (and indeed was not) implemented in response to the White housing shortage and the "poor White problem" of the forties.

The fact that this "urgently-needed" township took twelve years

to reach fruition was partly the responsibility of an uncoordinated local state bureaucracy which had not adhered to all the central state requirements for the establishment of a mass housing scheme. The refusal of the City Engineer to support the proposal to establish a public utility housing company (as was established at Mitchell's Plain) to develop Phoenix, contributed to this delay since coordination of the whole project was weakened by a poor communication network between those Council employees working in Phoenix and the City Engineer's (1) Department itself.

The project was further delayed by the bureaucracy's determination to conclude the most satisfactory business transaction with Natal Estates at the expense of Indian needs at the time ; and by the central state's refusal to recognise Indian housing as a priority. In the sixties, priority was afforded to Coloured housing and more important, the central state was unwilling to accept responsibility for the financing of the scheme. Such a situation of financial dependence would have, as Dear and Clark (1981) concluded, reduced the autonomy of the local state. In this case the bureaucracy and the regional state nevertheless persuaded the central state to reconsider and accept financial responsibility for Phoenix.

This study has detailed the conflict of interests between the

(1) Personal communication, L.G. Vinton, 26 September 1986.

bureaucracy and Natal Estates over control of the provision of Indian housing. The bureaucracy, while attempting to secure Natal Estates' land, also went to great lengths to ensure that the Company would not develop the township itself. In the ensuing conflict both sides sought to gain the best bargaining position. The bureaucracy was successful in securing regional and central state cooperation for its scheme by arguing that in the interests of the Indian community it was better equipped and legally obliged to serve their needs. In the process it satisfied its own technical interests as well as those of the regional and central states. Neither Natal Estates nor the wider Indian community had substantial recourse to state structures to successfully contest the actions of the bureaucracy.

The bureaucracy's insistence that the Natal Estates should not develop Phoenix when it was willing and financially prepared to do so reflected the bureaucracy's determination to extend its power base while also actively ensuring its control over the establishment of Group Areas housing. However the Company, as a major employer of Indian labour at that time, could have exercised as much control as the local state and would also have been bound by central state regulations to enforce the Group Areas Act. Hence the bureaucracy's opposition to Natal Estates developing Phoenix was somewhat irrational.

In the final analysis no matter what arguments are offered by the bureaucracy to justify the creation of townships such as

Phoenix, these can never be truly rational. Phoenix was a response to the problem of housing Indians removed from White areas because of White interests and racial prejudice legislated in those acts embracing the **apartheid** ideology. This analysis of the bureaucracy in Durban has shown that when dealing with the problem of housing Black people, many senior bureaucrats were not detached from the crucial decisions they were making. Many were instrumental not only in implementing but also in initiating and ensuring the operation of the Group Areas Act at the local level. Thus the bureaucratic impassivity and impersonality that Weber identified in his ideal type, was not a facet of the bureaucratic power struggle and subsequent exercise of control over housing as epitomised in the creation of Phoenix.

* * * * *

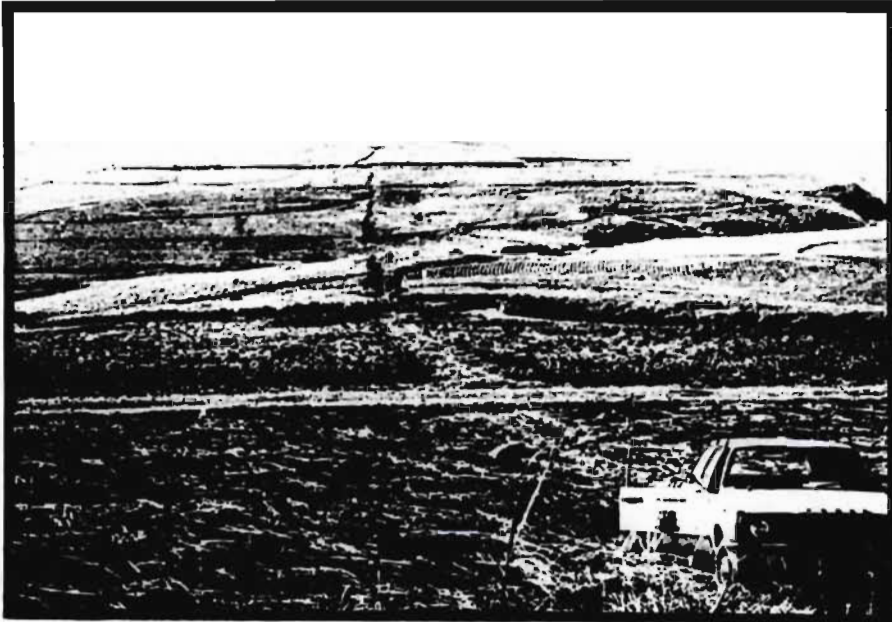
Further research on other local state activities of social reproduction (such as transport) and the extent of bureaucratisation, would contribute towards a fuller conceptualisation of the 'local state' during the fifties to the seventies. Such research into matters of social reproduction would involve detailing how the interventionist nature of the local state is closely related to and affected by the process of capital accumulation at the local level.

The conflict between Natal Estates and the bureaucracy was an integral feature of the emergence of Indian mass housing in Phoenix in the era of 'grand **apartheid**' between the 50's and

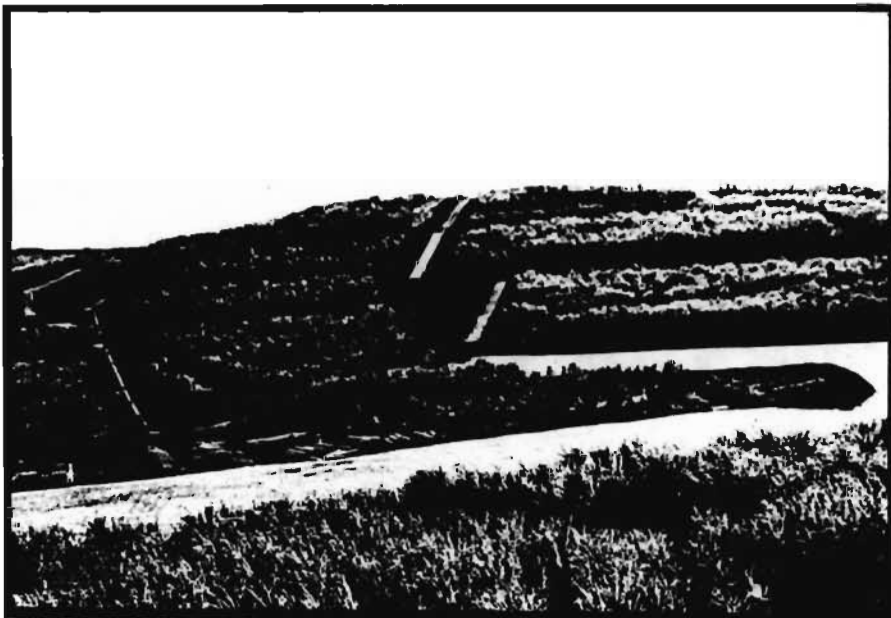
70's. In the eighties, in the wake of the Soweto 'township revolt' of 1976, the policy of mass housing for Black people has been replaced by moves towards the privatisation of housing provision. This shift in housing strategy has been the consequence of a number of factors which have included the re-emergence of organisation and popular struggle ; the rapid increase in African housing shortages alongside the deterioration of living conditions in the rural areas ; a down-turn in the economy necessitating reconstituted forms of accumulation following the post-war boom ; and the prominent role played by capital in facilitating the restructuring of the social relations of **apartheid** via its concern with improving the 'quality of life in the urban communities' (Wilkinson, 1984 : 14). An investigation of the local state during the decade of the 1980's must consider not only the extent of cooperation between local capital and the local state, but also the role played by the bureaucracy ; the nature of changes in production and reproduction at the central state level and the effects of this on developments at the local level.

* * * * *

PHOTOGRAPHS



1. Cane land for proposed Community Area 10, Redfern.



2. Pedestrian footpaths and roads precede buildings.



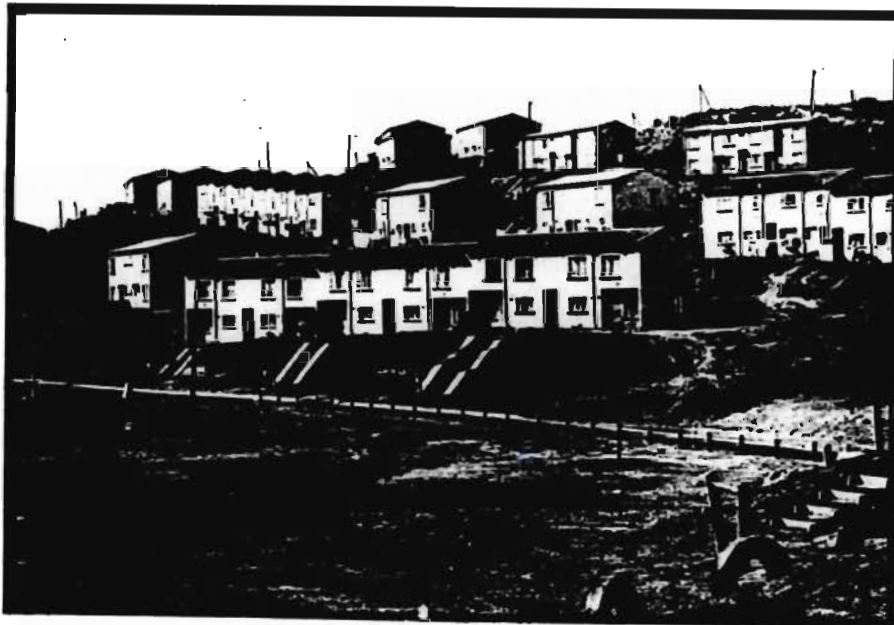
3. Grading of roads with school being built in background.



4. Construction of duplexes.



5. Community Area surrounded by sugar cane land and showing communal parking lot.



6. Children's Playground.



7. Detached house in foreground with flats in immediate background.



8. Semi-detached houses.



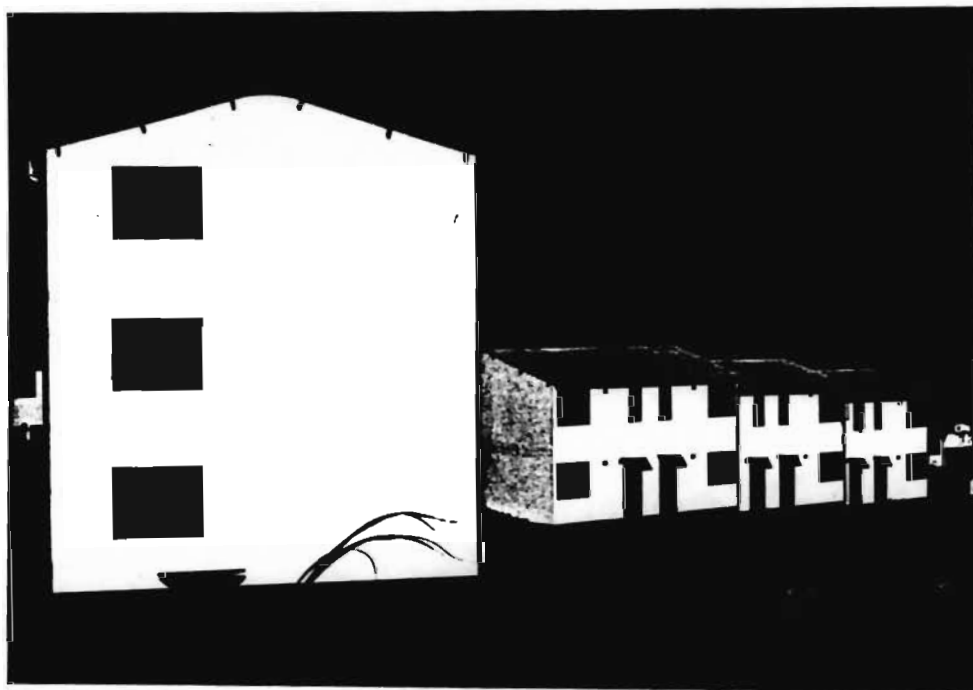
9. Duplex house.



10. Various duplex houses.



11. Flats.



12. Flats in foreground with duplex units in background.

599/74/279

MR. HENDERSON

APPENDIX I

EX-1/VE

4 SEP 196

Mr. Ramchander
c/o Suthung Govt. Aided Indian School,
P.O. Box 5,
MOUNT EDGECOMBE,
Matal.

Dear Sir/Madam,

re: Acquisition of Land: Newlands, Phoenix/Mt. Edgecombe
Indian Housing Scheme: Sub. A of 25 of 3 of Plot 11/12 No. 84

The City Council has approved of a scheme for the creation of a housing estate with its attendant amenities for members of the Indian Group in the Newlands, Phoenix/Mt. Edgecombe areas, and the approval of the National Housing Commission to these proposals is now being sought.

According to information made available to me the above-described property, registered in your ownership, falls within the boundary of the proposed scheme.

In due course it will be necessary for the City Council to acquire all the land necessary to implement the scheme, and with this end in view representatives of both the City Engineer's and my Departments will be calling on you for the purpose of gathering information in order that a fair assessment of the value of your property can be made. Your co-operation in these investigations is therefore sought, and any assistance you may wish to offer would be appreciated.

In the interim period, it would also be appreciated if you would give consideration to the terms and conditions upon which you would be prepared to pass transfer in favour of the City Council.

Finally, should there be any points which need clarification, please do not hesitate to contact my representative in this matter, Mr. N.O. Henderson on telephone 69816 extension 508.

Yours faithfully,


CITY VALUATOR AND
ESTATES MANAGER.

CLAIM FOR COMPENSATION 1134 ha - BASIS OF CALCULATION OF COUNCIL'S
FINAL OFFER

1. Cane production from affected land :

		<u>tons</u>
1972/73		53 527
1973/74		46 677
1974/75		57 645
1975/76	48 627 + 8 300	56 927
1976/77	58 812 - 2 945 (5%)	55 867
1977/78	63 403 - 3 170 (5%)	60 233
		<u>330 876</u>

Average production 4 years actual)
2 years estimate) 55 146

Compromise rate per ton agreed approximately R36,471

AMOUNT AGREED FOR LAND VALUE : R2 011 012

2. Claim for Consequential Loss:

Calculations based on figures from Company's Schedule M19/76
and Mr. McElligots Report Schedule 19.

Note: M19/76 provides only 45 000 t. replacement cane whereas
average 55 146 t. is lost.

A. Future Profits : Phoenix

Average tonnage	55 146
Profit per ton (future basis)	R3,30
Gross	R181 981
Tax 41%	74 291
Nett	107 690
10 years purchase (5, 216)	<u>R 561 711</u>

B. Replacement Area

	<u>Loss</u>	<u>Profit</u>	<u>Tax</u>	<u>Nett</u>		<u>P.D.V.</u>	
Year 1	38 150				-	R38 150	Dr.
2	97 850				,7695	75 295	Dr.
3	70 510				,6750	47 594	Dr.
4	1 650				,5921	976	Dr.
5		76 310	-	76 310	,5194	39 635	
6		83 260	-	83 260	,4556	37 933	
7		130 430	48 286	82 144	,3996	32 824	
8		137 410	56 338	81 072	,3506	28 423	
9		144 380	59 195	85 185	,3075	26 194	
10		151 450	62 094	89 356	,2697	24 099	
				NETT		<u>R27 093</u>	

Area still to be cut by Company (see McElligots Schedule 19)

1976/77	24 561 t.
1977/78	27 600 t.

24 561 t. x R2,80	R68 770 - tax	= R40 574	,8772	P.D.V. R35 591
37 600 t. x R2,80	R105 280 - tax	= R62 115	,7695	<u>47 797</u>
				<u>R83 388</u>

SUMMARY

Phoenix Loss		R561 711
Recovery New Area :	R27 093	
Cane remaining	<u>83 388</u>	<u>R110 481</u>
		<u>R451 230</u>

This total to be apportioned as follows:

Transfer duty on new land purchased	R100 000
Consequential loss	<u>351 230*</u>
	<u>R451 230</u>

*Mr. McElligot's Report provides following:

Page 14	5 years loss of profits discounted at 20% pa.	R434 305
Page 16	Purchase of milling capacity plus railage ...	R423 028
Schedule 19	Loss based on replacement	R172 921
Schedule 18	Loss based on replacement (alternative)	R265 215

3. Claim for Disposal Mill Effluent:

Replacement cost of scheme	R103 000
Credit from portion due to DoCD acquisition	<u>35 000</u>
	68 000
Depreciation recovered to date 8/30	<u>12 800</u>
	55 200
Savings in labour R3 011, electricity R2 058	<u>5 069</u>
	50 816
Deduction requested by City Engineer	<u>3 058</u>
	<u>R47 758</u>

4. Claim for Disposal Domestic Effluent:

Claim based on cost of disposal via City Council's Sewers	R226 622
City Engineer rejects basis as <u>Company</u> elected to choose this method.	
Cheaper methods available as per 3. above. Amount offered as being reasonable based on 3. above	<u>R30 000</u>

SUMMARY

COMPANY'S CLAIM

R2 346 440	Land
R2 132 962	Consequential Loss
198 000	Mill Effluent
<u>226 622</u>	Domestic Effluent
<u>R4 904 024</u>	

COUNCIL'S OFFER

R2 011 012
100 000
351 230
47 758
<u>30 000</u>
<u>R2 540 000</u>

Total compensation rate per hectare R2 240

/5. ...

5. Comparative Acquisition Data:

Land expropriated by DoCD from Natal Estates - Extent 348,2512

	(i) <u>Cost of</u> <u>348 ha</u>	(ii) <u>Pro rata Cost</u> <u>for 238,8014 ha</u>
3/70 Initial Payment	R913 983,75	R626 733,23
11/73 Balance of Purchase Price	<u>131 580,49</u>	<u>90 226,84</u>
(R3 002 per ha) <u>TOTAL</u>	1 045 564,24	716 960,07
Transfer & Stamp Duty	7 809,50	5 355,10
Balance of Transfer Costs	<u>1 422,50</u>	<u>975,43</u>
<u>TOTAL</u>	<u>R1 054 796,24</u>	<u>R723 290,60</u>
	<u>(R3 028 per ha)</u>	<u>(R3 029 per ha)</u>

(ii) Above plus interest to 31/12/1975 calculates to
R1 128 983,50 = R4 728 per ha.

(ii) Above plus interest to 30/6/1976 - possible date of
transfer and payment = R1 177 113 (R4 929 per ha).

Land to be Acquired from P.W. Brook - Extent 105,73 ha.

St. Perns' Valuation	R275 455 - R2 605 per ha.
Atwells' Valuation	R268 000 - R2 535 per ha.
Basic Value (1970)	R359 000 - R3 395 per ha.
Council's Offer	R300 000 - <u>R2 837 per ha.</u>
Brook's Claim	R450 000 - R4 256 per ha.

Land to be Acquired from B.F. and D.J.B. Sykes - Extent 45,37 ha

Atwells' Valuation	R120 500 - R2 655 per ha.
St. Perns' Valuation	R108 548 - R2 392 per ha.
Basic Value (1970)	R156 000 - R3 440 per ha.

Claim : R173 100 excluding Natal Estates Cane - Land only
R171 600 - R3 782 per ha.

Office of the Town Clerk,
City Hall, DURBAN.
20th February, 1976.



**AANSOEK OM MINISTERIELE GOEDKEURING EN OM 'N VOORSKOT OM GROND VIR 'N BEHUI-
SINGSKEMA AAN TE KOOP/TE ONTEIEN.**
**APPLICATION FOR MINISTERIAL APPROVAL AND FOR AN ADVANCE TO PURCHASE/EXPRO-
PRIATE LAND FOR HOUSING PURPOSES.**

L.W. Sien notas op die keersy hiervan.
 N.B. See notes on the reverse hereof.

1.	Plaaslike bestuur: Local authority:	(a)	Naam Name	City Council of Durban	
		(b)	Posadres Postal address	c/o Town Clerk, P.O.Box 1014, Durban, 4000.	
2.	Voorskot benodig: Advance required:	(a)	Koopprys Purchase price	R
		(b)	Oordragkoste Transfer costs	R
		(c)	Waardasiekoste Valuation costs	R
		(d)	Opmeetkoste van die grond (maar nie opmeetkoste van individuele erwe nie.) Survey costs of the land (but not cost of surveying individual erven).	R
		(e)	Ander kostes (spesifiseer) Other costs (specify)	R
				Totaal Total	R 2 723 270,53
3.	Voorlopige rente gekapitaliseer te word (indien verlang) Preliminary interest to be capitalised (if required)			R
4.	Besonderhede van die grond: Particulars of the land:				
	(a)	Beskrywing volgens titelakte: Description according to title deed:	See attached schedule		
	(b)	Grootte: Area:	Approximately 1.153 hectares		
	(c)	Plaaslike bestuur waardasie soos op Local authority valuation as at	Incorporated into City of Durban on 1st December, 1975. Valuations not finalized as yet.		
	(i)	Grond Land	(ii)	Verbeterings Improvements	(iii) Totaal Total
		R	R	R	R
5.	Koopprys wat deur eienaar verlang word: Purchase price required by owner:			R	2 540 000
6.	Is grond binne 'n geproklameerde groepeeringsgebied geleë? Is land situate in a proclaimed group area?		Yes	Indien 'Nee' kyk nota 2(b). If 'No' see note 2(b).	Inclusive of consequential compensation.
7.	Het u Raad onbehoude grond tot sy beskikking? Has your council vacant land at its disposal?				No.
	(Verstrek die volgende besonderhede as die antwoord 'Ja' is). (Furnish the following particulars if the answer is 'Yes').				
	(a)	Grootte Area		
	(b)	Redes waarom die grond nie vir die beoogde skema aangewend kan word nie: Reasons why the land cannot be utilized for the proposed housing scheme:		
8.	Beknopte besonderhede van beoogde/goedgekeurde skema (Kyk omsendbrief No. 5/69 gedateer 17.6.69). Brief particulars of proposed/approved scheme (See circular No. 5/69 dated 17.6.69).				
	(a)	Beoogde skema en rassegroep: Proposed scheme and racial group:	Phoenix Indian Housing Scheme.		
	(b)	Getal eenhede: Number of units:	(i) Ekonomies Economic	(ii) Subekonomies Sub-economic	
	(c)	Totale beraamde koste Total estimated cost	R		

 28/6/76
 DATUM/DATE

200

[Signature]
 STADSKLERK/SEKRETARIS
 TOWN CLERK/SECRETARY

ANNEXURE.

2. Advance required:

(a)	Purchase price	R2 011 012,00
(b)	Transfer costs	R 2 995,00
(c)	Valuation costs and fees for Professional services	R 17 275,53
(d)	Survey costs of the land	R 10 000,00
(e)	Other costs:	
(i)	Estimated occupational interest @ 9% per annum to date of payment	R 153 000,00
(ii)	consequential farming losses	R 351 230,00
(iii)	Transfer duty to be incurred by The Natal Estates Ltd. in replace- ment of land to be acquired and in order to mitigate any loss to be suffered by the Company	R 100 000,00
(iv)	Costs incurred and to be incurred by The Natal Estates Ltd. for the relocation of the Mill effluent disposal scheme and the disposal of its domestic effluent	77 758,00
TOTAL		<u>R2 723 270,53</u>

BIBLIOGRAPHY

A. PRIMARY MATERIAL

1. Official
 - a. Government Records
 - i. Legislation
 - ii. Government Commissions
 - b. Provincial Records
 - c. Municipal Records
2. Unofficial
 - a. Newspapers
 - b. Periodicals
 - c. Oral Interviews

B. SECONDARY MATERIAL

1. Books and Research Reports
2. Journal Articles, Articles in Books and Unpublished Papers
3. Theses

BIBLIOGRAPHY

A. PRIMARY MATERIAL

1. Official

a. Government Records

i. Legislation

Housing Act No. 35 of 1920.

Native (Urban Areas) Act No. 21 of 1923.

Housing Amendment Act No. 49 of 1944.

Housing (Emergency Powers) Act No. 45 of 1945.

Housing Act No. 4 of 1966.

The Trading and Occupation of Land (Transvaal and Natal) Restriction Act No. 35 of 1943.

The Asiatic Land Tenure and Indian Representation Act No. 26 of 1946.

The Group Areas Act No. 41 of 1950.

ii. Government Commissions

Report of the Indian Penetration Commission (Broome), U.G. 39/1941.

Report of the Second Indian Penetration (Durban) Commission (Broome), U.G. 21/1943.

Report of the Judicial (Broome) Commission of Enquiry into Native Affairs in Durban, 1948.

b. Provincial Records

Report of the Commission of Enquiry into the Extension of the Durban Borough Boundaries, No. 411 of 1930.

Natal Housing Board :

Annual Reports Nos. 1 to 9, December 1945 - March 1955.

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c. Municipal Records

Mayor's Minutes, 1949 - 1957.

Durban City Council Minutes, 1946 - 1976.

Standing Committee's Agendas and Minutes, 1955 - 1976.

Programme of Post-War Development : Report of the Special Committee appointed by the Durban City Council on 12 April 1943.

Race Zoning of the Durban Region : Report of the Technical Sub-Committee appointed by the Durban City Council on 20 November 1950.

Durban Corporation : Town Clerk's Files (TCF)
(Government Archives, Pietermaritzburg)

[NOTE : (i) All files are colour coded with each colour denoting a five year period.

(ii) The 643 series incorporates the 1945 - 1975 records dealing specifically with housing matters. These are broken into sub sections, for example : 643/1 - Housing : General ; 643/2 - White Housing ; 643/3 - Coloured Housing ; 643/4 - African Housing ; 643/5 - Indian Housing. The 643 series was replaced with the 9 series from 1975 onwards.

(iii) All files with box numbers are housed in the Government Archives.]

Local Government in Non-White Group Areas

File 140/8/1 : 1 - 6 June 1965 - May 1970

: 1 - 8 June 1970 - December 1974

North Durban Indian Local Affairs Committee

File 140/8/2 : 1 June 1965 - March 1970
: 1 - 5 June 1970 - December 1974

Proposed Indian Local Authority

File 140/8/3 : 1 January 1972 - November 1974

Housing : General

Box 45 File 643/1 : 1 - 7 January 1950 - December 1954
84 643/1 : 1 - 6 January 1955 - December 1959
40 643/1 : 1 - 9 January 1960 - May 1965
643/1 : 1 - 5 June 1965 - May 1970
643/1 : 1 - 7 June 1970 - December 1974

State Committee re Housing

File 643/1/15 : 1 - 9 June 1965 - May 1970
643/1/15 : 1 - 6 June 1970 - July 1974

Indian Housing

Box 86 File 643/5 : 1 - 6 January 1955 - December 1959
43 643/5 : 1 - 10 January 1960 - May 1965
643/5 : 1 - 6 June 1965 - May 1970
643/5 : 1 - 6 June 1970 - December 1974

Indian Housing : Phoenix / Mount Edgecombe / Newlands Area

Box 44 File 643/5/3 : 1 November 1963 - February 1965
643/5/3 : 1 - 6 June 1965 - May 1970
643/5/3 : 1 - 2 June 1970 - December 1974

Phoenix Indian Housing Scheme

File 643/5/6/: 1 - 3 June 1970 - December 1974

Indian Housing Schemes : Phoenix

File 9/3/1/3 : 1 - 4 January 1975 - April 1977

Municipal Property. Land Acquisitions : Housing : Phoenix

File 10/1/1/3 : 1 - 2 January 1975 - September 1977

Durban Corporation : City Estates Department's Files (CEF)

[Note : (i) These files are referenced independently from the Town Clerk's files.

(ii) The 599/74 series pertains to saleable land within the Phoenix housing scheme area.]

Housing : Mount Edgecombe / Phoenix Housing Scheme - Natal Estates Limited

File 599/74/8/1 : 1 - 4 July 1964 - December 1977

Housing : Phoenix Indian Housing Scheme - DOCD
File 599/74/377 : 1 May 1969 - August 1977

Housing : Phoenix Indian Housing Scheme
File 599/74 A : 1 - 4 January 1969 - December 1976

Incorporation : Phoenix / Mount Edgecombe Housing Scheme
File 538/30 : 1 - 2 February 1971 - March 1978

Sub A of 25 of 3 of Riet Rivier No. 842 County of Victoria
File 599/74/273 : 1 September 1968 - April 1978

2. Unofficial

a. Newspapers

<u>Natal Mercury</u>	September 1959 - March 1976
<u>Daily News</u>	September 1957 - March 1976
<u>Sunday Tribune</u>	September 1957 - March 1976
<u>Sunday Times</u>	September 1957 - March 1976
<u>The Post</u>	Miscellaneous articles
<u>The Leader</u>	January 1956 - May 1976
<u>The Graphic</u>	January 1956 - May 1976
<u>Phoenix</u>	Miscellaneous articles

b. Periodicals

<u>Fiat Lux</u>	November 1966 - June 1976
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c. Oral Interviews

R.R. Gopaul-Singh, (former member and chairman of the Clare Estate Ratepayers' Association, 1963 - 1970)	22 September 1986
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Kula

C.R. Herron, (Durban City Councillor, 1972 - 1978)	2 October 1986
D. Hopper, (City Estates Department)	5 November 1986
I. McIntosh, (City Engineer's Department)	27 November 1986
R.P. Moodley, (current member of NDILAC)	24 September 1986
B.A. Naidoo, (member of Indian Housing Committee formed by Durban Indian Child Welfare Society, 1964 - 1972)	23 September 1986
P. Seebran, (former President of the Cato Manor Indian Ratepayers' Coordinating Council)	24 September 1986
L.G. Vinton, (former Principal Planning Officer of Housing, City Engineer's Department)	16, 22, 26 September 1986
L. Willgoose, (former employee of City Engineer's Department)	17 September 1986
G.H. Waters, (Lecturer, Department of Sociology, University of Natal, Durban)	11 June 1987

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