

**“Stink, maar uit die verkeerde rigting”:
Pollution, Petroleum and Politics in South Africa 1954-1960¹**

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In October 1996 Engen hired communications consultants Lowe, Bell and Mann to develop a “communications strategy and community relations programme” for the company’s oil refinery at Wentworth because it had become “the central target” in the controversy about sulphur emissions in south Durban. Their report stated that “well-informed and articulate political and environmental activists” were “ranged against” the company, while the media was “sensationalising the issues.” Most significantly, it noted that the “personal intervention” by President Mandela in 1995, after he had been confronted at the gates of the refinery by a group of protestors from Wentworth, during a ribbon-cutting visit, had “raised the stakes.” Then Deputy Minister of Environmental Affairs, Bantu Holomisa, was tasked by Mandela to convene an indaba of the various ‘stakeholders’ from south Durban, and after drawn-out negotiations an ‘agreement’ was reached which required Engen to decrease its sulphur emissions.

Lowe, Bell and Mann drew the obvious conclusions from the episode, warning that the “risk was that the issue would escalate to national political and public interest, threaten Engen’s operations in Durban and damage the reputation of the company as a whole.”² They defined the key aims of the communications programme as being the prevention of “unhelpful intervention from on high...to shift the issue from the national level...to provincial/municipal authorities” and “sidelining the civics...” As this paper outlines, fifty years ago, during the first year of the operation of the refinery at Wentworth, the operating company at the time, the Standard Vacuum Refining Company of South Africa (Stanvac) found itself at the heart of a very similar pollution controversy, but with some key differences. In 1954, at the height of a very public storm about the effects of its operation, Stanvac asked for – and received a helpful intervention from ‘on high’ when

¹ The quote is the title of a newspaper article from late April 1954 from an unknown Afrikaans language newspaper, which was included together with other press clippings in a Department of Trade and Industry file on the Wentworth refinery. This is an exploratory paper which represents my first substantial attempt to bring together the large amount of archival data which I have collected from various local corporate and government archives for my M.A dissertation. I have not yet finished processing all of this material, and further archival research still needs to be done in the months to come, in addition to a number of interviews. Writing this paper has been by its nature an exercise in compression. I would appreciate any suggestions and advice. I would like to express my gratitude to Prinisha Badassy, Nafisa Essop Sheik and Dr Keith Breckenridge for their comments and criticisms of an earlier version of this paper. This paper is a work in progress. Please do not cite without permission.

² Engen Refinery Library Environment Files 5/3/P5 (xi) ‘A Communications Strategy for Turning Adversity into Advantage’ February 1997. For a detailed first hand account of the process which lead to the ‘agreement’ between Engen and environmental and community organisations from south Durban following Mandela’s intervention, see Bobby Peek et al ‘Conflict and Co-operation in Durban’s Petrochemical Basin.’ Available at <http://www.katu-network.fi/Artikkelit/kirja2/tekstit/Peek.htm>

officials from the national Department of Trade and Industries stepped into the dispute between the company and the Durban City Council, which briefly threatened to result in the refinery's operation being brought to a halt by a court interdict. In contrast to the strategy suggested by Engen's consultants in 1996, Stanvac initially sought to 'nationalise' the dispute by emphasising the refinery's national importance. Like Engen today, which has to contend with civic organisations such as the Wentworth Development Forum, the Merebank Ratepayers Association and the South Durban Community Environmental Alliance, Stanvac had to deal with the Bluff Amenities Protection Association, an organisation made up of White landowners from the various neighbourhoods on the Bluff.

There is an exceptionally large historiography focusing on the relationship between Apartheid and capitalism in South Africa's history. Studies have invariably focused on the nature of the State and its relationship to capital. Few have successfully conveyed the complexity of the way in which the State, at its different levels of governance – the local, provincial and central – has actually functioned in interacting with each other, with capital and with key constituents affected, sometimes adversely, by those same exchanges.³ This is largely a reflection of the tendency to limit empirical research and analysis to the highest reaches of the South African State. This paper represents an attempt to investigate, through two industrial case studies, how the South African State, at its three tiers of governance, dealt with the polluting impact of petro-capital on the local White populace living on the Bluff, in the first decade of Apartheid. In so doing it makes the case for a more complicated understanding of the environmental history of south Durban than contemporary literature, with its emphasis on 'environmental racism' and 'neo-liberal' globalisation, with its attendant celebration of more recent community mobilisation, generally allows.

Dianne Scott has outlined a history of what she characterises as resistance to industrial modernisation in south Durban and defence of 'communal living space' by the Indian community at Clairwood, stretching back to the 1920's and 1930's when the area was first earmarked for industrialisation.⁴ She slips into teleology however, in her emphasis upon the role of blueprint modernist planning, to the exclusion of political contingencies and struggles between the local, national state and industrialists in shaping the history of the area. This paper draws on various untapped government and corporate archival records, in order to write a history, which has not, to date, been properly documented. There are virtually no references to it in either the existent South African environmental historiography or that of this city.⁵ In so doing I hope to both enrich the environmental

³ One of the most notable exceptions to this rule is Deborah Posel 'The making of Apartheid, 1948-1961: conflict and compromise' (Clarendon Press, Oxford: 1991)

⁴ D. Scott 'Creative Destruction': Early Modernist Planning in the South Durban Industrial Zone, South Africa' in *Journal of Southern African Studies*, Volume 29, Number 1, March 2003. Also of relevance to my paper is B. Freund 'Brown and Green in Durban: The Evolution of Environmental Policy in a Post-Apartheid City' in *International Journal of Urban and Regional Research* Volume 25 (4) December 2001

⁵ I have been able to find just two allusions to the controversy surrounding the Stanvac refinery during the first year of its operation in the vast body of material that has been produced in the last decade by

historiography of this region, which continues to be marked by a powerful rural bias, and to provide a detailed case study of what happened when an American oil company found itself caught up in a major public controversy because of the alleged effects of its operation on a comparatively small group of White residents living on the Bluff.⁶ Such an investigation offers useful analytical opportunities for understanding the nature of the relationship between petro-capital and Apartheid, particularly in terms of the role of the local state, as well as the character of White civic culture in this city at the beginning of Apartheid.

Somewhat surprisingly, given the amount of energy that was committed to the campaign for the introduction of sanctions against oil imports to South Africa by anti-Apartheid campaigners, the historical literature on the South African oil industry is rather limited.⁷ This may partly be a reflection of the secrecy of the industry, which was enforced during Apartheid by draconian legislation. Anti-Apartheid publications certainly did a sterling job of attempting to document the role of multi-national oil companies in supporting/prolonging Apartheid through sanction busting, and the part played by various Western governments in allowing this to happen.⁸ However our understanding of how the industry actually worked in terms of relationships with government at its different levels during Apartheid is limited to a vague malevolence. Environmental activists fighting 'environmental racism' in pursuit of 'environmental justice' in the post-Apartheid era have added further cynicism to this picture; big oil's behaviour during Apartheid was odorous in every sense. As this paper will endeavour to suggest, it was not always quite

community and environmental organisations from south Durban, and elsewhere in South Africa's petrochemical landscape. See 'Complaint Concerning Violation of Constitutional Right to Environment with Particular Reference to Failure to Regulate by Chief Air Pollution Control Officer' Legal Resources Centre Submission for: South Durban Community Environmental Alliance and Table view Residents Association, 16 September 1999 and Wiley, D., C. Root and S. Peek 'Contesting the urban industrial environment in South Durban in a period of democratization and globalization' 238 in *(D)urban Vortex: South African City in Transition* B.Freund and V.Padayachee (eds.) University of Natal Press, 2002. The general absence of the story told in my paper from the historical narratives which are propagated by the various community environmental organisations concerned may be a reflection of the suppressive power of the 'environmental racism' discourse they have utilised as a part of their campaign for 'environmental justice' during the last decade.

⁶ It still seems possible to publish environmental history collections in this country without including studies on urban environments. See for instance Stephen Dovers, Ruth Edgecombe and Bill Guest (Eds.) 'South Africa's Environmental History: Cases and Comparisons' David Philip, Cape Town, 2002.

⁷ The few major works include: J.Giantsos 'The Effects of Trade Policy on the Development of the South African Petrochemical Industry' M.A Thesis, Rhodes University, 1995; J. Meiring 'Beplanning, Logistiek en Bedryfsaspekte van die Oliebedryf en die Invloed Daarvan Op Suid-Afrika' PhD thesis, Randse Afrikaanse Universiteit, 1986; R.Crompton 'The South African commodity plastics filiere: history and future strategy options' PhD thesis, University of Natal, 1994. For a rare labour study see G. Klerck 'Proletarianisation, unfree labour and the working class: a study of the nature and functions of unfree labour with specific reference to the use of subcontracted labour in the petro-chemical sector' M.A Thesis, University of Natal, 1991.

⁸ See for instance: 'Oiling the apartheid machine' - *Sechaba* - 7 July 1974; 'Oiling the wheels of apartheid' *Sechaba* - 1 January 1977; 'Oil deals with apartheid exposed' - *Sechaba* - 4 April 1981.

so simple, though the net results – unacceptable levels of pollution for largely black communities living alongside heavy industry, and oil and fuel for the Apartheid machine – remain indisputable.

“Even the poor native does not have to sleep, eat and work under such unpleasant conditions”⁹

White residents living on the Bluff made some of the most virulent *recorded* complaints about the pollution from the oil refinery at Wentworth during the opening years of its operation. I have been unable to find any documentary evidence in a number of corporate and government archives of complaints by Black, Indian and Coloured people who were living in south Durban at the time of the refinery’s establishment and during the first few years of its operation.¹⁰ By contrast there is an immense volume of letters written by Whites to local, provincial and national government about pollution from the refinery, often very rich in detail about the effects of pollution upon their health and that of their families. This represents an important methodological and epistemological challenge for my research. I am endeavouring to conduct interviews with some of the oldest surviving residents from communities such as Merebank, which has a longer-standing history than Wentworth, predating Group Areas Act removals. I have managed to find two retrospective written accounts by former Natal Medical School students who stayed at the Alan Taylor residence alongside the refinery in Wentworth, during the 1960’s and 70’s:

The oil smell that wafted through their windows grew stronger because of the proximity of wells. For a fortnight the pungent smell hurt their sense but after that it no longer existed except when the wind was up and blowing in their direction, and then, too, it affected them briefly. But the visitors who came from time to time brought the attention of the students to the smell. The students explained that their olfactory system had developed an immunity to the smell and the visitors declared that their senses were dead and they understood, now, why, doctors had such cold hearts.¹¹

The level of pollution from the oil refinery was such that one could see traces of soot when one blew one’s nose, and the bed-linen would be covered with a black layer of dust if one left a window open on a windy day. We justified our cigarette smoking

⁹ A quote from a letter written to the Durban Town Clerk by the President of the Brighton Beach Women’s Institute complaining about pollution from the Stanvac refinery. One of the Institute’s members had noted that her servants were leaving ‘to seek employment in another area’ because of the pollution. See TBD 3/DBN 4/1/4/131 Vol. 4. Proposed Oil Refinery at Wentworth President Brighton Beach Women’s Institute to Town Clerk, Durban 28 April 1954.

¹⁰ I have found just one letter that deals with the refinery in this earlier period, which was from the Durban Combined Indian Ratepayers Association, expressing an ‘emphatic protest’ against the City Council selling land which had initially been expropriated from Indians at Merebank for a housing scheme, to the Standard Vacuum Refining Company of SA. See TBD 3/DBN TCF 4/1/4/130 Vol. 2 Proposed Oil Refinery at Wentworth. P. Raidoo, Hon. Secretary Durban Combined Indian Ratepayers Association to Town Clerk, Durban, 27th February 1952.

¹¹ Adam Starz *‘Between Laughter and Tears’* Sinclair Publishing, Ladysmith 1986, 77. My thanks to Vanessa Noble for providing me with this reference.

by pointing to the inevitability of inhaling carcinogens (cancer-inducing substances) in the environment in which we were forced to live. A lame excuse for engaging in risk-taking behaviour, but is sounded very smart at the time.¹²

The possible reasons for this archival absence deserve further exploration. It might well be the case that some of those that could write sent letters of complaint, only for them to be discarded by indifferent bureaucrats. On the other hand, many may not have possessed the financial means or skills to write. Other factors may also help to explain it; including the fact that the refinery was in fact very small when it was first built. Encroachment and expansions would occur in decades to come until the present situation where the refinery is literally within spitting distance across the road from houses in Merebank. The Bluff was both nearer and higher up than Merebank, so that pollution from the smoke stack and ground flare tended to be dumped on it. It is also true that unpleasant smells may not have been an unusual experience for the poor living in the valley, compared with the rather more salubrious conditions on the better-serviced Bluff. Responding to queries about the impact of the refinery's gas flare the Durban Medical Officer of Health G.H Gunn remarked:

A large gas flare always visible close at hand would tend to discourage the highly imaginative European from settling on land in its proximity. The phlegmatic non-European would not, however, be thereby discouraged to anything like the same degree, if at all, more especially in view of the extreme shortage of urban land available for non-European settlement.¹³

But I am wary of making an argument that there were more pressing concerns, which restricted the development of environmental consciousness amongst Black, Indian and Coloured people in south Durban. As an obvious extension of this view, environmental concern is dismissed as a bourgeois, 'White' fetish.¹⁴ There may be strong grounds for such cynicism with respect to the history of nature conservationism in this region; but the issue becomes altogether more complicated in the story told here about the oil refineries in south Durban. While landowner interests played an important initial role in sparking mobilisation on the Bluff, gradually that gave way, not so much to an ideology premised on a belief in the protection of the environment, but rather a concern, independent of that, with the effects of pollution on health and quality of life. Either way, the archival absence I have described, together with the story that this paper outlines, point us towards the inevitable depressing conclusion that the experiences of poor Black, Indian and Coloured people of the pollution in south Durban in the 1950's, whatever their precise contours,

¹² Mamphela Ramphela *'A Life'* David Phillip, Cape Town, 1995, 58

¹³ TBD 3/DBN 4/1/4/131 Vol. 4 Proposed Oil Refinery at Wentworth; City Medical Officer of Health G.H Gunn to Town Clerk, Durban, 27 April 1954

¹⁴ This is a part of a long established debate within the environmental historiography in various different contexts. Farieda Khan's work on environmentalism and conservationism in South Africa is particularly relevant to this question. See F.Khan 'Towards environmentalism: a socio-political evaluation of trends in South African conservation history, 1910-1976, with a specific focus on the role of black conservation organisations' PhD Thesis, University of Cape Town, 2001.

simply did not matter to either the central or local government authorities. It must also be emphasised, that until comparatively recently their experiences also did not matter to the White residents on the Bluff who were experiencing many of the same pollution problems from the beginning.¹⁵

During the first two years of the refinery's operation Durban's municipal bureaucracy and various major local newspapers were inundated with a remarkable volume of letters complaining about pollution.¹⁶ Many of these letters appealed to a civic identity, intertwined with references to the rights of ratepayers and citizens to protection by the Durban City Council. This was one of the reasons why the City Council and the Apartheid State could not simply disregard the concerns being expressed about the refinery, even as the Department of Commerce and Industries acted to protect the company from the more precipitous measures initially contemplated by the City Council.

The Standard Vacuum Oil Company of New York first started to make serious investigations about establishing a refinery in South Africa in 1946, at a time when it was increasing its production capacity throughout the Eastern hemisphere by establishing refineries in India, Indonesia, Australia and Japan as part of the general expansion of American capital after World War 2. Socony-Vacuum, as it was then known, was a product of the U.S Supreme Court anti-trust action of 1911, which splintered the original Rockefeller oil empire – the Vacuum Oil Company – into a series of different companies. The Vacuum Oil brand had a long-standing and dominant presence in South Africa stretching back to the late 1890's in Cape Town. By the late 1940's the advantages of having a local source for refined products to supply the growing South African market were becoming increasingly hard for the South African government to resist. Despite intermittent fits of optimism it was clear that major local crude oil finds were not going to happen, and with the exception of a small quantity of oil produced by SATMAR (South African Torbanite Mining and Refining Company) from shale, almost all of the petroleum requirements of the country had to be met from imports, which was a considerable drain on the South African treasury in terms of foreign exchange.

The site chosen at Wentworth by Stanvac for its refinery was in close proximity to a small, but steadily growing formal White residential population on the Bluff, not to mention the fairly large number of Blacks, Indians and Coloureds living throughout the swampy valley below, in informal wood and iron houses. Many Indians in the area were engaged in market gardening, others were wage labourers, working at a nearby motor assembly plant.¹⁷ The site was in many ways a natural choice for a refinery. It was

¹⁵ It was only really from the late 1980's that there were signs of partnerships between the Bluff civic organisations and Wentworth and Merebank community environmental organisations beginning to be forged.

¹⁶ All the newspapers that I cite in this paper were published for and read primarily by a White readership. I have been unable to find a single letter or article published in the *Indian Opinion* and *Ilanga Lase Natal* on the Stanvac pollution controversy during the years 1954-1955.

¹⁷ Interview by author with Harry Landers at Wentworth, February 2003.

characterised by a large stretch of flat land, close proximity to a major deep-sea harbour and local railway links together with a potentially large pool of labour which could be drawn into manual and maintenance work. As this paper reveals the presence of a growing White population on the Bluff meant that in other respects the site was not in fact ideal.

Formal negotiations between the Company and various authorities began in 1948, but they did not go entirely smoothly; even breaking down at one point because of the degree of protection that the Company demanded from the South African government. The Board of Trade and Industry undertook a very thorough interrogation of the company's proposal, which it viewed with scepticism. The company's initial proposal was turned down because it was thought to entail too great a financial risk to the Treasury. It is worth dwelling on this question, particularly because in later years the Afrikaner Nationalist government would undertake petrochemical projects that were economically unjustifiable and incurred astronomical financial costs in the name of strategic considerations.¹⁸ The Board of Trade and Industry deliberations on the proposals submitted by the company reveal a tangible suspicion of 'big oil' – the Board did not see why the South African government should have to carry the burden of the degree of protectionism that the company demanded, when the global oil industry was, in its view, so obviously oligarchical.¹⁹ Strategic considerations, primarily rooted at this stage, in concerns about the stability of the Middle East and Cold-War tensions, rather than any anticipation of sanctions, were the deciding factor in the Nationalist cabinet's eventual acceptance of the second proposal by the company to build a considerably smaller refinery, this despite the cautious approach which continued to be advocated by the Board of Trade and Industry.

When the refinery project was made public in early 1951 after three years of secret negotiations the Durban City Council welcomed it as “a tremendous step forward in the industrialisation of our city.” It also referred to “specific assurances on safeguards” which it claimed to have received from the Company during negotiations about fire safety and industrial effluent.²⁰ There were very few prominent public expressions of opposition or alarm at the prospect of pollution from the refinery; the few allusions to it by company

¹⁸ Most famously with the bottomless sink that was Mossgas, but the inland oil refinery Natref, built in Sasolburg in the mid-seventies by Sasol in partnership with Total Oil and the Iranian Oil Company also had little real economic reasoning behind its construction. It is exceptionally rare for oil refineries to be located as far inland as Natref was, without the presence of a dependable supply of crude oil nearby. Its construction came as a shock to the management of the other multinational oil companies operating in South Africa at the time, and scuttled the expansion projects at both the Mobil oil refinery in Durban and Caltex at Milnerton. (Interview conducted by author with former Managing Director of Wentworth Refinery, August 2003)

¹⁹ SAB HEN 714 92/2/32 Vol. 1 Power, Spirits and Oil Industry, Establishment of Industry, Standard Vacuum Oil Refinery, Wentworth, Natal. Memorandum on the Standard Vacuum Oil Company's revised project as contained in its proposals submitted on the 30th June 1950 and amended on the 8th August 1950.

²⁰ 'Tremendous step, says Mayor' *Natal Daily News*, 23 February 1951

officials were marked by what would later be revealed to be at best a naïve confidence, at worst wilful dishonesty about the issue.²¹

But it did not take long for landowners living in the vicinity of the refinery site to start expressing concern about the effect of the project on property values.²² City Councillor Elwyn Leighton Black was one of the few officials who expressed public concern about the refinery from the earliest stage, and he warned that houses had been allowed to develop “with no more than a road” separating them from existing oil storage tanks at Island View.²³ His critique of the newly drafted fire safety by-laws which were to be applied to the refinery were rooted in his belief that the City Council’s decision to approve the construction of the refinery in an area set aside for a post-war housing estate, within what would ultimately be a built up area, had been a “crass folly.”²⁴

As with the pollution question however, the assurances of the company, government officials and various ‘experts’ appear to have allayed fears about the effect that the development of this new industry would have on the city and its residents.²⁵ The first major mobilisation against the project by residents on the Bluff was prompted by the construction of an oil pipeline from the Island View storage tanks, along Lighthouse Road to the refinery, which many feared would result in depreciation in property values. Landowner interests, coupled with a widely held conception of the Bluff as a ‘natural’ leisure space, informed the character of mobilisations from the beginning and would continue to be a motivating factor behind protests by residents from the Bluff in the coming years, though health concerns became increasingly prominent.²⁶

Media articles focused on the refinery’s technological advancement; its strategic value; the complimentary opinions of South Africa which American employees and their families had formed since they had been brought out by Stanvac for the construction and start-up of the refinery.²⁷ South Durban was repeatedly depicted in newspaper articles as a snake-infested, thinly peopled swamp, which had to be tamed in order for the new, modern oil refinery to be built.²⁸ On the rare instances when people did make an appearance on this pre-industrial landscape they were, quite literally, in the way:

²¹ ‘No Pollution from the oil refinery’ *Sunday Tribune*, 25 February 1951 ‘Assurance that Durban oil refinery will not pollute the air’ *Natal Daily News*, 26 February 1951.

²² ‘Wentworth Fears Of Oil Refinery’ *Natal Mercury*, 22 May 1951

²³ ‘Move Oil Tanks or risk fire disaster, warns councillor.’ *Natal Mercury*, 29 March 1951

²⁴ ‘By-laws attacked in Council’ *Natal Mercury* 20 November 1951.

²⁵ ‘Refinery Should Be No Hazard-Expert’ *Natal Mercury*, 22 November 1951.

²⁶ ‘Oil Pipeline will not spoil beauty of roads’ *Bluff News Letter*, 13 June 1952

²⁷ ‘Wentworth-Without Chlorophyll’ *Natal Daily News*, 14 November 1953; ‘Union’s meat and flowers are cheap compared with U.S’ *Sunday Tribune*, 12 October, 1952

²⁸ ‘Americans Find Snake Catcher Necessary on Bluff Refinery Site’ *Natal Daily News*, 31 July, 1952

At first the tall, thin Indian farmer couldn't understand what the European had said about a railway cutting across his small field of ginger. Then the European scooped some wet mud from a lettuce bed and with quick deft fingers made a model of the Indian's small holding. Through the ginger field he drew a line representing the railway. The Indian understood, but shook his head. The European tactfully explained that a great oil refinery was to be built near the Indian's farm and it must have a railway to the main Natal South Coast railway at Clairwood, seven miles south of Durban – a railway which would be a vital link with the hinterland. Then the Indian spoke. He didn't mind the railway, but what about the ginger plants? The European, alert and keen, was ready for the question. 'Every one will be transplanted for you. If they can't be transplanted, we'll sow new plants. You will be fully paid for the land the railway uses and we will build you gates,' he replied. The Indian nodded agreement. 'So long as the ginger plants are transplanted it will be all right,' he said.... A Native's wood-and-iron house stood squarely in the path of the pipeline's route as it cut through bush country towards Durban Bay. Joseph Sitole and his wife lived there. Proudly he showed the oil Company officials his home-the pictures on the walls, the buck's head in the hall and the tidy kitchen and sitting room. Joseph was crestfallen when he heard the pipelines would go through his house. He had no title deeds for the property and no claim. But today Joseph smiles again. The officials have rebuilt his house clear of the pipelines' route and he salutes them daily as they drive past in their jeeps...it is sandy bush country, dotted with shanties. A car cannot travel along it because of the sand, but the Company men drive down it in jeeps.²⁹

The landscape's transformation was completed by late 1953 and the refinery started up on January 2, 1954. During the first week of operation Durban residents telephoned the City Fire Department reporting what they believed to be a fire at the refinery. What they were in fact seeing was the glare from the refinery's ground flare, where excess gases produced by the refining process were burnt off into the atmosphere.³⁰ This flare would soon be at the heart of the dispute between the company and the Durban City Council.

The first reports of complaints about smells emanating from the refinery were made at the beginning of the third week of February when Labour Councillors Spanier Marson and Jimmy Bolton (both of whom lived on the Bluff) raised the issue at a meeting of the City Council.³¹ The smell persisted. On the 11th of March the refinery's managing director Bryant Kenney, who had previously been the Assistant General Superintendent of the Esso Standard Oil Company's Bayview refinery at Linden, New Jersey, met with the Mayor Percy Osborn, and a deputation of White residents from Brighton Beach, Wentworth and Fynnlands. After being presented with a six hundred signature protest petition, he promised that the smell would be overcome within a month as the company

²⁹ 'Bluff Oil' *The Outspan*, 3 October 1952.

³⁰ 'They're Seeing Red at Durban' *Cape Argus*, 9 January, 1954

³¹ 'Alleged Smell from refinery' *Natal Daily News*, 16 February 1954

started to use excess gas for by-product.³² J.J.N Stapelberg, United Party Parliamentary Candidate for Durban Umlazi, adopted a more placatory position than the Labour Party politicians on the Bluff, praising the company for its efforts, before attributing the “the prompt action” it had taken, to the “energetic” intervention by concerned ratepayers and parents anxious about the health of their children on the Bluff.³³

In early April the refinery started a twenty-four hour pollution watch, and its engineers began working extra long shifts to deal with what the company termed “the teething troubles which are experienced in all new plants.”³⁴ Shortly after these steps were introduced however, Mayor Osborn called an emergency meeting of the City Council because of what he starkly referred to as: “poison laden air coming from the oil refinery at Wentworth.”³⁵ Reports and rumours from the Bluff alluded to vomiting children and “expectant mothers” collapsing because of the fumes. Mounting anxiety associated with the seeming inability of the company to deliver on its promises culminated in a meeting of the (White) ratepayers associations of Fynmland, Brighton Beach and Wentworth, out of which the ‘Bluff Amenities Protection Committee’ was formed. This body was partly a result of what were at this stage still rather vaguely articulated concerns about possible health effects, together with alarm at the impact of the pollution on property values and the ‘future development’ of the Bluff.

Continued complaints claiming that the pollution was not only unpleasant, but was causing irritation, coughs and bouts of nausea and vomiting set the municipal machinery turning at an unusually rapid pace, culminating in an ultimatum being delivered to the company by the City Council, which demanded that it bring an end to the smell within twenty-four hours, or face a court injunction forcing its closure.³⁶ Much of the rhetoric of City Councillors at this time alluded to the importance of protecting the interests of the city’s ratepayers – which included their health and property values.³⁷ The immense volume of letters written to the City Council and major Durban newspapers by White residents living chiefly, though not exclusively on the Bluff, used the same sort of language, referring to the obligations of the City Council to protect the ‘interests’ of its

³² ‘Going Soon’ *Natal Daily News* 11 March 1954 ‘Bluff Deputation to Mayor on smell’ *Natal Mercury*, 12 March 1954.

³³ ‘Smells from new oil refinery eliminated after complaints’ *Natal Daily News*, 24 March 1954. Stapelberg’s assessment of the refinery controversy at this stage was notably optimistic, but in August 1955 he wrote to the Provincial Secretary in Pietermaritzburg objecting to the site of the Wentworth Government Village ‘European’ school because of its proximity to the refinery and its ‘objectionable odours.’ See Pietermaritzburg Archives Repository (PAR); Natal Provincial Administration (NPA); Provincial Secretary Files; Volume 477 No 1/13175 (Wentworth) Assegai Govt School: Proposed Govt Village School Establishment. J.J.N Stapelberg to Provincial Secretary, 11th August, 1955

³⁴ ‘Refinery Fights Air Pollution’ *Natal Mercury*, 9 April 1954

³⁵ ‘The Smell’ leads to Protest *Sunday Tribune*, 11 April 1954

³⁶ ‘Greatest Public Outcry in Durban History’ *The Star*, 15 April, 1954

³⁷ “‘Stop refining till new plant can stop smell’: Issue by Bluff people’ *Natal Daily News*, 14 April, 1954

ratepayers, indicating, I would venture to suggest, the existence of a powerful ‘civic culture’ amongst sections of the local White population founded on ratepayer/landowner identities through which they were able to exercise considerable purchase on the local State.

High-ranking officials at the Department of Trade and Industries in Cape Town were informed of the City Council’s decision by the Company, who pleaded for help to stave off the Council’s threat.³⁸ However, both the Minister of Economic Affairs Eric Louw and Secretary of Trade and Industries David de Waal Meyer, who had played key roles in the negotiations to establish the refinery, were at sea on a tour of fishing centres when the news was broken by Mayor Osborn at a public meeting of a thousand residents on the Bluff.³⁹ In their absence the Department made it clear that it was concerned about the possible effect of the City Council’s action on overseas industrialists contemplating the establishment of similarly large industries in South Africa, in addition to the probable costs of any shutdown and its affect on oil distribution. Behind these public pronouncements was alarm at the prospect of a local authority shutting down a major industry, which was regarded by national government as a strategic asset. In the meantime, the company called an emergency late night Directors’ meeting in Durban. A special plane had to be chartered to bring one of the Board members to Durban from Cape Town to respond to what the *Natal Daily News* described as “the biggest industrial sensation in South African municipal history.”⁴⁰

The role of Mayor Osborn in the controversy is particularly interesting because, as we have seen, he initially adopted a very aggressive, populist approach. Speaking to the sound of what was described as “enthusiastic cheering” at the meeting of Bluff residents after announcing the Council’s ultimatum to the refinery, he said: “if the pollution thrown out by the refinery cannot be eliminated or abated, and there has to be an evacuation, you

³⁸ SAB HEN 715 Vol. 5 Power Sprits and Oil Industry. Establishment of Industry. Standard Vacuum Oil Refinery, Wentworth, Natal, Telegram from Principal Officer to Under Secretary 15 April 1954.

³⁹ David de Vaal Meyer was a career bureaucrat stretching back to the late 1930’s when he was an accredited government trade representative in Canada, through to his selection to the Immigrants Selection Board in 1947 and his appointment as Secretary of the Department of Trade and Industries, a post from which he was intimately involved in securing the establishment of the Wentworth oil refinery. Eric Louw was a similarly seasoned civil servant before his rise to political prominence. He served in various posts throughout Western Europe and North America as a special government representative focusing on trade and diplomacy from as early as 1918. It was during his stint as Foreign Minister that he experienced the beginnings of international hostility towards South Africa’s domestic policies at the United Nations in 1946 when India led criticism of the South African government’s legislative discrimination against Indians. He gained a notorious reputation for his belligerent defence of South African policies and ‘sovereignty’ at the United Nations. His lengthy posts as a trade commissioner, which included New York and Washington, appears to have served him well during the negotiations with the Standard Vacuum Oil Company of New York, by which time he had been appointed Minister of Economic Affairs.

⁴⁰ ‘Refinery Asks for time-Directors Meet’ *Natal Daily News*, 15 April 1954. The Standard Vacuum Oil Company of New York viewed the situation with sufficient seriousness to send legal experts from its headquarters in the U.S.A to Durban to draft press statements. (Personal Communication by author with former Process Engineer, Wentworth Refinery, 22 November 2003)

can rest assured it will not be the residents of the Bluff who will go. You will stay here in peace and happiness, and the refinery must die.” At the same meeting, the Bluff’s Labour Party stalwart Councillor Sidney Smith responded to the Department of Trade and Industries argument that the refinery was ‘in the national interest’ by thundering: “where lies the country’s national interests-the making of profits by an oil Company, or the health and homes of its citizens?” He alluded to paint on signs in the vicinity of the refinery, which he claimed was peeling because of gases emitted from the refinery, asking, “what must it be doing to the lungs of our babies and young children?” Councillor Spanier Marson drew upon historical notions of civic service: “many of us here tonight fought in one or other of the World Wars to safeguard our homes. We intend to fight as strenuously now to protect our homes as we did then.” His comment was greeted with “uproarious applause.”⁴¹

As the deadline for the ultimatum neared an official from the Department of Trade and Industries phoned Durban’s senior municipal bureaucrat, William Howes, the Town Clerk, informing him that Eric Louw was “perturbed” by the short notice that had been given to the company by the City Council.⁴² The deadline for the ultimatum passed while the Board of Directors of the Standard Vacuum Company were still deliberating at midnight of the 15th April, and the refinery continued operating into the next day, when Eric Louw spoke publicly for the first time about the controversy, urging the City Council that “calm discussion between the parties” and not “threats or precipitate action” were the “correct” ways to deal with the situation, reiterating what had earlier been emphasised by the government about the economic and strategic importance of the refinery. He insisted that he had asked local representatives of the oil company to make “every possible effort” to “eliminate unpleasant fumes” though, significantly, he added that there was no certainty that they were “actually...harmful to health.” He also suggested that the Council “check the accuracy of complaints” that were being made about the refinery in the press.⁴³ This scepticism was also evident in the in-house statement issued to refinery employees by the refinery’s managing director Bryant Kenney: “situations such as this are breeders of unfounded rumours, and we ask you all to assist us in combating any unfounded allegations.”⁴⁴

Louw sent two ‘technical experts’ to Durban, charged with the responsibility of resolving the dispute – ‘industrial adviser’ Dr B.Gaigher, former Secretary for Commerce and Industries, Chairman of the New Industries Committee, and ‘senior economist’ Pieter Vermeulen – both of whom had been involved in the negotiations for the establishment of the refinery. One of the striking features of the refinery controversy was that interventions by national government occurred through officials and ‘experts’ from the Ministries concerned with economic issues and *not* health. This appears to reflect the

⁴¹ ‘We will fight in the highest courts if need be’ says Councillor’ *Natal Daily News*, 15 April 1954

⁴² ‘Louw intervenes in refinery row’ *E.P Herald*, 16 April 1954

⁴³ ‘Louw urges Durban to avoid hasty action in oil dispute’ *Cape Argus*, 17 April 1954

⁴⁴ ‘Refinery Appeals to Staff’ *Sunday Tribune*, 18 April 1954

priorities of national government in the controversy; which were chiefly economic and strategic, rather than being rooted in a genuine concern about the health of residents affected by the refinery.⁴⁵

During a gap in the marathon closed-door meetings with the Department's experts, Percy Osborn criticised the refinery's management for denying that there was no pollution from the refinery. When the first complaints emerged they had admitted there was a problem and promised to tackle it. More crucially, he pointed out that during preliminary negotiations the company had given the Council an undertaking that there would be no 'nuisance' once the refinery began operating.⁴⁶ Nonetheless there were signs of a compromise; the intervention by Louw's emissary's, together with the City Council's cognisance of the significant financial benefit of the refinery to its coffers, produced a more conciliatory approach to the dispute.⁴⁷ The outraged response to the apparent easing of the situation among the residents living on the Bluff who had helped bring the issue to a head was immediate.⁴⁸ But despite such pressures an agreement was reached, in the form of the appointment of a panel of 'independent overseas experts' to investigate the refinery and the establishment of a twenty-four hour office manned by the City Health Department and National Health Department officials to deal with pollution complaints.⁴⁹

At a five-hour meeting of the Bluff Amenities Protection Committee at Brighton Beach shortly after the announcement of the agreement, a resolution was passed warning the City Council that any devaluation of property that resulted from the compromise which had been struck would be the Council's ultimate responsibility. When he spoke to the gathered crowd Councillor Sidney Smith argued that the reason that the Council had back-pedalled was that its members lived in other parts of Durban and therefore did not

⁴⁵ SAB HEN 715 Vol. 5 B.F Kenney, Managing Director Standard Vacuum Refining Company of South Africa to Minister for Economic Affairs, E.H Louw 26 April 1954

⁴⁶ 'Refinery's Fumes: Talks Go On Tomorrow' *Natal Daily News*, 20 April, 1954

⁴⁷ 'New approach to Durban oil refinery dispute' *The Star*, 21 April, 1954

⁴⁸ 'Bluff Residents 'Up in Arms' with Council' *The Star*, 22 April, 1954

⁴⁹ 'Bluff 'Smell'-in the end they agreed' *Natal Daily News*, 22 April, 1954; 'Durban's 'Little Abadan' over: Compromise agreed on' *E.P Herald*, 23 April 1954; 'The Refinery Dispute' *Sunday Tribune*, 25 April 1954. The pollution hotline continued operating until 1955. Engen began operating its own complaints hotline in the 1990's under pressure from the surrounding communities. This panel of overseas 'experts' included Liverpoolian H.G Howson who spent the first few years of his career in the chemical industry in South Africa, before returning to England where he worked in the petroleum industry, before joining the staff of the Alkali Inspectorate in 1929 until his retirement in November 1953. He had considerable experience of dealing with air pollution from oil refineries; the large Stanlow refinery in Cheshire and the Manchester oil refineries and other petrochemical plants fell under his control in the Alkali system. Also on the panel was Professor F.H Garner, the Director of the Department of Chemical Engineering at Birmingham University, which had a reputation as the leading chemical engineering department in the U.K. He had lengthy experience from working for the Anglo-American Oil Company and the ESSO Laboratories before leaving the oil industry for academia. The third member of the overseas panel was Mr E.S Sellers, the least experienced of the three, was a lecturer in chemical engineering at Cambridge University after spending a few years after graduation in the petroleum refining industry.

understand the severity of the problem on the Bluff: they had not experienced ‘the smell’. These comments reflected a suspicion of City officials amongst Whites living on the Bluff, which stretched back to the late nineteenth century.⁵⁰

The compromise had been reached just in time; the refinery was officially opened in early May. Two City Councillors had not supported the agreement, including Elwyn Leighton Black, who voted against the motion because he felt that the agreement could not be legally enforced and that it relied too heavily on the company’s ‘goodwill’.⁵¹ At the root of the issue was the reality that the City Council had no legal powers to prevent atmospheric pollution, both because of the inadequacy of municipal by-laws and the lack of a national legislative framework to control or prevent atmospheric pollution.⁵²

But none of this was to be allowed to impinge upon the official celebration of the refinery’s establishment. Eric Louw used the opportunity to launch a defiant counter-attack in response to what he termed a “sustained campaign of hostility” that he claimed had been directed against South Africa since the Afrikaner Nationalists had come to power:

South Africa has been much maligned in overseas countries, particularly at international gatherings. The anti-South Africa campaign has particularly been directed towards undermining confidence and prejudicing foreign investors. It says much for the economic strength of South Africa that she has not only been able to weather this storm of malice and slander but that the country’s economic position today is as good and strong as any country in the world.⁵³

It is against this backdrop that the establishment of the refinery and the subsequent intervention in the refinery dispute by the national government must be viewed. The day after the opening ceremony however, the report by the City Medical Health Officer Dr. G.H Gunn outlined the extent of the complaints received by the special complaints office. Seventy-three complaints were received over the first eight days. Health inspectors at the refinery noted that there was a sharp increase in the number of complaints whenever the waste gas ‘flare’ at the refinery was burning.⁵⁴ This ground flare was the major contributor to the smells being produced by the refinery, which meant that company employees spent considerable amounts of time in the first months of the refinery’s

⁵⁰ See Stephen Sparks ‘Playing at Public Health’: The Search for Control in South Durban 1860-1932’ History Honours Dissertation, University of Natal, Durban 2002.

⁵¹ ‘Why Mr Black opposed ratification’ *Natal Daily News* 8 May, 1954

⁵² This would continue until the mid 1960’s with the passing of the South African Atmospheric Pollution Prevention Act in 1965, which was deeply flawed and unevenly enforced.

⁵³ ‘Campaign against Union Says Louw’ *Natal Mercury*, 12 May 1954.

⁵⁴ ‘Report on Durban refinery ‘smells’ *Natal Daily News*, 11 May 1954. ‘Oil panel got 73 complaints’ *Natal Mercury*, 12 May 1954. The report did not include complaints made to the City Council or the refinery itself.

operation “rushing around” with industrial deodorants, “putting them here and putting them there to try and kill the smells.”⁵⁵

In the interim period, before the arrival of the team of overseas ‘experts’ to investigate the refinery, the debate about the controversy continued, fuelled by further reports detailing complaints.⁵⁶ In early June the issue was debated in Parliament, when Labour MP for Umlazi, Norman Eaton and United Party MP for Pinetown Arthur Hopewell quizzed Eric Louw about the controversy. Louw fingered what he described as “political influence”, supposedly linked to the upcoming provincial elections as being behind the mobilisation on the Bluff against pollution.⁵⁷ Brandishing photographic evidence he alluded to posters put up on the Bluff promoting Sidney Smith as a provincial candidate, which referred to pollution from the refinery.⁵⁸ The Bluff Amenities Committee’s response to the allegation was to insist that while they had drawn City Councillors Spanier Marson and Sidney Smith into their campaign, it was purely coincidental that one of them happened to be a candidate for the upcoming provincial election.⁵⁹ There is no question that various politicians on the ground in south Durban tried to make political capital out of the problem, even going as far as orchestrating a series of phone calls by angry residents to Percy Osborn’s house on the night when the government ‘experts’ were visiting him.⁶⁰ But there is also no questioning the fact that there was a serious pollution problem, something which extensive archival research and interviews with former refinery employees has confirmed.

In the meantime, however, the refinery continued to operate, though it quickly emerged that it did not yet have a licence to do so. The question of whether the refinery would be granted a licence rapidly became one around which the controversy pivoted. The Bluff Amenities Committee made it clear that it would oppose the company’s belated application for the licence because once it was granted, the national government could be expected to wash its hands of the issue, so that it would ‘devolve’ to the City Council,

⁵⁵ Interview by author with former Managing Director of Mobil Oil Refinery, Wentworth, August 2003. See also ‘Deodorant for Refinery’ *Rhodesian Herald*, 21 May, 1954

⁵⁶ See for instance ‘25 ‘Smell’ Complaints’ *Natal Daily News*, 5 June, 1954

⁵⁷ The extent of the conviction within the Department of Trade and Industries that there were ulterior political motives behind the controversy is revealed in a confidential memo prepared for Eric Louw entitled: ‘Politieke Afergrond waarteen die gebeure tussen die stadsraad van Durban en die Standard Vacuum Oil Company gedurende Maart/April 1954 afgespeel het.’ See SAB HEN 715 Vol. 5.

⁵⁸ *Hansard* Union of South Africa House of Assembly Debates, 4 June 1954. See also ‘Mr Louw Tells of ‘Campaign’ *Natal Daily News*, 4 June 1954; ‘Durbanse ‘Stank’ in Politiek Gesleep’ *Die Volksblad* 5 June 1954.

⁵⁹ ‘Statement Deplored’ *Natal Mercury*, 5 June 1954

⁶⁰ See SAB HEN Vol. 5 ‘Verslag oor die geskil tussen die Stadsraad van Durban en die Standard Vacuum Oil Company insake Lugbesoedeling.’

whose reputation had deteriorated considerably amongst a number of Bluff residents since it had ‘back-pedalled’ by ratifying the agreement with the refinery.⁶¹

But the relationship between the Council and the company was still marked by considerable tensions, such as their disagreement over the scope of the refinery investigation by the three overseas ‘experts’. The company insisted that the ‘experts’ should simply be told that there had been a series of complaints, which were the primary reason for the investigation. In its view the dossier compiled by the Town Clerk to provide the visiting experts with ‘background information’ placed too much emphasis on the actual details of the complaints. The company tried to argue that the ‘experts’ were coming to Durban to “report upon the design, construction and operation of the refinery” and not to decide “whether it constituted a nuisance.” Of course this was ridiculous: if there were no ‘nuisance’ there would have been no need for an investigation at all.⁶² More revealingly however, the instructions from the Department of Trade and Industries were that the dossier should *not* be made available to the Bluff Amenities Committee because it felt that the investigation should “be kept on specialist level without possible interference from layman.”⁶³ Wary of the pressures to which the City Council was subjected, the Town Clerk went against this, arguing that providing the committee with a copy represented “important public relations.”⁶⁴

The gap between the appointment of the team of overseas ‘experts’ and their arrival in September gave the company important breathing space. Their visit was viewed with considerable scepticism by one of the refinery’s chief engineers, who regarded it as “mere window dressing” insisting that the smell problems were solved by the company’s own efforts.⁶⁵ When the results of the ‘experts’ study were finally released in December, the verdict was that the “design and construction” of the refinery were “satisfactory” except in certain areas which they recommended be addressed by modifications to plant. The report admitted that there had been unquestionable grounds for ‘odour complaints’ in the early months of the refinery’s operation, but asserted that the company had since taken steps to improve the situation. The report confirmed that the refinery’s location meant that in certain weather conditions, smells would be carried towards “the residential area” (i.e. the Bluff), and suggested that the refinery should employ a technician whose special responsibility would be to minimise this possibility.⁶⁶ It further recommended the

⁶¹ ‘Licence to refinery opposed’ *Natal Daily News*, 15 July, 1954

⁶² ‘Oil Company and Council Disagree’ *Natal Mercury*, 10 September, 1954

⁶³ TBD 3/DBN; Durban Town Clerk Files; 4/1/3/132; Vol. 5; 39C; Oil Refinery, Wentworth. Telegram to Town Clerk, Durban, August 14 1954.

⁶⁴ TBD 3/DBN Durban Town Clerk Files; 4/1/3/132; Vol. 5; 39C; Oil Refinery, Wentworth. Telegram from Town Clerk, Durban August 14 1954.

⁶⁵ Personal Communication by author with former Process Engineer, Wentworth refinery, 22 November 2003.

⁶⁶ ‘Wentworth Refinery found satisfactory by experts’ *Natal Daily News*, 14 December 1954. The Bluff Amenities Protection Association was critical of the secrecy that surrounded the report. Final copies of the

appointment of an inspector charged with the responsibility of controlling pollution throughout Durban, arguing that “most industrial operations have associated with them odours and effluents, the discharge of which can lead to complaints from city residents.”⁶⁷ The report reinforced the impression that the city and the country at large were in serious need of the development of new powers to deal with pollution.

Local, provincial and central government had worked largely in concert during the negotiations to capture the refinery. But when the negative effects of the operation of what was, after all, a new industry to South Africa emerged, it was the Durban City Council, as the refinery’s host, and the authority nearest to the ground, which had to deal with the immediate wave of what the Town Clerk aptly described as “disillusionment”.⁶⁸ This was part of the reason why the company continued to enjoy an especially close relationship with the highest levels of national and provincial government, and could still rely on preferential treatment. The refinery had been operating without a licence for over a year when it emerged in February of 1955 that the company had asked the Provincial authorities in Pietermaritzburg for the promulgation of legislation exempting it from the need to obtain a municipal manufacturers licence, because it was an industry established with special parliamentary approval.⁶⁹ It was an obvious attempt by the company to escape municipal control over its operations, something that the City Council clearly could not countenance, particularly in the light of the recent controversy, which evidently weighed equally powerfully on the minds of the municipal bureaucracy and the refinery’s management.

The Provincial Executive had long since indicated its willingness to do the company’s bidding, playing a key role, together with the national government, during the negotiations to establish the refinery, ensuring the company’s smooth passage through the

report were given to the Durban Town Clerk and the Manager of the Standard-Vacuum Refining Company while the Town Clerk issued a short summary to the press, which set out some of the findings and recommendations. The primary justification for the tight control exercised over the report was that it contained ‘trade secrets’ precious to the Standard Vacuum Refining Company and its competitors. See ‘Why This Secrecy About Refinery? - Ask Bluff Residents’ *Sunday Tribune*, 19 December 1954.

⁶⁷ ‘Inspector for Gases Suggested’ *Natal Mercury*, 18 December 1954.

⁶⁸ See TBD 3/DBN 4/1/5/835 Vol. 1 Oil Refinery Shell Company of South Africa, W.L Howes to R.T Douglas, 25th February 1960. The City Council, in contrast to the Provincial and Central government authorities had to deal with the daily operation of the refinery, and the daily complaints it caused.

⁶⁹ See ‘Refinery and licence exemption’ *Natal Daily News*, 12 February 1955. ‘Move for Refinery Licence Exemption’ *Natal Mercury*, 12 February 1955. The refinery was declared an industry ‘in the national interest’ with the passing of the specially drafted Expropriation (Establishment of Undertakings) Act of 1951 which gave the State the power to expropriate land for the establishment of the oil refinery. The refinery had initially submitted an application for a licence to operate but this had then been retracted because of a technical flaw in the advertisements devised by the Company to publicise that it had made such an application in the local media. The application had not been re-submitted since then, for reasons that appear to have related directly to the Company’s dispute with the City Council. For details of the Provincial Executive’s attempts to help ‘dispose of the difficulty’ with which the company was faced see PAR NPA Provincial Secretary Files 37/3/11781, Memorandum for Executive Committee, 10 March 1955

potentially choppy legal waters of property expropriation.⁷⁰ However, opposition from various key elements within the City Council was, once again, spirited. Councillor E. Leighton Black, who occupied the important position of Chairman of the Council's General Purposes Committee, commented that "it would seem that equity for the [White] majority is of less concern than protection for the rich" arguing that "to remove the refinery from all control" would mean there was no reason for the company to comply with the recommendations by the 'experts' in their report.⁷¹ The company insisted that it was merely attempting to 'remove the incongruity' of having an industry which had been approved by Parliament remaining dependent on a local licensing authority for its operation.⁷² Its experiences in the recent dispute had left their mark. After a meeting between City Council and company officials the refinery withdrew its request to the Provincial Executive and made a formal application to the Municipal Licensing Officer for a licence to operate, an application which the Bluff Amenities Protection Association initially signalled its opposition to.⁷³

The hearing for the company's licence was only held in September 1955. H.G Howson, a member of the team that investigated the refinery twelve months previously was called upon to testify before the Durban licensing officer. He was back in Durban to conduct a follow-up investigation at the behest of the City Council. During his evidence he alluded to changes that the company intended to make to the refinery, which he believed would ensure there were fewer complaints from Bluff residents. The hearing lasted less than half an hour, after which the licence was granted, signifying the successful negotiation of months of stormy controversy by the company. The Bluff Amenities Association withdrew its opposition to the application after it received assurances that Howson's recommendations would be carried out by the company.⁷⁴ Howson's follow-up report on the refinery praised what he characterised as a "sincere" effort by the Company to overcome its operating problems, noting that some success had been achieved, but that the position of the refinery meant that it was "impossible" to guarantee the total absence of smells "under certain meteorological conditions" and that this was an expected by-product of petroleum refining.⁷⁵

The Stanvac controversy gave added impetus to the drive for the creation of a national legislative framework to deal with industrial pollution. Smarting from its experience with

⁷⁰ See SAB HEN 714 92/2/32 Vol. 2 Power Spirits and Oil Industry Establishment of Industry, Stanvac Oil Refinery, Wentworth. Provincial Secretary to E.Louw 12 December 1950.

⁷¹ 'Refinery licence move criticised' *Natal Mercury*, 15 February 1955. The bracketed word is my own addition.

⁷² 'Oil Co's Assurance to Council' *Natal Mercury*, 16 February 1955

⁷³ 'Refinery Asks for Licence' *Natal Daily News*, 29 March 1955

⁷⁴ 'Pollution Expert Foresees End to all Bluff Smells' *Natal Daily News* 29 September 1955; 'Bluff Objections to Refinery Withdrawn' *Natal Mercury*, 30 September, 1955

⁷⁵ 'Fewer Smells from refinery, says expert' *Natal Daily News*, 17 October 1955

the Wentworth refinery, the municipal bureaucracy had been pushing for more powerful measures to counter the increasing smog problem in Durban and pollution of the Bay, two issues which were both taking up a growing amount of space in the letter pages of major Durban newspapers.⁷⁶ In addition to continued concerns about pollution from the refinery at Wentworth, alarm at oil and petrol leaks from the company's Island View storage installations ensured that Stanvac and the municipal authorities dedicated continued lengthy meetings and correspondence to minimising the effects of the company's operations in the city.⁷⁷ Crucially, however, these discussions remained largely private – there were no leaks to the press – the contrast between the bitter, accusatory public controversy surrounding the first months of the refinery's operation and the general tenor of these later interactions between the company and the municipality is unmistakable.

There appears to have been what can perhaps best be described as a 'bureaucratisation' of the pollution problem, so that the power to influence the course of developments with respect to pollution was largely confined to the company and the local state, while residents and community groups, such as those on the Bluff, were no longer able to extract the sort of responses from the municipal political machinery which they had enjoyed when the pollution controversy began. In essence what happened had echoes of the strategy suggested to Engen by its consultant's decades later – the story had moved from being one which played itself out on the front pages of the national media for successive weeks in 1954, to an intermittently prominent *local* one. After the intervention by central government, the issue had been localised, despite its obvious national dimensions, so that the company and the City Council dealt with it through close, private interactions that rarely surfaced in public.⁷⁸

Nonetheless, dissatisfied Bluff residents continued to complain, though in smaller numbers and with diminishing frequency than had been the case in the first two years of the refinery's operation. This was partly a reflection of the fact that there *had* been some improvements to the refinery's operation, including design alterations to the ground flare.⁷⁹ But problems remained. In September 1957 the refinery again occupied a prominent place in major Durban newspapers because of new pollution complaints, at the

⁷⁶ See 'Agreement on 'Smog' Problem' *Sunday Times*, 9 October 1955; 'Expert Explains How Smog Menace Can be Beaten' *Natal Mercury*, 9 November 1955; 'Quadruple Fines For Oil in Bay?' *Natal Daily News*, 8 February 1956. H.G Howson was employed by the City Council after completing his investigations of the refinery to study the smog problem in the city.

⁷⁷ 'Durban Peril: 75, 000 Galls. Petrol Floods Tank Site' *Natal Witness*, 8 January 1957; 'The Danger from Petrol' *Natal Mercury*, 10 January 1957

⁷⁸ Interview by author with former Managing Director of Wentworth Oil Refinery, August 2003

⁷⁹ This improvement is reflected in the City Medical Health Officer Annual Reports, which included a special separate section on the oil refinery until 1957.

forefront of which was the Bluff Ratepayers and Burgesses Association.⁸⁰ In a letter written to the Town Clerk, the Association claimed that “it is now quite obvious that any complaint made by residents direct to the refinery is merely a waste of time and the co-operation which any community could reasonably expect to receive from them is lacking.”⁸¹ Further negotiations ensued with the Company promising that improvements that were implemented during its annual maintenance ‘shutdown’ could be expected to eliminate ‘offending smells’ from the refinery.⁸² Counsellor H.L Jackson, Percy Osborn’s successor as Mayor, accepted these assurances, stating that he believed that the refinery executives were doing their best to eliminate “the nuisance at the Bluff”, and that the modifications to the refinery plant, meant that it was “almost assured that the nuisance will now end.” As part of the discussions the company agreed that if the smells did not end, the ‘overseas expert’ Howson would be called upon yet again to assist.⁸³ The pattern that had first been set in place in 1954 would continue its circular path.

By December the Council’s Works Committee’s patience was showing signs of waning – it suggested that the company be asked to import a special pollution expert – Howson’s name cropped up once more.⁸⁴ Although the company had promised that it would be prepared to call upon Howson again if its latest measures failed, it changed tack, claiming that it had never committed itself to bringing him back to Durban, arguing that complaints were decreasing in number and that it had invested heavily to fight pollution.⁸⁵ The company was also becoming increasingly eager to point to other industries in Durban, which it claimed contributed to pollution.⁸⁶

Clearly the issue of pollution from the Wentworth oil refinery had not reached any kind of resolution either in the eyes of a significant number of residents living on the Bluff or of a number of City Counsellors. But in May 1958, plans for the construction of another (much larger) oil refinery in Durban by Shell were announced by Eric Louw’s successor Dr A.J.R van Rhijn.⁸⁷ As soon as the £25 million project became public knowledge a debate began which drew upon the Wentworth oil refinery as its primary touchstone. Some residents living on the Bluff regarded the prospect of another major oil refinery in

⁸⁰ The Bluff Amenities Committee which had united the various ratepayer associations in Bluff and the surrounding areas at the height of the controversy had become defunct after the refinery’s successful application for a licence to operate.

⁸¹ ‘Bluff Residents up in arms over ‘smells’’ *Natal Daily News*, 5 September 1957

⁸² ‘Anti-Smell improvements’ *Natal Daily News*, 1 October 1957; ‘New Moves to Rid Bluff of Smells’ *Natal Daily News*, 8 October 1957

⁸³ ‘Refinery Men See Mayor’ *Natal Mercury*, 23 October 1957.

⁸⁴ ‘Expert on Pollution Wanted’ *Natal Mercury*, 4 December 1957

⁸⁵ ‘No need for smog expert to re-visit Durban’ *Natal Mercury*, 18 December 1957

⁸⁶ ‘Smells’ at refinery: no conclusion’ *Natal Mercury*, 1 March 1958

⁸⁷ ‘Durban to get another giant oil refinery’ *Sunday Tribune*, 4 May 1958

close proximity to their neighbourhood with serious misgivings, while others were far less anxious arguing that the existing refinery had not proven particularly bothersome. The apparent divergence in the attitudes and experiences of Bluff residents related to the Stanvac refinery, and the issue of pollution more generally can mainly be attributed to the capricious nature of pollution. Meteorological factors such as wind direction, the position of people in relation to the source of pollution, not to mention the variably sensitive character of human senses undoubtedly affect the manner in which smells emanating from a smoke stack or flare are experienced. Other responses to the project were rather more predictable; the Natal Chamber of Industries for instance, was one of its most enthusiastic champions from the start.⁸⁸

Part of the reason why the Shell project provoked such heated arguments was because of the site that was proposed for its location: Salisbury Island in the Durban Bay. Much of the commentary on the issue revolved around differing, largely exclusive visions of Durban's future as either a seaside tourist resort or a major industrial centre.⁸⁹ Wary of the hangover from the Stanvac experience, Shell's local subsidiary wasted no time, claiming that it could "provide adequate assurances that there will be no obnoxious smells or pollution of the sea."⁹⁰ Shell attempted (unsuccessfully) to make its refinery in Geelong, Australia the reference point for the debate, rather than the Wentworth refinery, claiming that it had not proven a nuisance to local residents.⁹¹ With concern mounting in Durban on both sides of the debate, a special City Council meeting was called with representatives of Shell, while the Department of Trade and Industry once more attempted to apply pressure in favour of the project, which it had negotiated.⁹² The team of Shell 'experts' resisted attempts by the Council to push them in the direction of an alternative site, such as the one at Isipingo Flats, which they claimed was too close to the airport and uneconomical compared to the Bay site, while their responses to questions about pollution repeatedly reverted to their stock defence that human error and mechanical failure could never be discounted, and indeed, would happen.⁹³

The first major blow to the project occurred when two of the city's most important bureaucrats, the City Engineer, A. Kinmont and the Deputy Chief Medical Officer of Health Dr A. Stephen signalled their opposition to the siting of the refinery at the Bay in their reports to the Council's General Purposes Committee. Kinmont emphasised the importance of the Bay; the large proportion of the total rateable value of the city in the form of residential, hotel, business and commercial premises near to the site; the

⁸⁸ 'Natal Industries President Hails Oil Refinery Plan' *Natal Daily News*, 6 May, 1958

⁸⁹ 'Durban Must Decide: Industrial City, or Holiday Resort' *Natal Daily News*, 14 May 1958

⁹⁰ '£25m oil refinery: Shell promises no smells' *Natal Daily News*, 5 May 1958.

⁹¹ 'No 'Smell' Complaints at Australia refinery' *Natal Daily News*, 6 May 1958

⁹² 'Govt. In favour of new refinery' *Natal Mercury*, 5 June 1958

⁹³ 'No Decision Reached on Big Oil Project' *Natal Mercury*, 7 June 1958

“injurious effect” on land values on the Bluff overlooking the Bay, and he alluded to the history of the Wentworth refinery as evidence that human error and mechanical failure were “comparatively frequent occurrences.” He disputed Shell’s claim that the Isipingo site was necessarily a more expensive option, noting that there would have to be a costly reclamation of a vast area of the Bay in any case. Stephen argued against the siting of a large oil refinery on the site suggested “because of the peculiar nature of its effluents’ which he feared ‘could raise the content of pollutants in the atmosphere appreciably towards the critical level where serious effects on health would be brought about.”⁹⁴

The Council’s General Purposes Committee were equally unconvinced, rejecting the proposed site with a unanimous vote, though, alert to the economic value of the project, it left the door open for Shell to consider an alternative site.⁹⁵ Dr van Rhijn responded by setting up a special inter-departmental committee headed by Mr D.H.C du Plessis, General Manager of South African Railways, to “look into” the matter.⁹⁶ In the meantime Shell was making threatening noises in the local media about establishing the refinery outside South Africa as a consequence of the decision, and again playing up the supposed virtue of its Australian refinery.⁹⁷ But after a short while, as the bluster surrounding the initial shock of the proposals rejection passed, there were signs that Shell’s previous belligerence was giving way to serious consideration of the Isipingo site.⁹⁸ It is clear that the City Council had been burnt by its experience with the Wentworth refinery. This was unambiguously reflected in the memo it sent to van Rhijn in late July, which stated that the Council had learnt “in the last four years” (i.e. since 1954) that: “from the angle of atmospheric pollution any oil refinery is dangerous” and that “the pollution which comes from the refining of crude oil is inevitably offensive, because of the nature of crude oil and the extreme potency of the effluence and gases which come from refining it.”⁹⁹

A City Council deputation was invited to Cape Town for a meeting with the special inter-departmental committee to discuss the issue. As had happened with the Wentworth refinery, the controversy was deflated after the intervention of central government and the reiteration of the economic value of the project to Durban, as compromises were reached through private discussions. The new refinery was pushed back from the site that Shell favoured at the Bay, which was nearer the city and the Bluff, to the current site of

⁹⁴ ‘City Engineer suggests oil refinery be put elsewhere’ *Natal Daily News*, 19 June 1958. The City Fire Officer also expressed concern about the project in his report to the Committee.

⁹⁵ ‘City Councillors Reject Bayhead as Refinery Site’ *Natal Daily News* 20 June 1958

⁹⁶ ‘Government Sets up Inquiry into Shell Oil Siting’ *Natal Daily News*, 24 June 1958.

⁹⁷ See ‘Refinery may be lost by Durban refusal’ *Eastern Province Herald*, 23 June 1958. ‘Union May Lose £25m refinery’ *Natal Mercury* 25 June 1958 and ‘Refineries Don’t Worry Australia’ *Rand Daily Mail* 28 June 1958; ‘Australia says Durban need not worry’ *Natal Mercury* 28 June 1958;

⁹⁸ ‘Shell inquiries about sites at Isipingo’ *Natal Mercury* 5 July 1958

⁹⁹ ‘Cabinet Asked to Approve Oil Refinery Decision’ *Natal Daily News*, 25 July 1958.

the SAPREF refinery at Isipingo where a large number of Indians were living.¹⁰⁰ The special inter-departmental committee concluded that the arguments against the Bayhead site, which had been made by the Durban municipality, could not be countered.¹⁰¹ In mid 1959 the newly elected Mayor W.E Shaw welcomed the resolution of the dispute, saying that he had received assurances from Shell that there would be “adequate safe-guards” against pollution and that the refinery would be a “shot in the arm” for the city.¹⁰² In addition to the economic value of the project, which the Council could not ignore, another factor behind the projects’ resurrection at Isipingo was Shell’s successful inclusion of British Petroleum (BP) in the project as joint operators of the refinery under the name of South African Petroleum Refiners Limited (SAPREF), which lessened the financial burden of the scheme considerably.¹⁰³ In November 1960, eight months after Sharpeville shook the confidence of foreign investors in South Africa, the latest Durban Mayor, Councillor Mr C.A Milne, bulldozed the first mound of earth at the refinery site. Speaking to the assembled media, Mr K Firth, President of the Natal Chamber of Industries emphasised the significance of the two Company’s investment:

...after the unrest last March appeared to create doubts in the minds of overseas investors regarding the ability of South Africa to escape the revolutionary upheavals of the kind which have characterised the emancipation of colonial peoples in other parts of the world.¹⁰⁴

The story of the Wentworth pollution controversy and the subsequent Shell dispute complicate our understanding of the environmental history of oil refining in this city during the first decade of Apartheid, by showing how the oil companies were not in fact given free reign to ‘pollute at will.’ They had to contend with a City Council which enjoyed a diminishing but significant degree of autonomy from central government, coupled with a highly vocal, relatively well organised White residential population living on the Bluff which, unlike Blacks, Indians and Coloureds living in south Durban, possessed substantial purchase on the local State. I have endeavoured to delineate the unacknowledged manner in which Durban’s municipal government shaped the early history of two of this country’s most strategically important industries during Apartheid

¹⁰⁰ See ‘Shell will build refinery in Durban’ *Natal Mercury* 2 June 1959; ‘Reunion Site for New Oil Refinery’ *Natal Daily News* 26 January 1960; ‘Site Near Airport for Refinery’ *Natal Mercury*, 27 January 1960.

¹⁰¹ ‘Rejection of Bayhead Oil Refinery proposal reported’ *Natal Mercury*, 14 April 1959; ‘Refusal of Bay Site for Refinery Reported’ *Natal Daily News* 14 April, 1959. The significance of this should not be underestimated: the land which Shell wanted at the Bay was owned, together with the rest of the harbour by the government, through the South African Railways and Harbours Administration. The Durban Town Clerk, Bill Howes was fully aware that the municipality’s opposition to the refinery being built at the Bay depended on its ability to persuade the government not to sell the land to Shell. See TBD 3/DBN 4/1/5/835 Vol. 1 Oil Refinery Shell Company of South Africa, W.L Howes to R.T Douglas, 25th February 1960.

¹⁰² ‘Durban Site for Refinery Welcomed by Mayor’ *Natal Daily News*, 2 June 1959

¹⁰³ ‘Shell and BP to operate Reunion refinery’ *Natal Mercury*, 29 January 1960

¹⁰⁴ ‘Bulldozers in action on new refinery site’ *Natal Mercury*, 5 November 1960

as well as illustrating the role of central and provincial government in protecting the ultimate interests of petro-capital at key moments of seeming vulnerability. In my thesis I hope to trace the emergence of a local bureaucratised regulatory regime, which attempted to monitor, and with greatly varying success, minimise pollution from Durban's oil refineries.

Bearing in mind the path which the south Durban basin has taken in the last half century, it might be tempting to dismiss what is described here as so many details which have little affect on the 'end point': large residential communities living cheek-by-jowl with heavy industry, pollution levels which are negatively affecting the health of residents, particularly young children. The tragedy of south Durban's historical development is beyond doubt, and I would argue that the story told here produces an even more damning indictment of the local state in Durban because it illustrates that it had full knowledge of the incompatibility of oil refining with residential communities. Details matter. It is clear, that during the first few years of its operation, the presence of a large White population on the Bluff meant that the Wentworth refinery could not simply be given a free hand; there is a huge volume of correspondence in government archives that testify to this. The civic politics and struggles depicted here need to be taken into account if the history of south Durban it is to reflect more than the simple imposition of a blueprint for industrialisation and a later mobilisation by civic organisations with the emergence of the 'neo-liberal' epoch.

What we have is a picture of how the various levels of government groped their way, often quite chaotically, through the controversy's which the Stanvac and Shell oil refinery's provoked, thereby setting the course for south Durban's development. In the midst of this, the central and provincial government, on the whole, acted to protect the interests of petro-capital, and, more generally, to secure continued foreign direct investment. The local state was subjected to pressures, firstly from its electorate, which led to seemingly precipitous decisions such as threatening Stanvac with an interdict and refusing Shell's preferred site. Secondly, and most decisively, it was faced with the threat of losing the valuable financial injection that both refineries represented to the city. There is no question that 'acceptable' pollution levels during Apartheid were unacceptably high; that there were serious flaws in environmental legislation, which were often poorly enforced. But by striving for a more complicated picture of the environmental history of the refineries and of the role of the central government, provincial, and in particular the local state in relation to this we are able to better explain how it was that they were allowed to continue operating even though it was clear, from the very beginning, as this paper has illustrated, that there were serious pollution problems which affected people of all colours.