

# WORK 18

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# IN PROGRESS



arrangement that is being referred to. At the most abstract level democracy has something to do with decision-making, control, regulation and direction by 'the people'. But how this is interpreted and made concrete depends on the different class interests involved, the scale one is talking of, the nature of organisations, their membership, etc. One only has to list the following examples, all referred to as 'democratic' by some interests, to see this point:

- voting every five years for a national parliament in capitalist society;
- participation in a bourgeois political party;
- participating in a working class organisation under capitalist relations;
- participation in a working class organisation during the transition to socialism;
- the relationship of membership to leadership in a trade union in capitalist society;
- students' relationship to an SAC at a white South African university;
- scholars' relationship to an SAC at a black South African school.

Part of the idea of the WIP debate on democracy is to specify it in such a way as to make the notion real in defined concrete situations. The two contributions on democracy in this issue (on 'legalism' and education in relation to democratic organisation) are primarily concerned with progressive organisations and activities operating legally and openly in the highly controlled, repressive and undemocratic nature of capitalist South African society. They are posing questions of organisational democracy, which are ultimately political problems which cannot be treated in any abstract or absolute way. One of the key questions being posed is: given the existing conditions of society which create the consciousness and world view of both rank and file and leadership, how

can a split between leaders and led be overcome in struggle? Given that the material reality of capitalist society creates divisions between leaders and led, between rank and file and officials, it becomes historically real to ask: how can there be a democratic relationship between leaders and led? How can a real unity, a collective will, be created in struggle which aims at overcoming the divisions created by capitalist society.

A series of questions have therefore been implicitly posed in the WIP debate: they revolve around the importance of democratic practice in the context defined above, considered together with limitations placed on democracy by an anti-democratic social fabric and state, repression, conditioned passivity, and lack of organisational experience of membership, etc.

In this context the article on 'legalism' suggests that organisational practices which undercut or limit the active organisation, and participation of membership in struggle tend to be anti-democratic. The attainment of an organisational objective is not the only consideration in a struggle: it is also vitally important how that objective is decided on and pursued. If the struggle for specific aims (a higher wage, opposition to rent or transport costs, etc) is placed in the hands of 'experts' who are separate from grassroots membership, no democratic organisational victory is won. For part of any victory must include the active mobilisation, participation and organisation of membership. Placing struggle in the hands of 'experts' reproduces the hierarchy of knowledge and control which progressive struggle aims to break down. Both the article on legalism and the contribution on management-union recognition agreements, clearly spell out the dangers of legalism for mass-based democratic struggle.

At the same time, none of the contributions on democracy adopt an ultra-leftist position: they do not argue that participation in and use of all ruling class institutions and processes should be avoided on principle. The article on legalism acknowledges that, in certain limited instances, law as a weapon can and should be used by progressive working class organisations. But it sets out very clearly the dangers in such a strategy, noting that wherever the legal arena becomes the site of struggle, this weakens and limits organisational strength and undermines democratic practices.

The contribution on education and democratic organisation adopts a similar perspective: accepting that the overall function of educational structures is to maintain relations of exploitation and domination in capitalist society, it nonetheless argues that education is a contradictory process, and that progressive engagement within such structures is possible within certain limits.

The contribution on legalism deals with a situation where organisational membership is objectively progressive in its interests (the working class on the factory floor, or an alliance dominated by working class interests in the community). More difficult for the democracy debate is the organisational context where leadership attempts to adopt a progressive role, but membership occupies either an ambiguous, or conservative, position. The clearest example of this over the years involves white student activity. The leadership of white student organisations has often adopted courageously progressive stances on issues, while campus based students have tended to reflect ruling class interests. In this context it is understandable that leadership has sometimes undervalued democratic practices. As the article on legalism notes, this has

sometimes caused problems when student-trained leadership has moved into a wider context where democratic organisation is the most important aspect of activity. However, questions of democracy become very complex in a situation where a progressive leadership heads structures based on less progressive membership. This is a question which is certainly not limited to the white student case, and the editors hope for a contribution on this problem in a future edition of WIP.

A key problem posed by the debate on democracy revolves around the nature of participation. Bourgeois analysts often point to the passivity of rank and file membership as 'proof' that real democracy cannot take place. How, they ask, can one structure activity around participation when those asked to participate are apathetic? But this is a false question: already existing structures of hierarchy, domination and control have conditioned generations of the oppressed into believing that they cannot meaningfully direct social processes. It is one of the key roles of progressive organisations to break down this conditioning, to organise the dominated and exploited into effective forces where, as a collective interest, they learn to participate in deciding and structuring their future. In doing this, the conditions which initially created apathy, passivity and a sense of helplessness are themselves changed.

Turner, in discussing the factory, puts it this way:

The enterprise is not only a work-place - it is also a socialisation process. Once the worker has been through this process it is scarcely surprising that he/she does not appear to have the competence to run an enterprise. What the capitalist system has made the worker into is then produced as evidence for the impossibility of any

other social system....

There is ample sociological evidence that participation in decision-making, whether in the family, in the school, in voluntary organisations or at work, increases the ability to participate, and increases that sense of competence on the part of the individual which is vital for balanced and autonomous development.

If one extends this analysis to include organised interest groups (rather than individuals), and bears in mind that participation involves not only decision making, but also activity and implementation of programmes, there is much of value in this perspective.

The lack of participation of rank and file in progressive organisations can never be an excuse for not working towards participatory democratic activity. Indeed, lack of participation can, in itself, be a critique of the mode of operation of a given organisation.

Without having an active relationship to the creation of a strategy ... and thus a creative relationship to reality in day-to-day activities in a flexible development of tactics, the rank-and-file ... will not understand that analysis of the current situation which is the basis of a certain set of policies, and while they may pay lip service to the... line, this line will not in fact be effectively translated in their daily political interventions. (Sassoon, 1980:93).

One additional point is important in this context: organisational democracy involves collective activity, organisation and decision making. It revolves around class interests, not individual preferences. One of the effects of capitalist structures on society is the individualisation of members of the dominated classes. A task of progressive activity is to weld together interests and activity at the level of class rather than individual, to break down the isolation and

powerlessness of the individual in the collectivity of organisation. This is very different from an anarchistic approach to democracy, which reinforces the dangers of individualism and self-interest.

The collective, socialised activity which the working class experiences in production tends to be a basis on which to build collective organisation and activity. On the other hand, the isolated, individualised conditions of existence of the 'specialists' - intellectuals, students, lawyers, etc - creates a foundation for autocratic, hierarchical and undisciplined activity. This is a danger which progressive elements need always be aware of in the process of democratic organisation, and in the relationship of intellectuals to mass movements.

Note: The works referred to above are  
Mercer, C. Revolutions, reforms or reformulations?  
1980

Sassoon, AS. A new concept of politics and the  
1980 expansion of democracy.

Turner, R. The Eye of the needle.  
1972

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# CISKEI REFERENDUM

The referendum is entirely foreign to the customs of the Xhosa people.

Where a decision needs to be taken on a national issue the customary approach is to draw together a representative gathering and thrash out the issue involved thoroughly.

We realise however that we live in a world which is oriented towards Western ideas of democracy and that a referendum is seen as being the ultimate way in which the feelings of a people can be tested.

When we have done this we will be in a position to demand that the world acknowledges that we have done the ultimate in complying with democracy.

-Ciskei Chief Minister Lennox Sebe,  
Zwelitsha, December 4, 1980.

ON DECEMBER 4 last year 300 000 of the 503 000 registered Ciskei voters cast their ballots in the Ciskei referendum. The final result was that 295 891 of the 'homelands' registered voters were in favour of severing ties with South Africa, and 1 642 against. There were 2 198 spoilt papers.

But about 200 000 registered voters stayed away from the polls - resulting in a relatively low 59,5% poll. Considering the degree of coercion and intimidation that reigned before and during the referendum, the stayaway vote indicated significant resistance to Sebe's 'independence' move.

Even Chief Minister of the Interior, Mr LW Maqumo said he was disappointed by the low poll. But Chief Minister Lennox Sebe, speaking from Mauritius where he was on holiday (he subsequently revealed a deal with Southern Sun for a hotel/gambling complex

for the Ciskei territory) said the results had given him a strong mandate to press ahead with 'independence'.

He said he first wanted a meal a day for all Ciskeians - then the creation of a strong middle class.

However significant the substantial stay-away vote among the registered electorate was, an even larger percentage of those officially recognised as Ciskeians, ie non-Transkeian Xhosa-speaking people, refused to register as voters in the first place. The poll was restricted to registered Ciskei voters and voting took place in terms of the territory's Electoral Act, Proclamation R194 - a standard election law for the 'homelands'. This meant that Ciskeians would have to register as voters before they could actually vote.

This effectively excluded almost one half of the potential Ciskei voting population - about 450 000 outside the territory who refused to register.

A registration stamp was placed in the reference books to identify people as genuine voters. To presume voters were Ciskeian citizens before the referendum was held presupposed an answer to one of the questions which the referendum was being held to decide.

One of the criticisms of the standard election model is that it does not provide illiterate voters with a completely secret vote as they have to enlist the assistance of a polling officer in the presence of two witnesses - in effect a Ciskei government official and two members of the ruling Ciskei National Independence Party.

The Ciskei chief electoral officer insisted that the right to vote was conditional on registering as a Ciskei voter.

Voters need not carry Ciskeian citizenship cards, but since the end of May 1978 it has been mandatory for all non-Transkei Xhosa-speaking people to take out Ciskei citizenship if they required reference books. Before that date citizenship was not required, nor was it demanded of those wanting duplicate reference books after that date.

In any event, the proportion of Ciskeians who voted in favour of 'independence' - 295 000 - represented less than a third of the total adult population based on the provisional 1980 census figures. These people - about 950 000 - will be automatically assigned a new citizenship in the new 'homeland' on December 4 this year.

Clearly only a minority of the potential Ciskei population actually voted 'yes' in a referendum consistently presented as a choice between 'freedom' and 'non-freedom' by the Sebe government. But the main issue - whether the so-called 'independence package' between the Ciskei government and Pretoria that would effectively strip more than 3,3 million people of South African citizenship would be any different from that accepted by Venda, BophuthaTswana and the Transkei - was consistently played down by the Sebe government.

The figures of those who voted do not even meet the Ciskei government-appointed Quail Commission's requirement of an overall majority. Even less do they meet the other requirement of the Commission - that separate majorities of those living inside and outside the Ciskei vote in favour of 'independence'.

Statistics released by the Ciskei Minister of Interior, Mr LW Maqumo, show the percentage poll of the 295 000 voters

registered in the prescribed areas to be 42,7%. In urban areas the polls ranged from nil to 30%.

Johannesburg with a registered roll of 811 and an estimated Ciskeian population of more than 30 000, saw only 120 people voting, ie a 16% poll.

In Durban with a roll of 400 no voters turned up at the polling station at the commissioner's office. In Cape Town 5 000 of the 17 000 registered voters turned out at the polls.

In Port Elizabeth, 74% of the registered voters turned up at the poll - with only 225 of the 29 000 registered voting 'no'. The balance was made up of spoilt papers. The total black population of Port Elizabeth is 240 743 - in other words less than 9% of the Port Elizabeth black population voted for Ciskeian 'independence'. In Uitenhage 5 000 of the registered 21 000 turned up, with about 19 000 refusing to register - about 12,5% of the black Uitenhage population voted 'yes'.

The chairman of the Port Elizabeth-based Committee of 21, Mr AZ Lamani described the referendum as a case of people 'voting for their lives'. The Committee of 21 was formed several years ago to oppose people being forced to take out Ciskei citizenship.

But there was little organised opposition to the Ciskei referendum initiative. The ruling Ciskei National Independence Party of Chief Sebe which favoured independence in principle, although it was 'negotiating on details', won a clean sweep of the elected seats to the Ciskei Legislative Assembly in the 1978 general election. Since then the parliamentary opposition Ciskei National Party of Chief Justice Mabandla has thrown

in its lot with the CNIP leaving no major anti-independence party operating within the institutions of Ciskei politics.

Verbal opposition to the referendum came largely from the Port Elizabeth-based Committee of 21 and in particular its chairman, AZ Lamani. But as mentioned, the Committee failed to initiate and organise resistance to the referendum.

At one stage Lamani threatened to bring the independence issue before the OAU and the United Nations unless stringent preconditions to the holding of the referendum were met. But when approached to call an opposition meeting at the end of November, the meeting failed to materialise.

THE RUN UP TO THE REFERENDUM.

On October 1 last year Chief Sebe first announced that the Ciskei would soon be independent and hinted at acceptance of a 'package deal' between the Ciskei and Pretoria. The main elements presented appeared to be a constitution within a South African Confederation and an economy effectively supported by the South African economy.

On the economic front, the package deal would involve a significant amount of shared economic activity in defined areas and a heavy financial commitment by the South African government. Fundamental to this development would be the recently announced Southern African Development Bank on which Chief Sebe had apparently been offered a directorship, and the Small Business Corporation.

But Sebe consistently refused to divulge details of the land and citizenship deal struck with Pretoria. He nevertheless

announced that a referendum would be held before these details were disclosed, although this would be 'a mere formality'.

At a three hour long 'Address to the Nation' at Zwelitsha on October 6, Sebe told a meeting of about 8 000 that the package would include a consultative council and safeguards for whites living in the Ciskei if the territory should take 'independence'. A jubilant Sebe described the deal as the 'most significant constitutional development in 10 years'.

But he admitted the citizenship issue was 'still under negotiation' although he hinted at acceptance of a broad South African nationality with homeland citizenship, together with greater land consolidation and the abolition of racial discrimination.

The following day Sebe left for France to discuss the notion of Ciskei independence with French politicians and industrialists. Speaking in Paris he pledged that the Ciskei would not opt for independence if this implied that the residents of a future independent Ciskei would lose all their rights to their country (South Africa). He would soon forget the promise, however.

Again on November 10 Sebe reaffirmed his commitment to a common South African nationality. He said the citizenship issue was the reason why the 'independent states' (Venda, Transkei and BophuthaTswana) were not recognised internationally. That was why he was 'pressing the government for Ciskeian citizens to retain South African nationality'.

Proclaiming himself a 'student of pragmatic politics', he said in an aside to the audience that he checked in as a South African at international airports.

In terms of the bilateral agreement envisaged with Pretoria, Ciskeians would lose their right to vote for the South African government. 'But who cares about voting in South Africa', he said. 'The only thing we want from them is protection and a share of the country's mineral wealth. I am prepared to challenge any body who questions Ciskei's independence'. He claimed that the French Foreign Office had hailed his efforts saying they would be 'the universal solution to the problem of the black man in South Africa'. This was later denied by the French embassy which rejected the claims that independence had the backing of the French Foreign Office.

Sebe claimed that he even had the conditional go-ahead of the Quail Commission - 'a selection of overseas radicals (!)'.

But the most surprising statement of all was his announcement that there was no real need for the referendum in the first place because 100 000 people at Ntabakondoda had already expressed support for independence, and as such the referendum was a mere formality. (A Daily Dispatch reporter estimated the attendance at Ntabakondoda at a more realistic figure of 10 000, if that, and said Sebe had 'grandiose illusions' to believe that 100 000 could be moved and seated at Ntabakondoda).

The referendum, Sebe said, would be held as a mark of respect to the Quail Commission. 'Nowhere in the world had a government gone to the people for their opinion before independence, not even Britain', he proclaimed.

In November, Sebe ventured into New Brighton, Port Elizabeth, for a referendum meeting chaired by Community Council chairman

M Maku, under close guard. Strict precautions were taken at the meeting of about 8 000 people, made up largely of Ciskei traditionalists.

Armed members of the Ciskei Intelligence Service under the personal supervision of Sebe's brother, Colonel Charles Sebe, patrolled the hall; South African police in riot vans and a Saracen kept a close watch outside.

Speaking at the meeting, the Minister of Agriculture and Forestry, Rev Wilson Xaba explained that the ballot forms in the election would be colour-coded - red for 'no' and blue for 'yes'. 'Blue stands for the Ciskei flag and you must vote for it', he told the meeting. 'The red colour is hell'.

He then asked the meeting for a show of hands to indicate who would vote for the blue colour. The reply was unanimous. All raised their hands and shouted 'Phambili Ciskei' (Forward Ciskei).

During the meeting Chief Justice Mabandla, former leader of the opposition Ciskei National Party publicly pledged his full support for Chief Sebe and the ruling CNIP at the request of Interior Minister, LW Maqumo. He called on all those who had followed him as leader of the CNP to support the Ciskei ruling party. He explained that he had changed his stand as 'all we want now is to free our people from slavery'.

Six other former opposition chiefs were then paraded before the audience to pledge their support for Sebe.

On November 27, Professor George Quail who Sebe earlier claimed at his address to the nation in Zwelitsha supported the independence move, called a press conference; there he said he was 'devastated' by Sebe's decision

to press ahead with 'independence'.

As chairman of the commission appointed by the Ciskei government to make recommendations on independence for the bantustan, Quail said the commission had advised Sebe in its report to opt for independence only if five conditions were met by the South African government. These included

- \* the majority of Ciskeians both in the Ciskei and in South Africa voted in favour of independence in a carefully supervised referendum;
- \* there were separate majorities in the voting in both these areas;
- \* South Africa provided equitable financial support after independence.

Quail said Sebe's initial reaction to the report of the commission had been excellent. He had received a letter from Sebe saying the report lived up to all Ciskei's expectations. But after the commission had disbanded he read in the press that Sebe had held two meetings, at Zwelitsha and Ntabakondoda, to announce the possible acceptance of independence.

On hearing that Sebe had announced that he would hold a referendum as a mark of respect for the Quail commission, the commission offered to set up an impartial body to conduct the referendum. Chief Sebe replied that he thought this was a good idea and would follow it up. But he changed his mind without consulting the commission's former members. 'They may have had all the five conditions met, but I personally have been devastated by Sebe's decision. I am disappointed that independence should be considered in the light of our report' Quail said.



campaign manager for Reagan who was dismissed early in the year over a clash in campaign strategy.

In place of the traditional three day election period, the referendum was held over one day only - December 4, 1980.

Nearly everyone who observed the referendum - from Whittlesea to Mdantsane, from King Williams Town to the Fish River - agreed that few of the people who went to the polls would vote 'no'. At polling stations, the crowds who gathered to cast their votes made little secret of their support for Sebe. As borne out by the election results, those who were opposed to the referendum either refused to register as voters in the first place, or if they had registered through coercion and fear, stayed away from the polls. Predictably polling stations at Zwelithsha were crowded and the people exuberant. Predictable because Zwelithsha is the heart of Ciskei politics where it all happens. Few people who were asked why they were voting gave 'Ciskei independence' as an answer. Most said they were voting for the Chief.

But outside Zwelithsha the pattern changed. In Ginsberg there was a stark contrast, and little interest was shown in voting. Ginsberg, where the late Steve Biko lived after his banning in 1973 was a stronghold of the black consciousness movement. At Peddie with one of the most dense population figures in the Ciskei and high unemployment, the magistrates court polling station was also very quiet. And at Kamaskraal, one of Ciskei's newest resettlement camps, the polling station was deserted except for the polling officer, witnesses and a policeman.

At Mgababa, just up the road, the

polling stations were crowded. Mgababa is the home of Ciskei Minister of Justice, Chief HJ Njokweni. However, Mgababa was the scene of some of the fiercest participation in the schools boycott earlier this year and has a long history of opposition to 'homeland' politics. This was confirmed, to some extent, by the fact that virtually everyone at the polling station was elderly, while youths of at least 18 years (the minimum voting age) wandered the streets nearby with little interest in the singing and gaiety at the polling stations.

Throughout the referendum campaign Sebe was aided by a prolonged propaganda campaign waged on his behalf by the Xhosa service of SABC, and the Ciskei civil service itself did not appear above campaigning for 'independence'.

Civil servants who did not register as voters were clearly warned they would lose their jobs. A group of King Williams Town nurses were in fact told by the Hospital Superintendent that if their reference books did not indicate they had registered as voters they would not receive their pay cheques at the end of the week.

The compulsory registration of all voters which was recorded in reference books was one of the major means of intimidating unwilling Ciskeians to vote, particularly those within the Ciskei boundaries. Endorsements in the reference books - the administrative bloodline for employment and accommodation - would in fact be a permanent record of who had registered and who had not. Together with the stipulation that all ballot forms would have the reference book numbers clearly recorded on the top, in no way could people be convinced that the vote was in any way a secret one,

despite assurances to the contrary.

As such large numbers of voters were convinced that not only would refusal to register jeopardise their chances at the labour bureaux or their current jobs, but they could also lose their houses.

One group of reluctant voters told reporters that they were convinced that Sebe would know which way they voted one way or the other.

A group of nurses, when interviewed, probably expressed the feelings of many Ciskeians who decided to go to the polls: 'Why vote "no" when Sebe has chosen "yes"? Why risk losing your job and your house if you stay away?'

Numerous allegations of irregularities and intimidation surfaced during the referendum. Among these were

a A King Williams Town employer contacted the Daily Dispatch and reported that both his domestic servants were given ballots already marked 'yes', and told to put them in the ballot box;

a Several senior black employees in a large Port Elizabeth firm said they were automatically treated as illiterates and as such (in terms of the provisions for illiterate voters) were asked to state their preference in the presence of the polling officer and two assistants (CNIP members). Once they arrived at the polling table they were told to vote for independence. Even after demanding their right to cast a 'secret ballot', they were interrupted in the booth while voting.

One of the most striking irregularities during the voting was the wholesale use of the provisions for illiterate voters, which effectively ensured that the ballot was in no



way secret especially for the rural population.

But even at Mantsane with a high literacy level, the overwhelming majority of people in the queues voted according to the provisions for illiterates until queries by journalists covering the referendum resulted in a larger number of people being ushered into the voting booths.

• In some polling stations there were no booths available for voting in secret.

• At the Zone 6 Dalukhanya polling booth in Mantsane, literate voters alleged that there were no pencils provided to mark their crosses. They said they then had to go to the tables for illiterate voters where three officials watched them vote.

• It was also alleged that illiterate voters were given papers marked 'yes' to place in ballot boxes, when they had said 'no'.

• There were numerous complaints from people who were told that if they did not participate in the referendum, and have this stamped in their reference books, they would lose pension and housing rights.

• At the Mantsane Civic Hall a voter who complained that he was told 'Kwenziwa ku Eweqa' (markings are done on 'yes' only) was reprimanded by a polling officer when the voter asked if this was normal procedure.

• Although the registration of voters officially closed on November 9, registration continued at the garage at the entrance to Mantsane on the eve of the referendum.

• People in Mantsane were told that without registration stamps in their books they would never get a house and those who had houses would lose them to registered voters.

• At Qeto in the Paddie district reporters saw a ballot box that had not been sealed but was tied with a ribbon, a roll

of which was still on top of the box.

Speaking at a press conference on the day of the referendum Sebe told local and foreign journalists that the referendum was 'entirely foreign to the customs of the Xhosa people'.

Where a decision needs to be taken on a national level the customary approach is to draw together a representative gathering of people and thrash out the issue involved thoroughly. (Sebe once again referred to the Ntabakondoda meeting of '100 000 people').

We realise however that we live in a world which is oriented towards Western ideas of democracy and that a referendum is seen as being the ultimate way in which the feelings of a people can be tested. When we have done this we will be in a position to demand that the world acknowledges that we have done the ultimate in complying with democracy.

Two of the official observers who were unavailable during most of the referendum, Hutchinson and Sears, said they were satisfied with the voting but could not say whether it was in accordance with 'Western standards'.

Speaking at the conference Sebe revealed that an agreement had been drawn up between the Ciskei and Pretoria on the citizenship and nationality issue, and a charter of rights would be drawn up in which certain privileges arising from South African nationality would be preserved for Ciskeians. These were preferential job opportunities in the sense that Ciskeians would not be treated as aliens for the purposes of employment; residential rights in the Republic; uniform and uncomplicated procedures regarding movement across boundaries; use of 'community facilities, social benefits and any other rights and privileges sanctioned by law or usage'.

The terms of the agreement would be

Submissions for the purpose of determining whether the voters of the Ciskei are in favour of or against independence for the Ciskei.

# DIRECTIONS FOR THE GUIDANCE OF THE VOTER IN VOTING

(A voter must vote for one choice only.)

When the person wishing to vote has received the ballot paper, he/she shall take it to the voting compartment provided for the purpose and shall indicate the choice for which he/she desires to vote by correctly placing a cross in the square opposite his/her choice.

The form of the ballot paper is as shown below.

The Voter must not sign his/her Name on the Ballot Paper.

After the voter has recorded his/her vote he/she shall hold the ballot paper so that the official secret mark is visible and that his/her choice and the cross made by his/her is not visible, and having held up the ballot paper so that the presiding officer or the polling officer in charge of the ballot box can compare the official secret mark, shall drop the ballot paper into the ballot box placed in front of the presiding officer or the said polling officer.

If the voter signs his/her name on the ballot paper or votes for more than one choice, such ballot paper will be rejected and not counted.

If a voter inadvertently spoils a ballot paper, he/she may return it to the presiding officer, who will, if satisfied of the facts, give him/her a new ballot paper.

## OFFENCES

Any person who -

- illegally or counterfeits or fraudulently destroys any ballot paper or the official secret mark on any ballot paper; or
  - without due authority supplies any ballot paper to any person; or
  - fraudulently puts into any ballot box any paper other than the ballot paper which he/she is authorised by law to put therein; or
  - fraudulently takes out of the polling station any ballot paper; or
  - without due authority destroys, takes, opens, or otherwise interferes with, any ballot box or packet of ballot papers that is used for the purpose of the election;
- commits an offence and shall be liable, on conviction, if he is a returning officer or an officer in attendance at a polling station, to imprisonment for a period not exceeding two years, and if he is any other person, to imprisonment for a period not exceeding nine months.

Marked your vote by marking an X in the square opposite your choice.

embodied in a convention and incorporated in the law of both states, he promised. In no way would Ciskeians lose their nationality - nor would the Ciskei accept some form of 'associate nationality'.

But when asked to clarify the mountain of meaningless rhetoric and spell out what benefits would accrue to the average Ciskeian on 'independence', an irate Sebe replied 'I have explained, and if you still do not understand then it is just tough luck'.

Sebe's repeated promises of South African nationality and Ciskeian citizenship proved to be hollow promises, as expected. On February 16, 1981, Sebe announced that he had accepted 'independence' for the Ciskei in spite of a refusal by the South African government to grant a common nationality to Ciskeians. He said that he had in fact been unable to reach agreement on one of the key aspects of the 'independence package' - on which much of the referendum pledges were based. And as such, like Venda, Bophutha-Tswana and the Transkei, another 3,3 million people will lose their South African nationality on December 4, 1981.

When asked for an explanation, Sebe was typically evasive and said he did not want to provide too much detail about the agreement finally reached with the South African government. He did not want to say anything in particular that would embarrass the Government before the general election. And the cause of such embarrassment? In all likelihood it is believed that Sebe has agreed to trade off on the nationality issue - the loss of nationality for 3,3 million people for the incorporation of King Williams Town into the Ciskei and its adoption as the Ciskei's new capital... and Sebe's Umtata.

# EDUCATION and DEMOCRATIC ORGANISATION

It is impossible for the proletariat to accomplish the socialist revolution if it has not been prepared for it by the struggle for democracy....The struggle against opportunism in the guise of a refusal to utilise the democratic institutions of a given capitalist society because they have been perverted by the bourgeoisie that created them, is in fact a complete capitulation to opportunism.

-Lenin.

How can the present be welded to the future, so that while satisfying the urgent necessities of the one, we may work effectively to create and anticipate the other?

-Gramsci.

THE anti-democratic nature of South African education is self-evident. Authoritarian, hierarchical structures limit the possibilities for teachers, students and parents to participate in decisions, and control what is taught, how it is taught and under what conditions the learning process takes place. The power and authority to decide and control is vested in the different education departments, inspectors and principals. This structure affects even teaching methodologies. Exam-directed and fact-pushing syllabi discourage pupil-participation and everything but talk-and-chalk methods of teaching. Challenges to this control are met by ferocious state repression, harassment and victimisation.

The educational reality, however, is contradictory. Certain factors exist which do allow for movement and challenge to this

situation. In some schools, controls are less than in others - often depending on individual principals. Increasing numbers of teachers, whether politicised or not, have become dissatisfied with the bureaucratic controls which govern the details of their working lives. The crisis in education has also meant that more and more pupils are forced to seek education outside of the official state institutions. A liberal ideology of education (viz that education should be equal, with far more people than at present having expanded access to 'white' education, that learning should take place through self-discovery and be open-ended, and that education has an integrative task to fulfill) is also fairly well-entrenched among younger teachers. Increasingly, especially among students, a democratic conception of education is gaining ground, challenging both the authoritarianism and illegitimacy of current educational structures as well as the liberal variant as an alternative.

This liberal view is challenged on the grounds that an equal democratic education cannot be realised in an undemocratic society. It is only once the people control their working lives and once societal values are oriented to the needs and interests of the masses that an education system designed for the liberation of human potential can emerge. A truly democratic society would then ensure that there is a high level of education for everybody; that distinctions between mental and manual labour are broken down through the integration of education with production; that learning should be a life-long process and not end with school or university; that an understanding of social aims and technological problems is developed

in such a way that everybody can participate in planning and decision-making.

This does not mean, though, that we wait for the structures to change before education will change. While this is undoubtedly true, it is also true that people have to be prepared for democracy. Democratic ways of organising and democratic values and consciousness themselves help to shape economic and social conditions. As Castles and Wüstenberg write, 'There is a dialectical relationship between consciousness and material conditions.

Backward consciousness can hinder changes in material conditions and vice versa.'<sup>(1)</sup>

Deepening democracy in education thus means harnessing the present to the future, creating the conditions now, as much as we can, for a democratic South Africa. The struggle for democracy is thus a political struggle.

Education as an arena of struggle is clearly recognised. While no changes comparable to the demands of resisting students have been made, it is clear that mass popular resistance has altered the balance of forces within educational institutions. Although formal controls over students have tightened in some areas, there is less real control over students, as evidenced in, for example, the formation and activities of SRCs. This, in turn, forms the basis for further action to be taken and demands to be made. Deepening democratic political action in education thus also means recognising the need to develop those forces through and in education which can facilitate the emergence of democracy in South Africa at large; social forces which are organisationally and ideologically themselves democratic.

The question then becomes how to expand the arena of popular power within our anti-

democratic education system; an arena that can facilitate the emergence of strategies for transforming South Africa as a whole. Thus the task of deepening democracy in education is not simply to increase pupil participation and equalisation of facilities, but to exploit the possibilities offered by a contradictory reality, to build and strengthen democratic organisations in education and to make dominant the demands of a popular democratic struggle in South Africa. If democratic organisation can be strengthened and facilitated by equalisation of facilities, as surely they must be, then these must become a demand. But a demand whose significance is clearly recognised as subsidiary to the primary aim of developing participatory democratic organisations for a democratic future.

This, however, has to be linked to a clear perception of both the limits and possibilities of struggle in education alone. Broad limits are set by the anti-democratic structures which penalise any form of resistance.

Of these everyone is aware. Limits are also set by the action of either isolated teachers or student and teacher bodies which operate on their own. Students and teachers cannot of themselves challenge authority in education and the wider society. When they do, their struggle is weakened. Similarly, democracy in South Africa will not be advanced if teachers and students do not support democratic struggles in the community and the factory. Democratic action has to be undertaken collectively, jointly, on a broad front with other democratic organisations. But what are the possibilities within education, given the broad structural limits and the need for joint democratic political action by students, teachers, parents and workers?

The starting-point for an analysis of what can be done is an analysis of the real situation and interests of pupils/students, teachers and parents. The first task is to analyse our own social position as educators or educands (those being educated). The role of teachers, for example, is a contradictory one. On the one hand they have to be agents of the state for the implementation of educational policies designed to prevent people from becoming aware of their situation. On the other hand they are wage-earners who are also exploited by the state, are aware of this, and thus have an interest in altering conditions. Many are privileged in relation to workers as far as wages and working conditions are concerned and in relation to students as far as their position in the educational hierarchy and their power is concerned. Thus removed from students and workers (parents), they also tend to see their interests as lying with the ruling class. Working against this, again, is their relatively powerless position within the structure of control. They have less control than the Education Departments, inspectors and principals whom they serve, but more than the students over what they can teach and how to teach it. There are certain limits to what they can teach, but they also have access to information and knowledge which, if they choose, they can use to expose structures of class privilege and the gap between the declared and real aims of the state. What does this mean in terms of their democratic organisation?

Firstly, to take teacher organisations. Through these they can build a unity through which to make certain demands. Teacher organisations vary in their aims and demands. For many, teacher organisations are instruments

for the struggle for better wages, is they are confined to realising teachers' exclusive interests within the status quo. One writer has called this a 'struggle for better conditions of exploitation'.<sup>(2)</sup> Democratic teachers' organisations must recognise that their demands for better wages and working conditions are linked to broader struggles for control and participation. They must realise that these demands on their own can be accommodated within the present structure which allows overall control by a ruling class. They must realise that unless they fight for a broader goal as well, their own struggle will not fare very well.

On the other hand, teachers are not the only exploited group within education. Pupils and students are equally exploited within an undemocratic education system. They are equipped with specific skills for specific places in the division of labour. Their compliance to an economic and political structure which does not necessarily operate in their interests is sought through the propagation of specific values. The overall educational apparatus that channels them in this way is beyond their control, as is their condemnation to positions of powerlessness within the broader society once they enter it as workers. Teachers' demands for fundamental changes must be linked to those of students and their parents for an education which is part of a democratic society in which and for which they are equipped as fully participatory human beings. And these, again, must be orchestrated with the demands of workers, the dispossessed, exploited and powerless.

Secondly, as far as educational work in schools is concerned, the limits are most often stressed; it is seldom that the possibilities

for progressive action are analysed. This is partly related to the fact that teachers (and pupils) are unaware of what they can do in the school, and this in turn is related to a lack of clarity on what their aim is as democratic educationalists. For some clarity, let us turn to Castles and Wüstenberg:<sup>(3)</sup>

The main aim of education for transformation must be that of helping children to understand the material and social world around them. Children should...be educated .....so as to be able to organise their own lives collectively here and now.

There are two aspects to this. The first is that of consciousness, of the importance of raising the children's critical awareness of the world around them by studying that very world. In other words, the democratic educator has a responsibility to develop the political consciousness of pupils. The second is how to act on this consciousness. The task of the democratic educator is to develop in children the capacity to participate in and control his or her own work. Thus children are provided with the capacity of controlling and organising for the future and in the future.

It is here that the aims and methods of teaching are closely connected and that the 'indeterminacy of liberal ideology'<sup>(4)</sup> can be exploited. One of the reasons for the failure of Bantu Education to succeed in its ideological function, it must be recognised, is the rigid and authoritarian teaching methods employed. No educational content is attractive, or teaches children how to understand or run their lives, if taught by disciplinarians who see learning as taking place through the internalisation and repetition of 'facts'. To quote Richard Turner,<sup>(5)</sup>

What has to be learned is a particular way of thinking, the ability to analyse, to

think critically, and to think creatively. And if there were a body of key facts children would not learn them in school. Adults know that they have forgotten nearly every 'fact' learned at school, and yet they all go on believing idolatrously in school. The facts have been forgotten because they were never learned. They did not become a meaningful part of the child's world. They were part of a competition between child and teacher, tokens to be thrown away after exams.

Children learn a great deal outside of school, at home, in the street, in the community, through the media. School separates this learning from 'real' knowledge, the 'facts'; the teacher neither integrates these perceptions into understandable wholes, nor helps to organise these into wholes which enable children to understand not only their immediate environment, but the way in which this locks into a broader social, economic and political reality. He or she does not teach them how to organise, analyse or criticise that which they learn in an unreflective way.

Children are part of communities, community struggles and disputes; as such the concerns of these are those of the pupils and have an immediate, direct meaning. Linking education on forms of transport, for example, with bus boycotts, and housing with removals, becomes an important means of developing a consciousness and integrating a real knowledge into a political understanding which it is the express purpose of the state education system not to do. The possibilities of teachers helping children to organise their work, to become more critical and aware of how they learn and what they learn, exist in virtually every subject.

Many teachers would claim that this is impossible. Impossible because of spies both on the staff and in the classroom. This should not prevent the democratic educator from

# INDEX

CISKEI REFERENDUM.....page 1  
 EDUCATION AND DEMOCRATIC ORGANISATION....page 7  
 'LEGALISM' AND DEMOCRATIC ORGANISATION...page 10  
 OPPOSITION LEADER - SABATA DALINDYEBO....page 15  
 COURTS.....page 18  
 CHRONOLOGY OF CONFLICT.....page 22  
 STRIKING AT PENSIONS.....page 27  
 DIVIDE AND RULE IN REIGER PARK.....page 38  
 LABOUR ACTION:  
   strikes.....page 42  
   trade union recognition agreements..page 52  
   documentation.....page 54

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## WORK IN PROGRESS 18 - JUNE 1981

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The nature of Work In Progress, which is to stimulate debate and present controversial views on a wide range of subjects, ensures that the opinions expressed do not necessarily reflect the views of the editorial collective.

# EDITORIAL

IN THE previous WIP editorial (number 17) the editors noted a series of problems associated with the use of the term democracy. One of the difficulties mentioned was the broadness of the notion 'democracy': this broadness has allowed democracy as a symbol to be used by groups and classes representing widely different interests, programmes and activities. Organisations and governments associated with the capitalist right claim a basis in democracy (eg the administrations of Reagan and Thatcher), as does the socialist left. This abstract and non-specific use of the concept was one of the areas the editors hoped to clarify in an ongoing debate in WIP.

'Pure' or 'abstract' notions of democracy have virtually no meaning: there are only historically specific institutions and organisations which do, or do not, embody democratic practices. Relationships between classes, the state and struggle continually change in a dynamic way, and this creates different contexts in which organised interests implement programmes and policies. Democracy can mean different things to different groups in these changing situations.

What emerges is a word with multiple meanings and an astonishing historical variability ranging from 'obeying no master but the law' to 'popular power'; from the various combinations of 'formal democracy' and 'representative democracy' to 'real', 'direct' or 'peoples' democracy'. That there is no clear definition (of democracy) is not just a question of words .....but also one of history. (Mercer, 1980:106).

The idea of democratic practice can therefore mean something different depending on the situation, scale and nature of organisation and

continuing in his or her task. What is demanded is firstly for teachers to get together and work out collectively how best new contents and forms of education can be worked out and introduced, how best to exploit liberal ideology, how best to expose the gap between that reality claimed by the state and the reality of the majority of children in South Africa. This demands that teachers themselves begin to study the living conditions of the pupils, the work situation of parents, the structure of the neighbourhood and the problems of the community. This allows them to become aware of the struggles of the community, and work out ways of integrating this into the syllabus. Community newspapers must be read, community meetings attended, alternative resources to those of the state sought out.

The teacher also has a responsibility to the school SFC - always to be on hand to provide information and access to resources, and to liaise with it on projects the SFC considers important to undertake. Teachers should plan with students how to develop consciousness among the student body as a whole and how to make demands for the rooting of control in SFCs and Parent-Teacher-Student Associations.

These possibilities exist within the school, but often the limits imposed are too great for such to be achieved. The task then is to create forums outside of educational institutions through which

new forms of open, public discussion and inquiry (can take place) in which individuals and organisations are free to participate and whose intended result is the formulation, co-ordination and legitimisation of economic and political programmes.(6)

Such centres outside of schools have the advantage of being without the constraints which

plague the teacher in a formal school. One way of developing pupil participation and discussion is through workshops on local issues, preparing media for support of community or workers struggles, plays to explore social relationships and resistance to exploitation. Local community workers, parents and other workers could be involved in the planning of projects undertaken. Through these exercises, 'academic' skills can be integrated with community work, and the struggle for democracy in education can be linked far more closely with the struggle for democracy in South Africa.

#### Notes:

1. Stephen Castles and Wiebke Wüstenberg; The Education of the Future: an introduction to the theory and practice of socialist education. Pluto, 1979:1. This has been an important source for the ideas in this article.
2. Diane Elson, 'Strategy: which way out of the ghetto?' in Capital and Class, Autumn 1979:101.
3. Op cit:192.
4. Bob Jessop, 'The political indeterminacy of democracy' in Alan Hunt (ed) Marxism and Democracy, Lawrence and Wishart, 1980.
5. Richard Turner, The eye of the needle, Spru-cas 1972:73.
6. Bob Jessop, op cit:73.

## WORK IN PROGRESS

#### BACK ISSUES:

Back copies of Work In Progress 12 (April 1980), 14 (September 1980), 15 (October 1980), 16 (February 1981) and 17 (April 1981) are available from the editors. The cost of these is the same as subscription copies.

# 'LEGALISM' and DEMOCRATIC ORGANISATION

THIS BRIEF article attempts to examine the legalist tendency within democratic organisation. Legalism involves a reliance on existing law and legal structures to achieve certain aims. As such, it places considerable importance on court hearings and applications, legal and administrative officials, and lawyers. It is important to note that the opposite of a legalist tendency does not necessarily involve illegal forms of organisation, and the question of the relationship between legal and illegal activity and organisation is not dealt with in what follows. The article is therefore concerned with the grounding of legalist (as in law courts, legal claims and officials) as opposed to non-legal strategies within concrete organisational questions. As emphasised above, non-legal forms of organisation do not necessarily involve illegal activities.

#### 'ABSTENTIONISM' versus LEGALISM.

The two extremes of the debate on the use of law by progressive organisations involve, on the one hand a refusal to take part in any legal proceedings ('abstentionism'), and on the other an uncritical acceptance of legal processes to achieve aims. This article is mainly concerned with the dangers involved in a legalist strategy, and could be misinterpreted as supporting a narrow 'abstentionist' position unless the legal weapon is situated in its

proper place. Indeed, it is precisely these two poles of the debate that have been guilty of using inflexible formulas, and it is therefore necessary to briefly examine the shortcomings of the positions which we have crudely labelled 'abstentionist' and 'legalist'.

It is beyond the scope of this article to deal with the current lively debate about the relationships between law, state and capitalism. It is rather the application of the theories that need critical examination. One group of theorists stress the contradictory nature of the state, arguing that its relationship to capitalism and the capitalist class involves contradictions of great importance. They go on to argue that the existence of these contradictions in state and law create 'gaps' which can be used by progressive organisations, and on this basis support involvement in legal strategies.

Another group of theorists stress the ideological and repressive function of law, as well as the mystifying effect of legal ideology in capitalist society. On this basis they reject any tactic involving reliance on legal processes.

There are undoubtedly merits in specifying the nature of the legal system in this way, and its proper place in an understanding of capitalism. But it is altogether wrong to answer organisational questions at this level of abstraction. The most common argument put forward by the abstentionists is based on a view of law as a mere tool of the capitalist class, which also uses the state as an instrument to further its own interests. Such a view is not helpful: the state, capital and law are not the same thing and involve different, and sometimes contradictory organisation, activity and interests. The value

of the abstentionists is that they have shown that there are very definite limits to the use of law as a form of struggle. But establishing that there are limits to a strategy or tactic is not the same as never using that strategy or tactic, and it is to these organisational questions that we can now turn.

#### USES AND ABUSES OF LAW.

That law can and should be used at appropriate moments to enforce legal rights and claims has long been accepted by progressive working class movements. It has been shown to be a useful tool, but only one of many, to be used when and if the situation demands it. In other words, this weapon should neither be simply utilised, nor thrown away on principle. Law has been used as one method to rally and to initiate organisation. It has been used to defend rights already won by organisational struggle. It has been used where conditions do not favour an organisational offensive. But its effective use is always assessed by how it is used, and in particular how it advances an organisational effort. Wherever a legalist strategy acts to imprint its form on the organisation using it, wherever it acts outside organisation or in place of organisation, it undercuts the progressive role it can play. Unless it is grounded in and subordinated to progressive organisation it tends to float 'above' organisation, acting according to its own logic and rules. Where this is not the case, legalism has its most damaging effects on democratic organisation.

#### DEMOCRATIC ORGANISATION.

Democratic as opposed to undemocratic practices are the necessary form of progressive organisation. Why democratic? Should one not

view democracy as a formal notion to be used expediently and only where convenient? This is perhaps a common, if unspoken, view of activists, particularly those who have emerged from student movements. It involves a crude idea of 'vanguardism' reinforced by the context of student politics (and this is especially true of the white student context). However, the task of organisation outside of a student arena is entirely different. It involves the organisation of the mass of people as active purposeful agents in the creation of their own history. Democratic practices within organisation are central to this task for a number of reasons. Inter alia, democracy entails the active participation of members and this means schooling in the theory and practice of struggle. Furthermore, it grounds the organisation more properly in the most exploited class and hence on the objectively most progressive class. This protects it from some of the dangers of intellectuals who believe they make history, and from self-interested leadership. Democratic practice links the organisation to its struggle against the undemocratic reality present at its site of struggle while at the same time linking it to other spheres of struggle. This breaks down distinctions between private and working lives and situates the different struggles within the undemocratic nature of society that creates these divisions. Democratic practices are not only a brake on bureaucratic tendencies and co-optive strategies, but also constitute a taking over of power in their sphere of struggle. Here democratic control is distinguished from formal bourgeois democracy. Democratic control means accountability, a continuous process of decision-making and discussion in struggle.

LEGALISM.

Legalism directly cuts across such democratic practices: firstly in the form of struggle and organisation that is imposed on the organisation, and secondly in the hierarchical decision-making process that is a side effect of legalism.

Certain progressive lawyers realised that legal activism on its own was an empty form of struggle, and became sensitive to the necessity of organisation. Inevitably they attempted to validate their legal practices by situating them alongside organisations.

But the problem of legalism cannot simply be attributed to lawyers. Many organisations are open to legalist modes of operation for reasons set out more fully below.

LEGALISM AND DEMOCRATIC CONTROL.

The relationship between legal specialists and working class organisations raises all the problems (and more) of the relationship between intellectuals and the working class. It is clear that the latent tendency towards reliance in decision-making on the 'specialists' threatens not only the purpose of democracy but also the confidence of the membership. The articulate lawyer is not only persuasive but is also in command of the mystical jargon, legal definitions and legal limits of strategic options. In the absence of such knowledge on the part of the rank and file it is inevitable that the intellectuals are in a position to dictate strategies and tactics - even non-legal ones.

Where legalist considerations are included as a feature of planning, whole areas of decision-making are excluded from the exercise of popular control. Frequently leadership itself uses legalist arguments to pre-empt

debate within an organisation, and in this way the relationship between leadership and the rank and file is profoundly altered. And it is no coincidence that bureaucratic leadership frequently adopts legalism as one of the primary mechanisms for entrenching itself as an indispensable specialist group separate and above the membership. Nor is this process incompatible with the formal rhetoric of democracy. It is however incompatible with a progressive organic relationship between elected representatives and rank and file.

It is the leadership that has the easiest access to law and legal opinions. It is not therefore surprising that an insidious internal effect of legalism is the growth of constitutionalism. Thus we see committee rules rigidly applied (or distorted by the experts) in meetings where grassroots membership is bewildered by the formalism skillfully used to limit debate. (Sorry, your item is not on the agenda. Sorry, that point was raised under item 6. Sorry, we have discussed this point long enough).

Constitutionalism has often been the hallmark of trade union leadership both in the United Kingdom and South Africa. It, together with direct legal action has been used to suppress dissent and radical shop floor takeovers; to prevent the dismissal of unpopular officials; and to prevent their replacement by more militant workers. (See, for example, the cases involving the Electrical Union (UK), Garment Workers Union (SA) and the UAW (Ford Cortina)). The real exercise of democratic control is subverted by constitutional red tape, and content gives way to form.

ORGANISATIONAL STRUGGLES.

Organisation is itself a weapon of struggle.

And in South Africa where the specific conditions of struggle demand disciplined mass organisation, legalism attempts to undercut the reliance of the organisation on its rank and file membership. This it does by seeking to replace organisation of membership - who are necessary for advances in concrete struggle - by skillful use of legal actions and agreements. Thus the organisation secures its 'victories' by using its specialists. Alternatively the form and shape of its struggles do not follow the logic of growth in its real power. (Real power can only come from the strength, disciplined cohesion and number of its members). In this case, struggles follow the demands and fortunes of parallel legal struggles.

The consequences of this may be disastrous. Firstly, there is no direct link between the membership and the actual context of struggle. The membership is directed to a court case in which the action is framed within legal categories, and often as an individualistic claim. The conflict is rerouted and dissipated through legal intermediaries. Membership is directed to a so-called impersonal agency - the legal system - without the knowledge that this 'law' is in most cases loaded against them. But more pertinently, the victory (or defeat) is won without their participation. The whole site of the struggle is shifted. This shift is one that directly undercuts the importance of grassroots participation and the need for organisation. In their place the legalists are inserted and draft the agreements, launch interdicts, negotiate compromises.

When the legal action is won or lost (perhaps 18 months later) the result may be of no consequence to the organisation. In the case of legally negotiated compromises or



solutions/agreements, the whole process takes place outside of the fundamental democratic principles of grassroots discussions and reportbacks. Lawyers are not responsible to the membership. All that is left is for the elected leadership to inform the membership of the outcome. Victories are formal, and are regarded from the viewpoint of what kind of concession was won from the opposition rather than what kind of advance was won for the membership in relation to organisation.

This process serves to demoralise the rank and file by underplaying their role as active controlling agents. It reinforces their self-conception of impotence and their faith in external intermediaries. Here legalism undercuts the role of organisation, disrupts the process of advancing the strategic skills and consciousness of the masses. What it offers is short-term benefits - devoid of struggle (a la TUCSA) - and a drift into bureaucratic organisation.

The way legalism stamps its own shape on the form of struggle is complemented by the way it underwrites undemocratic tendencies. A concrete and common phenomenon is the way legalism is used to divert or suppress militant spontaneous action. These militant actions threaten legalism in two ways, and are very different to the organisational practices of legalism. Firstly they place power in the mass membership thus threatening a bureaucratic leadership whose principal concern is the control of and direction of that membership. In spontaneous militant action the interlocking web of committee and procedural control is disrupted. Decisions are taken at the site of struggle - the community hall, the gathering of strikers.

Secondly, militant actions disrupt the

neat legal strategies, upset delicate negotiations. The lawyer and the leadership are to be found calling for moderation and for 'far sightedness'. The relationship to law replaces the vital relationship between elected leadership and active membership. Part of the problem of legalism - like any other specialist service - is that it connects with organisation at the leadership level only. It is often not legalism as such but the way it is used by the leaders that has such damaging effects. Legal victories come to replace real struggles. There is less to lose - just as there is less to gain. The temptations to take organisational issues up in the legal sphere are particularly strong for those organisations which have no faith in their membership - and who do not see the historic importance of organisation and struggle in themselves. At the worst, legal actions do not merely shift the struggle, they take its place. This phenomenon is the trade mark of leadership that has a formal, survivalist notion of an organisational goal, and that is unable to situate the relationship between short-term and long-term goals, minimal and maximal demands.

Ultimately the process is circular. The power of the legal negotiators, the force of legal activism is underwritten by the organisational strength of the parties; the real advances in the struggle take place outside the court room. If legal activism acts in ways which undercut that organisation then the legal instrument is itself weakened.

For example, where a legal agreement is entered into which regulates the relationship (legally) between an organisation (trade union or community organisation) and another body (management, the state, local authority): in

this case the terms of the agreement are determined by the real power of the parties. If the organisation loses its coherence, force and solidarity, the agreement can not be used to externally maintain these factors, nor need it be respected by the dominant party.

#### SOME EXAMPLES.

Finally I wish to refer to some distinctive struggles in which the effects of a legalist approach are thrown into sharp relief.

#### A commuter organisation:

Resistance to bus fare increases have traditionally been an important and significant feature of the history of South African struggle. Such struggles have produced courageous resistance that has drawn hundreds of thousands of working people into loosely organised but disciplined action.

When recently there was an announcement that certain bus fares were to increase, a varied and broadly based collection of commuter committees emerged and agreed to collectively resist the increase. Lawyers were briefed to oppose the increase through legal action.

In the lengthy period during which the matter was handled and successfully brought to court, the committees contented themselves with awaiting the outcome of the decision. The committees neglected their organisational base and chose to allow the battle to be fought by external specialists. The primary object of the campaign was seen purely and simply as the curtailment of fare increases. When the legal outcome was known the only persons who could regard it as a victory were the lawyers (even the committees had largely collapsed). Furthermore, by forcing a postponement of fare increases the committees

implicitly accepted an increase a year later which they were bound to accept without opposition.

#### Worker Organisations.

Workers in a dairy products company had successfully and independently struck on 2 occasions in support of the establishment of a works committee. Up to this stage they had organised themselves without union assistance and had developed a disciplined shop floor organisation. When a trade unionist entered this scenario during their last strike, he noticed that their wage rates were below the legal minimum. He commenced legal action for R25 000 on behalf of the workers.

During the period before the action came to court, the workers were instructed not to organise as this might prejudice their claim. Meanwhile, management was embarking on a strategy to re-install the liaison committee. Workers known to support the works committee had their contracts terminated and were replaced by new contract workers. By the time the legal action had been successfully concluded, the organisational strength of the workers had been broken and the worker leadership fragmented and dismissed. (In this case the union was an affiliate of the Confederation of Unions of South Africa (CUSA), but there are similar examples from the Western Cape (DURA), as well as many examples from the FOSATU unions).

A more illustrative example is the organisational response to victimisation. Where trade unions rely on the law for their protection, they are obliged to use the largely ineffective Industrial Conciliation Act provision. A lengthy process, difficult to succeed with and organisationally weakening. Yet the most effective method of defeating victimisation is the immediate

unified retaliation by workers. Its success secures the reemployment of dismissed workers, and it has a strong morale-boosting, cohesive effect on the shop floor. Thus it is bewildering that victims still proceed to the union offices, make statements, etc. This locates the organisational strength of the union in its external form, the office, as opposed to its shop floor membership.

The operation of the Industrial Council system is distinguished by the unhappy incorporation of all these legalist features. Reliance on specialist legal negotiators; transfer of the centrality of shop floor struggle to the centrality of negotiation outside the shop floor (unencumbered by mass participation, report backs or discussion); reliance on legal agreements or legal loopholes in these agreements; imprinting of the rhythm of 'top level' negotiation on the rhythm of struggle on the shop floor; division of the workers themselves. The argument that at present an organisation is too weak to resist participation in the Industrial Council must surely be met with the retort: weak organisations are precisely the organisations least able to resist the legalism and reformism that is the deliberate purpose of the system. The TUCSA unions are the visible evidence of this. Indeed, these unions possess the very features that some of the independent unions aspire to (large membership on paper; financial security, etc). These features have been traded for shop floor strength.

#### Community organisations.

For the ways in which lawyers and legalism have actively broken unity, no clearer example exists than the Crossroads case. Here an organisation grew out of the struggle to resist the demolition of homes, the relocation of one

part of the community and 'repatriation' of another part to the Transkei. The community was characterised by its defiance and especially by its unity. They pledged to resist the attempt by authorities to divide the community along the lines of a migrant/urban distinction. Yet this is eventually exactly what occurred.

In the course of their resistance, external lawyers and academics came to play a role in finding a 'solution' and advising the community. Over time this group came to play a leading role in framing the demands and eventually the terms of the agreement reached with the state in the form of Koornhof. They sought to extract a concession from the state - and any concession was for them better than no concession (or maybe any concession is seen as a victory). They found themselves accepting the state's legalistic categories of 'legal' and 'illegal' residents; finally, having reached the compromise in an undemocratic fashion over and above the community, they cajoled and 'persuaded' the community to accept it. In the upshot, so-called 'illegal' residents were excluded from the 'benefit' of being able to reside in their community. Needless to say, the effect of this intervention on the unity of the community was not progressive.

#### Campaign organisation.

What goes for organisation also goes for campaigns, which are short-term rallying points for longer term organisation. Thus the numerous examples of individuals bringing individual actions on behalf of communities and without an organisational drive alongside the action effectively render negative the publicity and other possible advantages of the action. Some might validly hold that such actions actually forestall organisation. Here we have the examples of individualised

actions in the areas of consumer law, influx control, municipal rights, etc undertaken by well-meaning legal activists. (For example the type of cases instituted around the transport issue in the Western Cape, the constitutional cases that characterised the 1950s, cases instituted by media personalities, the Committee of 10, etc). Where these cases may have some effectivity is in those areas where 'civil liberties' are enforced and expanded ie where greater space is created for legitimate open struggle and organisation. Where they lose effectivity is where they pre-empt, slow down or stall organisation. Such an example is provided by a community campaign organising isolated sections of the community affected by the Group Areas Act - the pace and nature of the campaign of organisation has tended to follow in the wake and style of Supreme Court litigation.

And in another example a worker campaign within a broader organisation has been finely planned and designed in all its phases to draw in membership participation. It reaches its astounding climax with a legal interdict against management. Without ignoring any of the other criticisms of this anti-climax, it certainly succeeds in putting the lawyer at the forefront of working class struggle, and in situating the courts as an (illusory) arbiter in that struggle.

In respect of this process of legalism, the internalisation of the juridico-legal ideology - the material and psychological effects on leaders and members - cannot be neglected or underestimated. It may express itself in the division of the union into rival factions interdicting each other (eg Black Municipal Workers' Union), or else the extension of the ideology of law itself may occur. Few

legalists explain the nature and limitations of the legal weapon to their 'clients'. Indeed, it is apparent that after a legal 'victory', the membership themselves begin to place their faith in the legal machinery as standing above and apart from the conflicts they are involved in.

A foreign illustration that comes to mind is the decision in *Brown vs Board of Education*. Here the American Federal Court overruled a 50 year old formulation of the 'separate and equal' doctrine. In this case it was held that discrimination was in itself unequal. The public reaction was predictable. Despite the changes in objective conditions in America, despite 30 years of active and militant organisation by civil rights groups, despite the decades of exploitation and resistance by the mass of black Americans, 9 white Supreme Court judges were given the credit for 'profoundly altering' the racist nature of American society!

#### CONCLUSION.

It is in response to this currently prevailing legalism and its effects on democratic practice that a slogan has developed in the United Kingdom:

'Organise don't sue'.

# OPPOSITION LEADER - SABATA DALINDYEBO

PARAMOUNT CHIEF Sabata Dalindyebo, King of the Tembus and former leader of the opposition Democratic Progressive Party in the Transkei, made headlines recently when he joined up with the African National Congress after fleeing his home region.

Sabata is one of the most powerful figures in recent history in the Transkei - as King of the Tembus he commanded the support of several hundred thousand people both in the Transkei bantustan as well as in urban areas, and as leader of the DPP it has been argued that he had the support of the majority of the people in the Transkei.

A cousin of both Kaiser Matanzima, 'president' of the Transkei, and Nelson Mandela, imprisoned leader of the African National Congress, Sabata and his followers have a long history of opposition to apartheid and particularly to the balkanisation of South Africa into bantustans.

During the late 1950s, when Sabata first started campaigning against the Bantu Authorities legislation, the South African government ceded certain of the districts under his jurisdiction to Kaiser Matanzima - then a junior chief who the South African government had pinpointed as the man to do the job of implementing apartheid in the territory for

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them.

(The Bantu Authorities Act was passed in 1951, making provision for indirect administration through tribal, regional, and territorial authorities. It, therefore, allowed for ethnic grouping and control while national representation was pushed further into the background. The imposition of Bantu Authorities was vigorously opposed in many parts of the country. The Act was only really implemented in the second half of the 1950s.)

Matanzima thereby secured for himself land at the expense of Sabata, and was able to claim the right to be appointed Paramount Chief of Exigrant Transkei. This broadened his claim to the number one position in the bantustan's internal hierarchy.

But Matanzima owed this success to the collusion of the South African government. While Sabata and other opposition leaders continued to oppose the policy of apartheid, he was forced squarely onto the side of the oppressors and depended on them, rather than on a mandate from the people, to maintain his position of power and privilege.

Gradually, over the years, Matanzima and his backers in Pretoria managed to co-opt the holders of important tribal positions into the Matanzima camp. This was done through victimisation, the use of the Bantu Authorities Act which empowered the South African government to influence the appointment of chiefs, and the manipulation of tribal traditions.

By 'independence' in October, 1976, Sabata was the only Paramount Chief still in opposition to Matanzima and 'independence'. He and his followers condemned the bantustan strategy, and openly campaigned for a unified South Africa ruled by the people's will.

When the Democratic Progressive Party (DPP)

was formed after 'independence', Sabata became its leader. The DPP was a coalition of three parties representing a number of political and tribal groupings. Amongst these were the dissident leadership of the region's two largest groups - the Tembus and the Pondos, who, in 1960, waged a year-long guerilla war against the South African police and army in opposition to the Bantu Authorities Act.

This alliance was the most powerful threat to emerge against the rule of the Matanzimas, as it was the only mass-based political grouping in the Transkei.

Pinpointing Sabata as the prime target, the Transkei government embarked on a campaign to nullify the movement.

This campaign included the use of security legislation allowing for indefinite detention (similar to South African security legislation), banishment to remote areas, and the destruction of the homes and other fixed property of dissidents.

At various times after 'independence', virtually the entire leadership of the opposition DPP was locked up for periods without trial.

But Sabata remained the main thorn in Matanzima's flesh. Afraid of provoking mass retaliation, he could resort only to harrasing Chief Sabata, by, for example, refusing to pay his parliamentary allowance and victimising his councillors (a frequent occurrence, involving all the methods mentioned above).

Matanzima even tried to co-opt Sabata at one stage, offering him the office of State President of Transkei, in an attempt to neutralise his political opposition by giving him an 'apolitical' office. But Sabata refused this dubious honour.

Eventually, in July, 1979, Sabata was

detained and charged with injuring the dignity of Kaiser Matanzima (by then State President), and undermining the sovereignty of the Transkei. The maximum penalty for the second offence, deemed treason, is death.

The charges stemmed from a political rally at which Sabata was alleged to have said, amongst other things, that

- he was Paramount Chief of Matanzima, having been born his senior, and would remain forever so;
- Matanzima accepted independence on terms dictated by the 'white Boers';
- Matanzima lived in luxury while his people were forced to live on excreta;
- the authorities repossessed his (Sabata's) house in Umata and gave it to one of Matanzima's concubines; and
- the people of the Transkei were neither free nor independent - only the President and his ministers were free.

Later that month thousands of Sabata's supporters gathered outside the Umata courts and demanded the release of their leader. The police were at first powerless to disperse them, or to prevent Sabata's senior wife grappling with Prime Minister George Matanzima in the street in an attempt to wrestle from him the reasons for the detention of her husband.

Thousands of pamphlets were distributed - at periodic intervals - condemning the action taken against Sabata and calling for strikes and uprisings against the Matanzimas. Dozens of people were detained and 34 organisations - some of which did not exist - were banned because it was feared they supported Sabata.

Sabata's first court appearance in Port St Johns, scheduled for September 19, was postponed to November because of his diabetic condition.

He had been released on bail of R500, and was required to report to the police every day. In addition, he was not allowed to appear in the Bunga (parliament) and could not take part in active politics. Sabata was also suspended as Paramount Chief of the Tembus and his half-brother, Bambilanga Dalindyebo - an active supporter of the Matanzimas - was appointed Acting Paramount Chief.

Chief Sabata's defence team, meanwhile, subpoenaed Nelson and Winnie Mandela to appear for Sabata, but the South African Prisons Department refused to allow the ANC leader to leave Robben Island - even though, in terms of Transkeian 'independence', he had automatically become a 'citizen' of the Transkei.

Vast numbers of people hired fleets of buses to take them to the trial of Sabata in Port St Johns, and the weekend before the trial was scheduled to begin (on September 19), Transkeian police and army units established a strong presence in the town and set up roadblocks on all access roads. Thousands were turned away.

More pamphlets attacking the Matanzima regime were distributed in Umtata and East London, and the victimisation of Sabata's supporters continued with numerous detentions. Two of his sons were amongst those detained.

The trial was eventually postponed until March, 1980. Shortly before, the entire executive of the DPP was detained and they were only released after Chief Sabata had been found guilty of injuring President Matanzima's dignity and fined R700, or 18 months imprisonment.

The Dalindyebo Regional Authority, which administered Sabata's district and was constituted mainly of his followers, was ordered by the Transkeian cabinet to punish Sabata for misconduct as provided for in the Transkei

Constitution Act.

The Act makes it an offence for a chief to be convicted of a criminal offence or a 'treasonous' act. If a chief is found guilty of such an act, the Regional Authority is empowered to fine and/or suspend and/or dismiss him for misconduct. If punished for misconduct the chief can be stripped from tribal office and barred from the Bunga by the President.

The Regional Authority's decision on guilt and punishment is subject to the Transkei cabinet and/or the State President's approval.

The Dalindyebo Authority voted, under covert pressure from the Matanzimas, to fine Sabata for misconduct. The cabinet refused to accept this punishment and ordered the Dalindyebo Authority to come to a more severe verdict. They accordingly voted to suspend Dalindyebo's Paramountcy for two years.

But the cabinet again refused to accept the verdict and recommended to Kaiser Matanzima that Sabata be deposed as King of the Tembus. George Matanzima later denied that the punishment was connected with the fact that 'a Matanzima is president'.

The Dalindyebo Authority was then ordered to select a new Paramount Chief - one who would have to be approved by the President. Bambilanga Dalindyebo, Sabata's half-brother and an ardent supporter of the ruling Transkei National Independence Party (TNIP), was appointed.

Thus was Sabata's final removal from legal political office engineered. A few days later Sabata was reported to be on his way to exile.

In the Sunday Tribune (11.01.81), it was reported that Sabata had joined up with the ANC in Zambia. He had earlier appeared at a press conference with ANC leader Oliver Tambo, and pledged his fulltime support to the ANC.

He gave a lengthy interview to the Sunday Tribune, from which it is illuminating to quote:

'I became an ANC member (on arrival in Lusaka after a lengthy flight to exile). I have committed myself to the armed struggle'. But Sabata denied committing the DPP to the same struggle.

'I am here to fight the oppressor as I didn't have a chance to do so any more in Transkei. I am not here to sit down.

'When I was in Transkei I didn't deal only with Transkei. I was concerned with the whole of South Africa because I don't recognize Transkei's independence. I want to tell my people we should fight for justice, not just in Transkei but in South Africa,' Chief Sabata said.

He said opposition was still strong both in the region and in the urban areas: 'My followers outnumber the TNIP supporters. I would say about three-million people are behind me and about one-million behind the Matanzima brothers.'

He attacked the Matanzimas and said as far as he could see they would soon 'give up'.

'It's not their policy they are implementing. They don't know what they are doing. The people now understand the Matanzimas are leading them to nowhere.'

Of his half-brother's appointment to his position, Chief Sabata said: 'He was given this title by the Matanzimas. I doubt very much if he will succeed because of the people's hatred.'

Meanwhile, Sabata's followers were beginning to taste renewed repression in the Transkei.

His chief councillor, William Nelani, was sentenced to 7½ years under the security legislation; the homes of about 18 of his most prominent supporters were razed to the ground by the army and security police, and the

occupants banished to remote areas.

Sabata's exile seemed to have a drastic effect on Transkei politics. A shadowy 'group of eight' as the Sunday Times called them - who were rumoured to be dissident Tembus in the Foreign Affairs Department and police force - plotted to seize power in a coup attempt.

Somehow the plot was discovered and broken without the press becoming aware of it. Some time later, when then Minister of the Interior, Saul Ndzumo, spoke at the funeral of a loyal policeman, word of the coup leaked out for the first time.

Ndzumo - who does not appear to have been involved in the plot - was immediately fired from the cabinet and he and former Commissioner of Police, Brigadier Elliot Cwele, were detained. Cwele had been sacked the previous year for refusing to issue a warrant for Sabata's arrest, and was replaced by security police chief Martin Ngceba.

Less than a week after his detention Ndzumo died in his Idutywa cell. According to Prime Minister George Matanzima death was due to 'natural causes'.

Apart from the public mobilisation of what appeared to be the entire Transkei security forces, nothing more was forthcoming. Cwele was released after the hullabaloo had dwindled to its usual steady roar.

But of perhaps even more significance than the mysterious coup attempt was an event in Umata on the night of December 11, 1980. The home of the Transkei police chief, Major-General Martin Ngceba, was rocked by two grenade explosions as he entered his driveway after work. Ngceba was unhurt and fired at least one shot in return, but his would-be assassins escaped undetected. Urban guerilla warfare had begun in the Transkei.

## COURTS

Note: The date which appears in brackets at the end of completed trials refers to the date of sentence or acquittal in that trial. In appeal proceedings, date refers to date of judgement, while in the case of part-heard matters, it refers to the last court sitting before adjournment.

### TERRORISM ACT TRIALS.

Ettiene Pillay (18), a 17 year old student, Pinda Manamela (34), Jonas Mataung (36) and Nicodemus Motapo (35).

Charge: Manamela, Mataung and Motapo were charged with recruiting Pillay, the 17 year old and Kotlouno Leballo (19), a state witness, for military training. They were also charged with arranging transport to take the 3 'recruits' to the Botswana border on July 31, 1980, and arranging for them to meet people who would arrange their military training.

Pillay and the youth were alleged to have encouraged each other and Leballo to undergo military training, and consented to undergo such training outside of South Africa.

A state witness testified that Mataung and Motapo had come to her home on the Botswana-BophuthaTswana border and told her that 3 people wanted to cross without passports. A second state witness claimed that one of the accused asked him to point out an unguarded place on the Botswana border.

Maureen Makhapela, called by the state as a witness, told the court that she had signed a statement after police interrogation because she feared assault or detention. She testified in court that during 1980, the

witness Leballo (her brother), the youth, Pillay and 3 other men came to visit her boyfriend (Manamela) at their Soweto home. 'They all slept at home that night and I do not know why they visited my boyfriend.' The following day the five men, the youth and my boyfriend left the house and did not tell me where they were going. They never came back again.'

Subsequent to her testimony, Makhapela was charged with perjury, the state claiming that the statement she signed when questioned by police differed from her evidence in court. She claimed that a warrant officer Kuhn had interrogated her for almost the whole day, slapping her across the face and threatening violence. These threats, together with the fear of detention, forced her to sign the statement. Makhapela was acquitted of the perjury charge.

When the state called Kotlouno Leballo as a witness, he told the court that when he was arrested with Pillay, the youth and Manamela, they were travelling to Sun City for a gambling weekend. They had gone without their parents consent and planned to return home after the weekend to attend school.

At this stage the prosecution claimed that Leballo's evidence contradicted the statement he had previously made, while the presiding magistrate noted that the state case had taken a 'knock' as a result of Leballo's evidence. Verdict: Not guilty on all charges. (Johannesburg Regional Court, 19.05.81).

Prior to their first court appearance (02.12.80), the accused had been in detention since the beginning of August 1980. Bail was refused when they appeared in court by decision of the attorney general, and they accordingly remained in custody for the duration of the

trial.

While still held as a security detainee, one of the accused - Mataung - smuggled a note to his wife. In the note he alleged that he was being tortured by security police, and had been forced to make a false confession.

'I have been tortured for the last 48 days, sometimes at night. They say they will torture me until I become insane or dead rather than release me and they want me to kill myself', he claimed in the note.

As a result of this information, an urgent application was made to court, seeking to restrain police from assaulting Mataung. After 2 magistrates and a district surgeon had testified that they had seen Mataung, and that there were no signs of assault on him, the application was turned down by the presiding judge.

WIP 6 (November 1978) pages 24-25 reported on a previous trial in which Nicodemus Motapo faced charges of Terrorism. Here it was alleged that Motapo left South Africa during 1977 intending to undergo military training. It was further claimed by the state that he had recruited 3 young men for military training. One of the features of this earlier case was Motapo's allegation that security police had electrically tortured him, causing such a spasm that he broke a rib. Security policeman Seyffert denied this, claiming that the broken rib was the result of an old injury. A specialist physician told the court that he had examined Motapo and found that the injury was very recent, and could have been caused by a muscular spasm due to a severe electrical shock. Motapo was acquitted in this trial as well.

It is of interest to note that in the more recent trial, Motapo again alleged that

'police threats, promises and assaults' had led to his making a statement to a magistrate while in detention.

Raphael Mzikayifani Khumalo (24) and Raymond Veli Dlodlu (29).

Charge: Khumalo, a former pupil at Naledi High in Soweto, was alleged to have received military training from the ANC, infiltrated South Africa with the intention of committing acts of sabotage, and been in possession of a large quantity of arms, ammunition and explosives. These included four AK-47 rifles, two Makarov pistols, detonators, hand grenades and dynamite.

Dlodlu, a citizen of Swaziland was alleged to have transported Khumalo to South Africa, knowing that he was a trained guerilla fighter.

The state's main witness, who gave evidence in camera and may not be identified, was found by the presiding magistrate to be unreliable because he admitted that he would do anything to be released from custody. Because the witness wished to be freed at all costs, his evidence had become unreliable.

Verdict: Not guilty.

(Ermelo Regional Court, 24.04.81).

Throughout the trial, the court was guarded by armed police. The accused, who were detained at a roadblock between Ermelo and Amersfort on June 21, 1980, had been in custody for 10 months by the time of their release.

Wordsworth Kholekile Mhlana (25).

Charge: The accused is alleged to have been trained as an ANC guerilla fighter, having undergone military training in Mocambique and elsewhere between February 1, 1978 and September 5, 1980.

A witness called by the state, Weaver Magcai, refused to testify against the accused and was immediately sentenced to 3 years imprisonment. On raising his fist in a power salute, the presiding judge sentenced him to a further 6 months for contempt of court.

Magcai had himself been previously charged under the Terrorism Act, but was found not guilty (see WIP 8, May 1979, page 44).

While in detention in Klerksdorp, the accused made a confession to a magistrate which the state introduced during the proceedings. Mhlana claimed that this confession was made because of security police torture including electric shocks, assault, starvation and a threat of drowning in the Veal River.

In finding that the confession had been made voluntarily and that the accused was lying about torture allegations, the presiding judge noted that certain descriptions of torture given by the accused were typical of allegations made by accused people. From this, the judge seemed to infer that this meant they were fabricated.

(Port Elizabeth Supreme Court, 27.03.81).

Oscar Mpeta (71), Lawrence Lerotholi (18), Morgan Makubala (19), Aaron Tshangama (28), Peter Kube (18), Alton Sabuwa (18), Fumanikile Boo (18), Vuyisile Kzaza (19), Johannes Nhlapo (20), Jeffrey Beardman (20), Vuyisile Diba (21), Richard Amaondo (19), Welile Mazothana (21) and 5 youths.

The accused face a charge of Terrorism, and 2 counts of murder. The state alleges that between August 8 and August 12, 1980, the accused incited people to damage motor vehicles by throwing stones and petrol bombs, and setting alight the vehicles.

They are further charged with assaulting and injuring 6 people, 2 of whom subsequently died. Other charges allege the barricading of Klipfontein Road by placing stones, tree stumps and tyres in the street; marching in singing groups armed with sticks, stones and other weapons; ordering the closure of black schools; and congregating in various churches to encourage people to participate in 'terroristic' activities.

A large portion of the trial thusfar has revolved around various procedural applications made by both state and defence. Defence counsel applied for the state to supply further and better particulars to the charge sheet, and this was granted by the presiding judge.

The state then applied for the whole trial to be heard in camera, as there were a number of minors amongst the accused. This was opposed by the accused, who through their lawyers expressed the desire for the trial to be heard in open court. In ruling against the state's application the judge said that 'it would be wrong for me in this situation to force a sort of semi-private trial on all 19 accused when not one of them wants it'.

The trial has been noticeable for the amount of public support for the accused which has been shown, and demonstrations, marches and large-scale court attendance have occurred.

In its opening address, the state claimed that trade unionist and community leader Oscar Mpetha was the brains behind the bus boycott against City Tramways. In addition to this, the state claimed that it would prove that Mpetha had planned the stoning of vehicles and killing of whites on August 11, 1980.

The state's first witness was a 15 year old girl whom the presiding judge permitted

to give evidence in camera. Inter alia, she identified a number of the accused as having constructed a barrier across a road, taken part in a march, and overturned and stoned cars.

The trial has been punctuated by a series of dramatic and unusual events including the stoning of court officials while on an inspection of Nyanga; illness of a number of the accused; and demonstrations and marches outside the court by supporters of the accused.

The trial continues in the Cape Town Supreme Court.

Neville Motlhabakwe (19), Johannes Kers (18), Eugene Mokgoatsi (20), and Ben Fani (21).

Charge: The charges in this matter, which involve participation in 'terroristic' activities, arson, housebreaking and attempted arson, emerge from the schools boycott and related activities in Kimberley (see WIP 16 for details of the schools boycott in Kimberley).

According to the attorney general, a further 18 detainees are being held as potential state witnesses in the trial. Security police began detaining students and members of the Galeshewe Action Committee during January 1981, and this trial appears to be the outcome of these detentions. (Kimberley Magistrates Court, 02.04.81).

Conrad Lekhumbi (18).

Charge: The accused is alleged to have incited 3 youths to endanger the maintenance of law and order in South Africa. The offences are supposed to have taken place during October and December 1980.

Lekhumbi was detained by security police on January 29, 1981. (Pretoria Regional Court, 19.05.81).

Norman Yengeni (22), Edward Mbundu (38), David Linda Mampane (20), and Eddie Bafana Khumalo (30).

Charge: The accused are alleged to be members of the ANC, and to have undergone military training at various times and in various places.

In addition to these charges, Yengeni is alleged to have gathered information on the Caltex Oil refinery in Cape Town for purposes of sabotaging it; Mbundu is alleged to have gathered information on an Alberton oil storage depot; Mampane is charged with conspiring with a certain Johannes Shabangu to assassinate various people, including senior police officials; Khumalo is also charged with reconnoitring the Alberton oil depot. (Pretoria Magistrates Court, 22.04.81).

#### TREASON TRIAL.

Anthony Bobby Tsotsobe (25), Johannes Shabangu (26) and David Moise (25).

Charge: The accused face a main charge of high treason, with alternative charges of terrorism, robbery with aggravating circumstances and four counts of attempted murder.

All 3 accused have already admitted in court that they are members of the African National Congress, and have undergone training in various ANC military camps.

Tsotsobe is alleged to have been involved in the attack on Booysens police station in April 1980; to have attacked Uncle Tom's Hall in Soweto and set it alight in May 1980; and launched an attack on the Dube railway station in October 1980. He is also charged with hiding ammunition, weapons and explosives intended for sabotage operations.

Shabangu is charged with attacking the house of a South African policeman at



Bosfontein, near Malesane, Barberton, in April 1980.

Moise is charged with participating in the attack on Sasol 2 at Secunda in June 1980, and returning to South Africa in October to gather information for a second attack on Secunda.

The trial is due to begin in the Pretoria Supreme Court on June 2, 1981.

(Pretoria Magistrates Court, 16.04.81).

#### BOPHUTHATSWANAN TRIAL.

Tsiliso Ephraim Papitsi (32), Mhalla Michael Tsotsane (25), Mokete William Ketso (28), Khotso Rider Mofokeng (22), Molefi Daniel Thakisi (21), Moetsi Daniel Sechaba (21), and Mashebele Daniel Khoabane (78).

Charge: According to lawyers acting for the accused, they are charged under section 23 of BophuthaTswanan Act 32, which is security legislation similar to the Terrorism Act.

The accused were arrested on the farm Rietfontein near Thaba 'Nchu in January this year, which is in law part of the BophuthaTswanan bantustan. The Thaba 'Nchu area is close to Lesotho.

According to one report, 6 of the men are allegedly members of the Lesotho Liberation Army, which is the military wing of the exiled Basotholand Congress Party. The seventh accused, Khoabane, is the owner of the farm Rietfontein, where the accused were allegedly arrested in possession of arms and ammunition. (Mafikeng Magistrates Court, 12.05.81).

#### APPEAL PROCEEDINGS.

Adam Masake (19). The trial of Masake was reported in WIP 13 page 37 where he is described as a 17-year old youth. He was found guilty in terms of the Terrorism Act,

the presiding magistrate finding that he had undergone military training in Lesotho between March 1978 and January 1979. During his trial, Masake alleged that he had been tortured and assaulted by security police at John Vorster Square, and as a result of this had confessed to undergoing military training.

On appeal the presiding judges found that there was no adequate evidence of Masake undergoing military training, and conviction and sentence were accordingly set aside. Masake was then released from prison, where he had been held since 1979.

(Pretoria Supreme Court, 06.05.81).

Sithembiso Ernest Ngobese (27) and Themba Patrick Nxumalo (27):

As reported in WIP 11 page 47, the accused were found guilty of attempting to recruit people for military training, and sentenced to 5 years each in terms of the Terrorism Act.

They appealed against conviction, arguing inter alia that the evidence of those who testified against them could not be relied on because they had been in detention for long periods before being brought to court.

The argument was rejected, and the presiding judges dismissed the appeal. Leave to appeal to the Appellate Division was also refused.

(Pietermaritzburg Supreme Court, 28.04.81).

Deon Jean du Plessis (30).

As reported in WIP 10 page 49, du Plessis was found guilty of 5 counts under the Official Secrets Act, and one under the Defence Act. After the trial, which was held in camera, concluded he was sentenced to 6 months imprisonment, a fine of R250, and a further 2 years suspended.

The trial appears to have revolved around possession of military documents for the purposes of writing a book.

Appeal proceedings were also held in camera, and the result of the appeal only was published. Du Plessis was acquitted on 2 counts relating to possession of manuscripts, while effective sentence on the remaining counts was altered to a fully suspended sentence. (Appeal Court, Bloemfontein, 31.03.81).

Linda Mogale (24).

As reported in WIP 10 page 49, Mogale was found guilty of 13 charges of culpable homicide, assault, arson, malicious damage to property, and Terrorism. He was sentenced to an effective 7 years. 12 of the charges arose from incidents in Soweto during 1978 in which houses were fire-bombed and 3 people died as a result. The Terrorism Act charge concerned a conspiracy between the Soweto Students League (SSL) and the South African Youth Revolutionary Council (SAYRCO) to commit acts of violence.

Mogale was last president of the now-banned Soweto Students Representative Council (SSRC), and a president of the SSL.

Counsel for Mogale has submitted that his confession to involvement in the fire bombings should not have been admitted as evidence by the trial judge, and that the state failed to prove his involvement in any conspiracy involving SAYRCO.

Judgement has been reserved in this appeal.

9 Chatsworth schoolboys.

Appellants in this matter were found guilty of malicious damage to property and sentenced to 4 months imprisonment, conditionally suspended. They were also

ordered to pay the Department of Public Works R1 472 in compensation for damage caused to the Southlands High School which they damaged during the school boycotts during May 1980.

They appealed against both sentence and the compensatory order, but both appeals were turned down.

(Pietermaritzburg Supreme Court, 07.04.81).

**Dorothy Cleminshaw.**

Appellant was found guilty of possessing two books banned for possession, namely the Rioters Digest, and a book on Biko by Aelred Stubbs. She was sentenced to R100 or 1 months imprisonment.

On appeal, conviction and sentence were set aside.

(Cape Town Supreme Court, 31.03.81).

**John Matisson.**

As has been widely reported, Matisson, formerly a reporter on the Sunday Express, refused to answer questions when subpoenaed by a magistrate. He was then sentenced to 14 days imprisonment. He appealed to the Supreme Court, but this was dismissed. A subsequent appeal to the Appellate Division was also turned down.

Subsequent to initial conviction, the report which Matisson had written was proved to be accurate, dealing, as it did with relations between the right-wing Christian League and the Department of Information. It was suggested that the proceedings against Matisson were an attempt by the state both to harass him, and to obtain the name of a source leaking embarrassing information to the press.

Matisson, at the time of the Appeal Court decision, was working for the Morning Group in Washington, and prepared to return to South

Africa to serve his sentence.

However, after being told not to 'hurry back' by state authorities, he was formally 'pardoned' by the State President.

#### INTERNAL SECURITY ACT TRIAL.

**Mandla Gwanyana (26).**

Charge: The accused is charged with being a member of the ANC, and furthering its aims. He was originally charged together with Guy Berger and Devon Pillay, but subsequently his trial was separated. Inter alia, Gwanyana is charged with assisting a certain Bubule Boys to flee the country after the 1980 schools boycott.

In the course of the trial, the secretary of the East London branch of the African Food and Canning Workers Union was called as a state witness. Bonisile Nurushe, who had been in detention for some 7 months when brought to court, refused to testify. He told the presiding magistrate that he could not betray Gwanyana who had made a great contribution. 'I cannot testify against anyone who fights for our nation', he said.

Nurushe had been called to testify about literature allegedly given to him by the accused. Nurushe was sentenced to a years imprisonment for refusing to testify.

(East London Regional Court, 08.04.81).

# CHRONOLOGY OF CONFLICT

WHAT FOLLOWS is an incomplete chronology of 'incidents' which indicate the level and intensity of conflict in South African society. The chronology is misleading in at least three ways:

1. Only the more 'dramatic' incidents are shown, and this excludes a large category of resistance which includes spontaneous attacks on symbols of repression, schools and bus boycotts, rents strikes, etc.
2. Any focus on incidents blurs the ongoing nature of resistance and conflict in society. Each act listed below needs to be looked at within the whole nature of resistance and struggle in South Africa.
3. The chronology is by no means complete, and often only a few illustrative incidents have been noted. This refers especially to police discovery of arms caches, incidents where members of the South African Police are attacked, and incidents when various weapons and explosives are found by members of the public.

The columns under which the various incidents are detailed are:

- date of incident;
- incident;
- organisation involved (if known);
- legal proceedings relating to incident (if any).

24.10.76	Bomb attack on Jabulani Police station, Soweto	SSRC suicide squad	S vs Paul Langa	15.06.77	Railway line between Durban and Umlazi blown up about 400m from Lindokhule station. Police minister Kruger claims done by same group as responsible for Goch street	-	-
25.10.76	Explosion on railway line between New Canada and Mzimhlope stations, Soweto	SSRC suicide squad	S vs Paul Langa	16.06.77	2 bomb explosions on Soweto railway line: between Orlando and Nancefield stations, and on line West of New Canada	-	-
7.10.76	Explosion near Dikgale railway station, Pietersburg			27.06.77	Police capture 3 guerillas when truck overturns with arms and explosives in Transvaal	-	-
30.11.76	2 policemen injured when 4 ANC guerillas they had apprehended in the Eastern Transvaal escaped by throwing a hand grenade into the cab of a police vehicle	ANC	S vs Mosima Sexwale and 10 others	26.07.77	2 policemen wounded in shoot-out with ANC guerilla Nicholas Molekwane in Dobsonville house. Molekwane killed	ANC	S vs Aitken Ramudzuli and Enoch Duma
7.12.76	2 explosions on railway line between Pietersburg and Tzaneen	ANC	S vs Mosima Sexwale and 10 others	7.07.77	Explosion on railway line between Princess and Horison, Transvaal	ANC	S vs Aitken Ramudzuli and Duma
07.12.76	Bomb blast at Carlton Centre, Johannesburg	-	S vs Isaac Dondry Seko	07.09.77	ANC pamphlet 'bombs' in Cape Town	ANC	-
01.01.77	Bomb explodes in ANC 'bomb factory' in Klipspruit, Soweto home of Phillip Khoza. 1 killed, 5 injured	ANC	S vs John Phala and 5 others.	19.09.77	Leonard Nkosi, ex ANC guerilla turned security policeman shot and killed in what was seen as an ANC death contract	ANC	Referred to in S vs Mzilikazi Khumalo
07.01.77	Bomb explodes on Johannesburg-Vereeniging railway line	ANC	S vs John Phala and 5 others	27.09.77	Arms and grenades found by police near Swaziland border. 2 guerillas arrested	-	-
18.01.77	Bomb on railway line near Krugersdorp kills railway worker and injures another	-	-	28.09.77	2 guerillas captured near Mafeking. Large arms cache discovered in vicinity	-	-
28.01.77	Police discover explosives cache in Soweto	-	-	7.09.77	Bomb allegedly planted in main Pretoria post office. Not found, and incident not proved in subsequent trial	-	S vs Aitken Ramudzuli and Enoch Duma
17.02.77	Police discover arms cache in Graaf-Reinet	-	-	02.11.77	In a police clash with ANC guerillas near Pongolo, one policeman injured, and guerilla (Toto Skosana) killed	ANC	S vs Aaron Siphon Madondo
07.03.77	Pretoria restaurant destroyed in bomb blast	-	-	25.11.77	Bomb explodes at Carlton Centre - 14 hurt	-	-
13.05.77	2 whites killed, 2 injured in Goch Street shooting	ANC	S vs Solomon Mahlangu	30.11.77	Bomb explodes on Pretoria-bound train	-	-
7.05.77	Explosives placed on railway trucks at Langlaagte station. ANC pamphlets distributed in Johannesburg	ANC	S vs Canzi Lisa	12.12.77	Bomb explodes at Germiston police station	ANC	S vs Norman Ngwenya
14.06.77	Arms and pamphlets seized by police in Soweto	-	-				

14.12.77	Bomb explodes in parking lot next to Benoni railway station	ANC	S vs Norman Ngwenya	04.04.78	Petrol bomb thrown, and shots fired at homes of two police in New Brighton	-	-
22.12.77	Unexploded bomb found in Roodepoort OK Bazaars	-	-	04.04.78	Assassination attempt in Soweto. No details	-	-
07.01.78	Stephen Mtshali, ex ANC member turned regular state witness shot in his KwaMashu home. This was second attempt on his life	-	-	06.04.78	Oscar Xaba, Mangabeni councillor and member of KwaZulu public service commission, attacked in AK 47 rifle incident	-	-
31.01.78	Assassination attempt in Alexandra township	-	-	14.04.78	Abel Mthembu, former ANC executive member who had given evidence in a number of trials killed outside his home in Alexandra	-	-
02.02.78	Bomb explodes at Daveyton police station near Benchi	ANC	S vs Norman Ngwenya	03.05.78	Police announce discovery of a large number of arms caches in Natal	-	-
?02.78	Police and guerillas clash near Swaziland border. 2 police killed. Kruger says there have been other battles like this in the area	-	-	19.05.78	Mngomezulu - assassination attempt. No details	-	-
?02.78	Thousands of ANC pamphlets distributed around SA	ANC	-	25.06.78	Well known black policeman Det.Sgt. Chepi Hlubi shot with Russian made weapon. House had been burnt down in August 1976	-	-
?02.78	Unexploded bomb, capable of destroying a 22-story building, found in Johannesburg office block	-	-	01.08.78	Running gun battle between at least 3 guerillas and police in Witkleigat area. Police discover arms cache nearby	ANC	S vs Sekete and 11 others
09.03.78	Bomb explodes in PE, killing man carrying it when it explodes prematurely	-	Inquest into the death of MM Mtulu	21.08.78	B Mayaza, DONS member, shot dead in Umhlati	-	-
10.03.78	Bomb explodes outside PE Bantu Affairs Administration Board, killing a woman	-	Inquest into death of VG Tengile	27.10.78	3 guerillas clash with security forces in Bophutha-Tswana. 1 guerilla killed. Police find large arms cache nearby	ANC	S vs Sekete and 11 others
14.03.78	Fires under clothing in OK Bazaars, Eloff Street, and Edgars Store, Market Street. Incidents not made public at the time	ANC	S vs Thandi Modise and 2 others	30.10.78	In a clash between 3 guerillas and police about 50km West of Louis Trichard, a police sergeant wounded and the guerillas escaped	-	-
15.03.78				22.11.78	A farm in Tshipise area attacked by armed man, and the owner of the farm wounded	-	-
19.03.78	Grenades and explosives found in Soweto	-	-	27.11.78	'Bucket bombs' distribute ANC pamphlets in Durban	ANC	-
26.03.78	Explosive device thrown at house of Chatsworth police sergeant (Rohlathi)	-	-				
28.03.78	Assassination at Unkomoqo. No details	-	-				
?04.78	Guerilla killed while making a bomb in Alexandra House	-	Inquest into Sipho Sibisi				

29.11.78	'Bucket bombs' distribute ANC pamphlets in Cape Town and Johannesburg	ANC	-		
05.12.78	Alleged PAC member Kenneth Mkwazi shot dead by police when he attempted to detonate a hand grenade during a police raid on a Soweto house	PAC	8 vs Thusi and 2 others		
07.12.78	Bomb blast at old Urban Bantu Council chambers in Soweto: chambers currently house community council	-	-		
16.12.78	Railway line between Berlin and Fort Jackson sabotaged in bomb blast	-	-		
27.12.78	Police find small arms cache in Bochebella township, near Bloemfontein	-	-		
13.01.79	Gun battle between police and guerillas in the Derdepoort area. One guerilla killed, one captured, one escapes. Police find large arms cache nearby	-	-		
17.01.79	Person injured at Hornanek. No details	-	-		
22.01.79	Bomb explodes on New Canada - Johannesburg railway line	-	-		
24.01.79	Unexploded bomb found near Pierie Station in Eastern Cape	-	-		
24.02.79	Police announce discovery of large arms caches in Eastern Transvaal	-	-		
16.03.79	Grenade of foreign origin found lying in white suburb of Pretoria	-	-		
23.04.79	Unexploded bomb on railway line between Vereeniging and Johannesburg	-	-		
01.05.79	ANC/SACP pamphlets distributed in Johannesburg and Durban	ANC/SACP	-		
02.05.79	2 people injured when grenade explodes in white Pretoria suburb	-	-		
03.05.79	3 ANC guerillas attack Moroka police station, killing one policeman (Brian Themba), wounding others and destroying police records. Pamphlets on the scene explain the attack as revenge for the execution of ANC guerilla Solomon Mahlangu (06.04.79)	ANC	-		
15.05.79	Bomb partially explodes in Cape Town Supreme Court	ANC	8 vs Nqubelani		
16.05.79	Pamphlets distributed in Soweto calling on people to support the 'freedom of the gun' promised by 'our comrades'	-	-		
16.06.79	ANC pamphlets calling for stay away from work	-	-		
18.06.79	Explosives found on Eastern Transvaal railway line	-	-		
25.06.79	6 Soweto youths injured in explosion while playing with hand grenade they had found.	-	-		
27.06.79	Police seize TNT, detonators, explosives from Soweto home	-	-		
28.06.79	Alleged Moroka attacker Johannes Ramagacha escapes from Protea police station	-	-		
7.07.79	Arms and ammunition found in Eastern Transvaal	ANC	8 vs Lumkwane and 2 other s		
12.07.79	6 Soweto children injured while playing with a hand grenade found in Orlando East	-	-		
15.08.79	Soweto child loses hand while playing with explosives found in Klipspruit	-	-		
05.09.79	ANC pamphlets distributed in Johannesburg	-	-		
10.10.79	Police Minister le Grange says that in past 2 years SAP have found 496 kg dynamite, 175 firearms, 34 000 cartridges, 1 076 detonators and 376 hand grenades in investigations relating to security matters	-	-		

29.10.79	AP Chiloane, ex PAC political prisoner, killed by parcel bomb at Bushbuckridge	-	-	06.07.80	Tennyson Makiwane, ex ANC leader working for Transkei administration, assassinated. Transkei police claim ANC responsible	-	-
09.11.79	Black member of SAP assassinated in Durban. No details	-	-	05.08.80	S/Sgt Zondi shot in Woodlands Road, Pietermaritzburg. No further details	-	-
09.11.79	Hand grenades thrown into home of black security policeman at Messelton, near Ermelo. His children injured	-	-	16.09.80	Explosion in Rocklands township, Bloemfontein. No further details	-	-
06.12.79	Explosion on railway line between Alice and East London	-	-	15.10.80	Sabotage of railway line between Soweto and Johannesburg. Coincides with stay away from work call in protest against rents increase	ANC	S vs Tsotsobe and 2 others
04.01.80	Guerillas attack police station at Soekoskaar	ANC	S vs Lubisi and others	29.10.80	Grenades thrown at WRAB offices, Diepkloof. Coincides with anti-rent increase campaign	-	-
08.01.80	Man shot dead near Soekoskaar. Arms cache found nearby	-	-	19.11.80	Shootout between police and guerilla in Chiawelo house, Soweto. Guerilla killed	-	-
7.01.80	Abortive missile attack on petrol storage tanks at Maitlo, near Pretoria	ANC	S vs Lubisi and others	07.02.81	Bomb blast in Field Street, Durban. SA sources claim in retaliation for SADF raid on ANC houses at Matola, Mocambique	-	-
13.02.80	Black person injured in Mamelodi. No details	-	-	14.04.81	Railway line between Richards Bay and Vryheid sabotaged	-	-
16.02.80	'Guerilla' attack on store near Ingeavuma, Northern Zululand. Arms cache found nearby. Doubts about nature of attack	-	-	21.04.81	Power substation transformers in Durban sabotaged	ANC	-
04.04.80	Attack on Booyens police station	ANC	S vs Tsotsobe and 2 others	06.05.81	Railway line in Cottondale, near Hoodspruit, sabotaged	-	-
28.04.80	Attack on policeman's house at Bosfontein	ANC	S vs Tsotsobe and 2 others	06.05.81	Community council chairman of Soweto David Thebahali attacked while leaving council chambers. Grenade thrown under car	-	-
05.05.80	Attack on Uncle Tom's Hall, Soweto, where rents are paid	ANC	S vs Tsotsobe and 2 others	19.05.81	Railway line linking Port Elizabeth with Johannesburg blown up	-	-
01.06.80	Attack on SASOL plants	ANC	S vs Tsotsobe and 2 others				
7.06.80	Planting of explosives at Fluor company, Springs	ANC	-				
13.06.80	Guerilla and security policeman Pienaar killed in Rodepoort. No further details	-	-				
15.06.80	Explosion on railway line in East London	-	-				

# STRIKING AT PENSIONS

## INTRODUCTION

DURING the last four years various agents - employers, insurance companies, and most recently the state - have moved towards the introduction of a national system of preserved pension funds. If this is done it will mean that no worker will be allowed to withdraw her/his contributions and accumulated pension rights before retirement age (between 60 and 65), even on dismissal. This will have profound effects for the majority of workers, taking into account the present rate of unemployment and the hardship suffered by unemployed workers. Furthermore, such a scheme would have implications for divisions within the working class.

In this article the following questions will be looked at: 1. The scope and meaning of pensions in capitalist society, and why the state does not carry the full cost of reproducing workers whose labour-power (ability to work) has become 'redundant'; 2. The interests of various fractions (parts) of capital and of the state in the growth of pensions, as well as the objective interests of workers - how are these different interests expressed?; 3. Why and how have private (as opposed to state) pensions been introduced for the working class in South Africa? Who initiates these schemes, and whom do they benefit?; 4. What class forces have brought us to the present situation, where sections of the organised working class are rejecting not only preservation of funds, but compulsory private pension schemes in general?

These questions will not be dealt with in

a strict order, but it is worthwhile keeping them in mind while reading the article.

## PENSIONS - THEIR SCOPE AND MEANING IN CAPITALIST SOCIETY

IN most capitalist countries with a developed working class, a complex set of pension schemes have come about, particularly during this century. Usually state provisions for the aged are made out of general state revenue (from taxation). Alongside this the state in European countries has established national contributory schemes, into which workers and employers make specific contributions. These schemes usually involve substantial state subsidisation.

In addition, various private schemes, administered by employers or by insurance companies, supplement the incomes of retired workers. These involve deductions from workers' wages and cater primarily for higher-paid wage earners.

There is a difficulty for worker organisations in distinguishing between pensions as a right, won through workers' struggles and demands, and the exploitative relationships involved when workers themselves have to contribute towards their reproduction at a time when their labour power becomes redundant. In South Africa this problem is compounded by the inadequacies and bureaucratic implementation of old age pensions (see article in WIP 17).

Contributions by workers, employers and the state have come to be seen as 'savings' and insurance against the insecurity of unemployment that ageing brings. Capitalist production requires certain kinds of labour power: it has determined that at between 55 and 65 years of age workers no longer meet the requirements of capitalist production. From the capitalist's point of view, they insure themselves against worker resistance against redundancy, and against

the costs of reproducing retired workers. For the capitalist class as a whole pensions secure political subordination of aged people affected by unemployment.

Further, pensioners who are 'provided for' along specific separate institutional lines, are prevented from identifying and mobilising with the working class against exploitation. At 60 or 65 they are divided off into a separate category and incorporated into a whole new set of specialised state apparatuses, where their struggles are again diffused and individualised by the personnel who staff these apparatuses. In South Africa this is a particularly strict division, as the majority of workers are forced into the 'homelands' to receive their pensions.

## THE INTERESTS OF DIFFERENT CLASSES AND THE STATE

FOR the state, which is concerned with the political subordination of dominant classes as a whole (including workers and pensioners), a broader political aspect is crucial. But the primary purpose of pension funds for finance and industrial capital is the actual implementation during the worker's life. For the employers pension schemes mean that specific forms of political subordination can be achieved in production - by convincing workers that this 'fringe benefit' is a significant concession, and that capital provides higher benefits than the state does. Thus, employers have been able to achieve two things: Firstly, workers' 'loyalty' to the firm means that their productive capacity increases and that their 'stability' reduces the costs for capital of a high labour turnover; Secondly, the surplus value (in the form of profits) extracted from workers' labour increases; contributions which amount to unpaid labour are rapidly reinvested by the capitalists to increase capital accumulation.

Workers' contributions to the 'savings' which would eventually secure their reproduction means that ultimately workers are forced to feel responsible for their own survival and to carry the costs throughout. As employers' contributions are tax-deductible, workers' contributions constitute the largest part of investable funds. These funds are invested in areas where the rate of profit (and, therefore, the rate of return investment) is highest. These are not areas such as welfare, housing, transport, etc, which would improve 'the quality of life' of workers. Instead, investment goes precisely into those areas of capitalist production which intensify the exploitation of workers.

Finance capitalists are crucially involved in the distribution of surplus value (profits) in strategic areas of capitalist production. While industrial capital is able to raise its own finance for reinvestment in production, it is increasingly only the largest capitals which can do this. Even then it is with the assistance of specialised financial institutions which provide credit, etc, such as banks, insurance companies, and building societies. Pension funds in the hands of insurance companies have become very important sources of finance as capitalist production requires ever greater amounts to be transformed into productive capital.

By their very nature finance capitalist institutions want the growth of private pension funds and want to invest the funds as freely as possible in areas with a high rate of return. They also favour long-term investment and thus funds which cater for workers who remain with one employer and within a fund for long periods.

We saw above that there is a problem in distinguishing between a worker's right to a pension and the way in which it is provided in capitalist society. Workers' objective interests lie in

remunerations which meet the full cost of their reproduction, in times of illness, unemployment and old age. The provision of 'pension benefits' have never been granted 'spontaneously' by the state or by employers, but have involved economic and political struggle. The nature of pension schemes has depended crucially on the strength and organisational unity of the various contending classes; the nature of the state's relation to different classes or fractions of classes; and the state's direct involvement in the production and distribution of profits. These factors determine the extent to which pension schemes take on directly 'welfare' functions.

The terms in which classes, fractions and the state fight out differences over pension strategy and implementation, is often confusing. Workers come to question the forms of the exchange of a part of the wage for a pension, rather than the social relations the exchange embodies. When demands for improved pensions are made, these are directed at capital rather than the state. The capitalists in turn have many ways of manipulating taxation, wages and worker contributions, so that the cost of pensions appears to fall on both parties, where in fact the worker is footing the bill. Here the perspective of worker organisations is clearly important.

The recurring struggles between employers, financiers and the state over issues such as pensions can be equally confusing for the onlooker. They differ over: administration; sharing of costs; rates of interest and benefits in the calculation of pensions; areas of investment and the rate of return on investment.

While in the long term their interests in securing the conditions for expanded capital accumulation and political domination are the same, these differences reflect real disjunctions and weaknesses within the capitalist structure.

Within these struggles finance capital appears to be all-powerful and aloof from the crises which shake the state and industrial capital. In fact, as has been shown in the case of advanced capitalist countries, finance capital is crucially involved in these crises.

Because finance, pension funds, etc, are in the sphere of circulation it is more difficult to point to these crises; furthermore, the capitalists who depend on finance and the state are forced to disguise the vulnerability of finance capital's activities.

Studies of advanced capitalist countries show that it is worker struggles and crises in production manifested as a falling rate of profit which squeeze some areas of finance capital's involvement - for example, in pension funds. Increasingly, then, the state is forced at stages to involve itself in reproduction where capital can't. At such times political demands by the dominated classes have forced a shift from private-run pension schemes to state administered funds. This has always been followed by a struggle to regain control over funds by the capitalist classes.

With the rise to dominance by finance capital in the present monopoly phase, and the incorporation of working class struggles in some cases, the ability of the state to maintain control of these areas has become circumscribed. As the state has become more directly involved in production, it has increasingly been on capital's terms (De Brunhoff, 1976). Hence the massive cuts in welfare and other 'unproductive' state expenditure which we are witnessing in those countries today, and also the growing importance of 'capitalised' pension funds.

These issues will be clarified when we look at the struggle over pensions in South Africa in the late 1970s.



## PENSIONS FOR THE WORKING CLASS IN SOUTH AFRICA

THE political disorganisation and 'isolation' of the dominated classes in South Africa has meant that the arbitrary practices of the capitalist classes and the state have succeeded for much longer than they did in the advanced capitalist countries. Until very recently both the state and capital denied responsibility for the reproduction of african workers after retirement. During the last two decades, however, the picture has begun to change, particularly with the growing 'private' interest in pension funds catering for black workers.

### A BRIEF HISTORY OF PENSIONS IN SOUTH AFRICA

IN WIP 17 it was shown that the first move to provide pensions for african workers was made by the state in 1944, though in extremely discriminatory and divisive ways (between white, african, coloured, and indian, as well as between 'urbanised' and migrant workers).

This concession (to provide pensions) must be seen in the context of 1. growing working class organisation around economic demands from the mid-1930s; 2. the decline of reserve production and the declining number of working class families who maintained productive links in the 'reserves', and 3. the relative 'liberalism' of the Smuts government, even though this was tenuous and aimed only at sections of the african population.

However, we saw that in line with the apartheid state's divisive and discriminatory strategies, old age pensions were implemented to reinforce the policy of coercing the old, the sick and the unemployed into the bantustans. It was argued that subsistence production could sustain these people. Bantu Authorities, and later authorities of 'self-governing' bantustans gained power from the central state's practice of placing the burden of such control and maintenance on them

and away from the place of employment. Further, the 'isolation' of people thus divided prevented the unification of the working class, and prevented demands being made on the central state.

In 1976/7 only 24,6% of africans of pensionable age received state pensions (one person in four); the number of africans receiving a state pension fell from 208 413 in 1958 to 169 106 in 1975. The maximum that an african pensioner can get in 1980 is R33 a month. This is clearly inadequate considering that the maximum white pension is R109 a month. Pensions are funded out of general taxation. At the same time an african worker is taxed at a lower income and at a higher rate than other groups.

The means test applied to assess people's pensions discriminates against african people who, for example, receive lower pensions if both husband and wife earn, if they let a room, if they receive 'gifts' on retirement from employers: none of these apply when white pensions are calculated. This explains in part why the number of pensioners has declined - state policy makes it so difficult that as soon as an african worker receives even a small private pension, he/she is no longer eligible for a state pension of any substance.

For every R3 a year (25c a month) of income over R172,56 per year (R14,30 per month) an african pension declines by 25c per month (in 1980). No pension is payable to a retired african person who has an income plus means (pensions, allowances, rents, children and wife's contributions, farming income, property) of more than R23 per month!

Other reasons for the decline in the number of pensions received by africans are the bureaucratic blockages experienced by both africans in urban areas and those people in the bantustans. Pensions are only paid out every two months at

the Bantu Affairs Commissioner's office, while whites receive them monthly at any post office or welfare organisation. For many old african people the long distances to be travelled, the long waits at the office, and the constant strict bureaucratic checking of their age, 'urban status', income and means, are almost too hard to take.

### PRIVATE PENSIONS

DURING the boom of the early 1960s some employers established pension funds for certain categories of black workers (mainly skilled and semi-skilled indian and coloured workers). Some workers were incorporated into industrial council funds or privately administered or underwritten funds, with the white labour force. There are a number of reasons for this development which cannot be explored in detail here. Essentially these schemes were employer-initiated, not responding to worker demands. Thus they conformed closely with employer needs and those of the insurers, who were constantly prodding the employers to 'open up the black market'.

In exploring the reasons for the growing number of pension funds for black workers, we find two important factors at work: Firstly, the growth of advanced methods of production and the penetration of monopoly capitalist relations meant that a. a growing black semi-skilled labour force needed to be stabilised; b. workers were given incentives to raise their productive capacities.

After the mass resistance of the late 1950s and early 1960s, the capitalist class saw the need to win the loyalty of certain workers and prevent their identification with the majority. It was felt that such measures would spread beyond the workplace and create a group of 'moderate, loyal citizens' (Association of Pensions and Provident

Funds, 1962; Bantu Wages and Productivity Assoc.).

This was particularly true as, during this period, the apartheid state's strategy was to shift the responsibility for sections of the black dominated classes onto the urban employers. More specifically, african workers with section 10 rights were seen as the responsibility of the larger capitalist who had constantly argued against the 'migrantization'. Thus, some urban employers took on the task of making sections of the black working class feel 'more secure' in their work, and a 'part of the whole industrial complex'.

The second reason for the growth of pension funds catering for black workers, was the growth of specialised financial institutions in the 1960s, accompanying the concentration and centralisation of productive capital. Manufacturing required higher levels and a consistent flow of investable funds, loans, etc. These were crucial for investment in machinery and other capital equipment, particularly with the problem of reliance on foreign investment, and the problem of securing it.

However, an examination of the policies and practices of urban employers in the fields of housing, transport, pensions, health, welfare, etc, during the 1960s and 1970s, shows that they were reluctant to commit themselves to the reproduction of a settled, urban working class. Their attempts at incorporation or creating loyalty were very selective and constituted few material concessions. As a result, they had little political effectivity vis a vis the african dominated classes, and the working class in particular. Any attempt to create an 'industrial citizen' was limited within the broader political strategy of outright political repression, influx control and the migrant labour system.

There are limits to capital's ability to

change the conditions and perceptions of workers by giving them 'rights as workers'. Black workers have no political rights in the broader society. More concerted attempts at co-option, disorganisation and division of the working class have been made during the last five to six years.

#### PRIVATE FUNDS BY THE MID 1970s

By the mid 1970s, in the private provision of pensions, by far the majority of african workers were still excluded, deliberately or effectively through strict eligibility requirements.

By 1977, there were 10 579 occupational funds with 4 159 193 members and 244 974 pensioners. This constituted about 42% of the economically active population, africans constituting 70% of the total labour force. Thus it is likely that the majority of africans did not have access to these schemes.

There were, and still are, many shortcomings with the private schemes and generally the african workers' experience seems to have been that they are no more 'liberal' than the state old age scheme. We will return to this below.

By the mid 1970s:

- i. many funds were still racially exclusive;
- ii. by 1976, 82% of the private schemes available to african workers paid out pensions in lump sums on retirement rather than in monthly instalments (annuities);
- iii. the eligibility criteria were strict and usually excluded temporary, hourly/weekly and lower paid workers. Finance capital favours so-called fixed benefit schemes which establish long-term liabilities and require long-term investment. Such schemes are considered inappropriate for less permanent workers, or those who the capitalists fear won't return to the same employers.

The conventional scheme calculates benefits as a fraction of a worker's final wage multiplied by the number of years in continuous service. (Eg  $\frac{1}{60}$  of R1 200 p/a x 20 years or  $R \frac{1\ 200 \times 20}{60}$ )

Employers are reluctant to make benefits available to workers who do not remain with the firm, even though such employers are not keen to be tied to 'dead wood'. Insurers are reluctant to pay out accumulated contributions plus interest to a worker leaving a job before retirement, and encourage employers to 'stabilise' their workforce (Sanlam, Old Mutual interviews). Neither party has in the past wanted to take on the administrative duties involved in calculating pensionable service of migrant workers forced to take long leave in order to renew their contracts. They have also not been prepared to contribute during that period. In addition, they have not been willing to trace retired workers or their families and to ensure that their monthly pensions reach them.

On the other hand, throughout the 1970s, employers, insurers and the state were increasingly clear about the benefits involved in incorporating the skilled and semi-skilled, 'stabilised' black labour force into private schemes. Concerted efforts were made to do this during the 1970s, by eliminating discrimination and giving higher benefits to these workers.

The following examples are instructive: Roberts Construction: Their pension fund for african, indian and coloured hourly-paid workers provides for membership only after 10 years of service. Of their 25 000 black workers, 2 066 are members of the fund. It is non-contributory, requiring an employer contribution of 14% of a member's wage, which is only about 1% of the entire black payroll. Of the 351

pensioners in 1976, about 60% lived in a bantustan and pension payments were made through the Bantu Affairs Commissioner or magistrate.

Fedmis: By 1976, Fedmis had separate funds for black and white workers which they do not intend integrating. Black workers earning R4 000 per year qualify immediately, while other black workers have a 2 year waiting period. The company relies heavily on seasonal labour; effectively the majority of workers are excluded from pensions. The company 'hopes to retain employees who are likely to stay for a worthwhile period, and exclude those who are not'.

Calan Group: In Calan subsidiaries the norm is separate funds for african and white workers. Slowly, a two-tier system is being introduced, allowing all black workers with a specified income to join the main group pension fund. Other workers will be included in an Old Mutual group pension fund which caters for unskilled and migrant workers in particular.

National Industrial Council for the newspaper and printing industry: Their fund for unskilled workers has a standardised contribution level and is transferable within the industry. If a worker goes to a bantustan he/she is regarded as leaving the industry and receives past contributions.

Sandvik: In 1976, Sandvik employed 700 african workers, only 50 of whom were migrants. Labour turnover was less than 5% and urban african workers were preferred. These workers are included in the same scheme as whites and on the same basis. Sandvik places emphasis on personnel management with semi-skilled workers. They argue that 'a lot depends on the selection procedure and on training african

workers to understand the industrial society and the role they play in it'.

Premier Papers: During 1980, the old Premier Paper Bantu Pension Scheme was cancelled and african workers were included in the new AFC (benefit consultants) group pension fund which catered for all Premier Paper workers. While blatant racial discrimination has fallen away, the fund continues to discriminate in a number of ways:

- \* hourly-paid staff and salaried staff have different qualifying periods; 12 and 6 months respectively.
- \* while all workers contribute 6% of the basic wage, workers earning over R6 000 a year receive a pension which accumulates at a higher rate (2,5% of the final salary) than those earning less (2% of the final salary).
- \* african workers contribute double the amount in the new scheme towards improved benefits which they do not usually use, eg voluntary early retirement and deferred pension benefits.

We can conclude that:

- 1 With the movement of black workers, and more specifically african workers, into skilled and semi-skilled jobs, there is a new emphasis on tying them to a job, and on the use of personnel management tactics.
- 2 Very little had been done by the mid 1970s to provide for the unskilled and migrant workers' 'insecurity of employment'. This was in part a function of the types of schemes introduced (fixed-end benefit schemes); but employers still had a ruthless attitude towards workers whom they did not really require to return.
- 3 In some cases, blatant discrimination has declined. (Sanlam claims that 76% of the largest funds provide for all races, 20% for whites only and 4% for all races except

africans.) However, new divisions along lines of skill and permanency have been reinforced.

4 It seems as if migrant workers would in many cases only benefit if and when they worked with one employer long enough to qualify for section 10 rights. In this way, management's selection procedures would mean a selection too, of who qualifies for urban residential rights. Thus the workers with the most intense 'insecurity of employment' are in most cases effectively excluded from pension benefits in the private sector.

#### THE STRUGGLE OVER PENSIONS IN THE LATE 1970s

DURING the early 1970s the state was once again forced to confront the effects of its repressive policies. The spontaneous mass working class struggles in 1971 (Namibia) and 1973 (Durban), and the growth of unemployment (soaring to 2,3-m in 1977), combined with a crisis in capitalist production forced the state to consider minimal concessions in order to stave off the worst for capitalist domination.

This threat was intensified by the upsurge of popular-democratic demands, typified in the growth of black consciousness and other political organisations. Bantustan conditions had deteriorated further and the labour-absorptive capacity of industry had declined. This placed an increasing burden on the urban areas to provide for the unemployed and aged. In spite of influx controls and the lack of facilities, people with no other means of subsistence remained in the industrial centres. This included the unemployed and the aged.

In this context the state had to consider the position of pensions, particularly as neither state nor private pensions were adequate (as was the case with unemployment insurance). By the

mid 1970s the state and capital were also reconsidering strategies vis-a-vis the incorporation of sections of the black dominated classes. These strategies were being formulated with regard to trade unions, urban and political rights, and the majority of africans with no political or residential rights in 'white' South Africa, but with no material reasons for returning to the bantustans. Clearly, any pension strategy would have to fit into this broader political strategy.

The state's intervention in 1976 in the face of competing proposals for a national contributory pension scheme, was precipitated by a crisis in the insurance industry and the growing burden on the state in providing pensions. Attention was increasingly being drawn to the corruption involved when the central state transfers money to the bantustan administrations.

#### CRISIS IN THE INSURANCE INDUSTRY

WHILE it is difficult to pinpoint a crisis in the insurance industry itself, it is simpler when we consider a crisis in finance capital in relation to the crisis which hit capitalist production as a whole in the early 1970s. In the context of this crisis, there was a fall in the rate of profit.

It was in these circumstances that the rate of return on pension funds invested in ordinary shares and equities declined and investment in the public sector rose. During the previous decade the trend was the opposite. The state required a growing amount of assets to be invested in prescribed areas, government stock, bills, bonds and securities, as well as in public corporations such as Escom, Iscor, Sasol, Bonuskor, SABC and Armscor. It required 50% in 1976 (20% in government stock). This rose to 54% in 1977 and 55% in 1978. Increased

investment in state securities and fixed-interest assets in the public sector was necessary both to finance growing state expenditure and to ensure that insurance companies could meet their liabilities to members of funds.

#### Privately administered, state-controlled and foreign pension fund holdings in prescribed assets (as a % of total assets)

Year.	Government stock.	Fixed interest bearing.
1971	13,7	61,7
1972		
1973	18,9	56,2
1974		
1975	21,2	57,4
1976	22,9	49,1
1977	24,1	47,5

Compiled from: the Registrar of pension funds annual reports 1973-1979.

Other indications that insurance companies were being 'squeezed' are:

1. Their resistance to the payment of monthly pensions and preference for lump sums on retirement;
2. The termination of many funds;
3. The inadequacy of pensions and the increased state expenditure on old aged pensions (R88-m in 1973 to R109-m in 1974 to R160-m in 1975) for black and white pensioners;
4. The inability of funds to adjust to inflation, high wages, and bigger pensions. Funds did not anticipate that workers would win wage increases and thus the returns on investment compared unfavourably with the 'rate of inflation' (according to actuarial calculations)

between 1973 and 1979;

5. The problems some funds faced in paying pensions (Financial Mail, 05.10.76).

#### OPTIONS FOR RESTRUCTURING THE PENSIONS SYSTEM

WHEN we consider the way in which the state could restructure the pensions system, we are once again faced with the question of how responsive the South African state is to various contradictory class demands. Because of growing working class and popular struggles, the inadequacy of state and private funds, and the crisis experienced by the insurance industry, the state was forced to take more responsibility for the reproduction of the dominated classes. During the mid 1970s the option of shifting the burden wholly onto the 'private sector' and the workers, as had been attempted before, came up against political and economic limits. But this did not necessarily imply the choice of a more worker oriented policy.

On the other hand, the dominant class interests of monopoly capital required large numbers of settled black skilled and semi-skilled labour. A concerted move to gain support for the state from the black petty bourgeoisie and sections of the working class was initiated by the organisations of monopoly capital (eg Urban Foundation). Material concessions had to be made in these people's work situation, in the townships and in society in general. The Urban Foundation has stressed the fact that this 'incorporation' should go as far as the 'urban Black aged', not least because they are a drain on the incomes of the working class and the petty bourgeoisie.

But in order to make these concessions, the state would have to impose tighter controls on the majority of workers. This has led to stricter

influx control (tied closely to the availability of jobs and accommodation) and the separation of millions of people by making them 'non citizens' of South Africa. But the state has also to make this division more concrete. The state has argued that the payment of pensions has provided an 'inflow of income' to the bantustans. Bourgeois economists have welcomed this 'inflow' and seen it as crucial to the economic viability of the bantustan strategy.

The state's response in 1976 related to complex political class forces. We should also remember that white wage earners and the growing number of unemployed amongst them also demanded the state's attention. Much of the increased state expenditure on old age pensions went to white pensioners. Since 1973/4 TUCSA and various politicians have demanded improved state pensions.

We turn now to look at the various options presented for the establishment of a restructured 'South African Pension System' between 1976 and 1980, the class responses to the options and their effects on workers.

The options discussed here are:

- a. The National Contributory Scheme proposed in 1976;
- b. Old Mutual's Group Pension Plan, meant specifically for contract and migrant workers;
- c. SEIFSA's Preserved Metal Industry Group Pension Scheme; and finally
- d. The recent proposals for a national system of compulsory, preserved pension funds, administered by employers and insurance companies.

#### STATE PROPOSALS FOR A NATIONAL CONTRIBUTORY SCHEME (NCS)

IN mid 1976 the Department of Social Welfare and Pensions produced a report proposing the establishment of a National Contributory Scheme.

The following recommendations were made:

1. All economically active people who do not belong to any private pension fund or who belonged to funds with benefits lower than those of the proposed scheme, would become members;
2. Occupational (private) funds with equal benefits could contract out, ie employers and members would not have to contribute to the NCS;
3. The scheme would be funded by a contribution of 7% of a worker's wage, to be divided between the employer and the worker; the pension would be an equivalent of 75% of a worker's final wage; the scheme would also provide an ill-health or early-retirement pension. Funding would be on a pay-as-you-earn basis and contributions would be deducted from payrolls (as with taxation);
4. Private funds would become transferable, that is, a worker would be able to transfer her/his pension rights between different companies. This did not involve preservation, as workers would still have the right to withdraw their contributions;
5. There would be central control over pension funds though it still had to be decided whether this would be state administered, or administered through a consortium in the 'private sector'.

In spite of this last point, the state met with a barrage of attacks from the capitalist class. The only worker representatives consulted were the TUCSA unions. Some TUCSA unions had been calling for such a scheme since 1957. No representatives of the african trade unions were consulted, and in fact the proposals were soon hushed up or debated in terms which had little to do with the implications for workers.

The attacks on the proposed schemes

were significant in revealing the resolute stand taken by capital against any form of 'welfare statism'.

The main areas of attack were the following:

- a. The state was removing crucial investable capital from the private sector which would lead to the nationalisation of part of the insurance industry, 'just when industries needed investment'. The ideological assumption behind this attack is that the state does not invest in production. It can be shown that during the 1970s this type of state expenditure has grown. But the state must also invest in areas where capital does not, in order to maintain a supply of labour at as low a cost as possible.
- b. The method of funding was called 'unsound' by bourgeois economists. They could not see that 'non-capitalised' pay-as-you-earn schemes were as sound (or vulnerable) as private 'capitalised' schemes. They rejected the method of funding 'present expenditure through present income' on principle. The possibility that allocations would be made in part through collective political decisions rather than the market was seen as a socialist measure. Further, economists cannot accept the fact that the state might have partly to subsidise such a scheme. (Interview, Federated Chamber of Industries economist).
- c. Employers objected to what amounted to increased taxation and to the promotion of labour mobility, through not tying workers to their jobs with the promise of a maximum pension after long, continuous service.
- d. Employers argued that employers and workers, and not the state, should control funds and that private administration would be cheaper and involve less bureaucracy for the worker and the pensioner.

We have seen that while the racially-exclusive state is bureaucratic and repressive, this is not untrue of capitalist practices either. Workers have never been given any form of control over funds in South Africa. Further, as with state pensions, private funds pay out only in areas where pensioners are 'legally resident'. Workers have difficulties in getting what is due to them. Some of the reasons for this are the complicated calculations and arbitrary deductions made by employers. Pensioners also have to wait months before receiving their pension payments and often have to deal with the same apparatuses as old age pensioners do (Bantu Commissioners' offices, magistrates, etc).

It is true that in the workplace 'consent' can be created more effectively amongst certain groups of workers than in the broader, racially-divided society. However this only works by drawing increasingly rigid distinctions between workers; between permanent and temporary workers, between skill categories, between members of the funds and non-members.

It is not known whether a NCS would also impose these divisions or exploit new ones. It is probable that the scheme would be implemented to reinforce the state's insider/outsider divisive strategy. Bigger pensions would provide a stronger attraction to workers to return to their respective bantustans and thus give a material basis to this political division. It would also increase pensioners' dependence on the state bureaucratic apparatuses. Nevertheless, the NCS proposals clearly hold potential material concessions for the working class.

ALTERNATIVES IN THE 'PRIVATE SECTOR'

1. The Old Mutual option: During 1976 the Old Mutual Group produced the most divisive

'social security' strategy yet. It was a pension plan designed specifically for migrant workers who had proved their 'loyalty' to their firms. Its advantage to capital is the 'stabilisation' of the people it wishes to divide (ie migrant/section 10 people).

Old Mutual and Sanlam, in consultation with state corporations such as Iscor and Bonuskor, were eager to cater for unskilled and particularly migrant workers in this specific way. They were quite aware at this time that 'the lack of security is one of the major reasons for black unrest' (People and Profits, October 1976).

Old Mutual drew from Bonuskor and Iscor experiences, as both these corporations have schemes catering specifically for migrant workers. These are 'not seen in a philanthropic light but are designed to encourage loyalty to the company', that is, to lure workers back. At Bonuskor, for example, after workers are stringently tested for a 5 year qualification period, the scheme demands 'recognised service' rather than 'continuous service'. It hopes 'to exclude won't works and vagrants' and benefit migrant workers who are encouraged to return. After 5 years, these workers have the 'freedom' to return to the bantustans for periods up to 6 months without being disqualified.

The Old Mutual plan is similarly attuned to the state's political strategy. The plan provides for a migrant worker and/or the employer to contribute to a fund. This continues over the worker's full working life, regardless of changing employers. The fund ties membership to the individual rather than to the employer or the company and contributions are preserved until retirement. Each worker carries his/her fund and is 'attached' only to a Board of Trustees established by the Old Mutual 'for each

ethnic group...and made up of prominent individuals and leaders'. Old Mutual 'co-operates with the relevant departments and uses the detailed pass registration system' to trace pensioners and conducts an extensive 'marketing effort' in the bantustans.

Old Mutual managers claim that the scheme meets workers' basic needs for security. According to the managers, these workers return to the same employers and their productive capacity has increased. On the other hand, Old Mutual has been forced to withdraw from two companies 'because of strike action and threats of violence'.

Old Mutual administrators argue that the scheme is a necessary component of a national system of preserved pension funds, and that it is only a matter of time and education before african workers accept the concept of preservation. This scheme has been a powerful alternative for migrant workers until now excluded from conventional schemes. The stevedores, for example, have been wanting a scheme for some time, and this plan is the only one to which all stevedores can belong. This raises the question of the ability of organisations to overcome the divisions imposed by the state and its allies.

2. The Industrial Council - Employers'

Organisation option: During 1975, the Metal Industries Group Life Pension and Provident Fund was converted into a contributory fund administered by SEIFSA, the massive employers' organisation. The new scheme was designed to improve on the old industrial council one. It caused some friction between SEIFSA and the insurers of funds which had been established in individual companies to complement the old scheme, but this cannot be dealt with here. Suffice it to say, that SEIFSA has gained

immense control over investment of funds.

Subsequently the SEIFSA-administered scheme has preserved all workers' contributions, and accumulated pension rights, and made them transferable within the metal, iron, steel and engineering industry.

What has been achieved by this preserved fund, according to SEIFSA managers, is greater stability of sections of the labour force, particularly semi-skilled workers with urban residential rights and the right to move freely between different administration board areas. This central fund holds onto a book which records all contributions. Workers who resign or are dismissed are given 12 months to find work in the same industry, after which they lose their pension rights.

The implications of this type of system, that is preservation within an industry, are significant. SEIFSA is able to control the 'more qualified' workers and allocate labour more efficiently between member-companies. It can also offer higher benefits, as fewer withdrawals are made before retirement. Administrators argue that workers are happier to deal with employers in this regard rather than with the state.

However, from all available evidence, the SEIFSA scheme has not been beneficial for workers, particularly those who leave before retirement. Their experience is that the fund is reluctant to pay out what a worker is owed. Workers have to wait for up to 12 months, even if they have no intention of returning to the industry. Thus it seems that the fund is tied up in investments in the metal industry itself, which it is reluctant to forfeit.

What the two schemes discussed above show is that various agents, financiers and employers have been grappling with alternatives to a

national contributory scheme. In the light of this, it appears that the 1976 proposals were a significant state intervention, in the sense that they served to encourage employers and insurers to devise new capitalist solutions to workers' insecurity of employment. It seems that the state was not resolved to provide an alternative.

The option of a national contributory scheme was successfully hushed up so that workers' organisations could not take it up as a serious option. This silencing has, until recently, aided capital's task.

### 3. Preservation and transferability of pension rights - the state's compromise with

finance capital: Between 1976 and 1980, the demands of finance and industrial capital for a privately funded and administered scheme have been heard. Furthermore, the specific ways in which insurers want pensions to be restructured, have also been heard. Rather than increased state regulation, the state is being inserted into capital's circuit on the latter's terms. We mentioned in the introduction that this process has been successful in advanced capitalist countries.

By 1980 the conditions for expanded accumulation had been created: as a result of both the 'recovery' of the rate of profit on a world scale as well as the state's political and economic intervention since 1976 in all spheres of society. As a result monopoly capitalist needs for skilled and semi-skilled labour and 'stabilisation' of the working class became more urgent. Finance capitalists have also pushed harder for decreased state regulation and their policy which would 'stimulate the pension fund industry as a mobiliser of personal savings and therefore net domestic savings'

(Interdepartmental Committee of Enquiry into certain specific pension matters, first report, 1980:6). The state was also being urged to cooperate with insurers to devise a scheme which did not 'benefit pensioners in isolation from the rest of society' (Urban Foundation).

The recommendations for an improved national system are in two parts, and only the first report has appeared. It deals with (a) preservation and transferability of pension rights, and (b) the substitution of a part of lump sum benefits for monthly annuities. The second report, and in many ways the more important, has yet to be published. This deals with 'the provision of pension benefits for that section of the community not covered in this respect'. As it stands the proposals are aimed more directly at skilled workers and the professional-managerial class. When these people resign and withdraw their contributions the effect on pension funds is more severe than when low paid workers resign; however, if these proposals are implemented they will have enormous consequences for the majority of workers. This is particularly clear if we consider how various agents have been paving the way for preservation amongst semi-skilled and unskilled workers (eg Bonuskor, Old Mutual, SEIFSA).

The main recommendations of the proposed legislation are:

1. The post office, banks and building societies should become part of the 'pension enclosure'. Insurance companies are resisting this proposal;
2. The operations of insurance brokers (the people who sell policies) should be restricted as far as pension funds are concerned, in order to minimise their share of funds' assets;
3. No withdrawals from existing private funds should be made, except on retirement, death,

disablement, emigration and marriage (the latter applying to women). The arguments put forward in favour of preservation are:

- \* it would allow funds to accumulate for longer periods. The insurers claim that this will enable them to offer higher benefits. However, they are resisting another proposal which specifies that all funds should offer minimum benefits of twice (four times in the case of a married male pensioner) the current maximum old age pension paid by the state (then R97 a month for whites and R27,50 for africans);
  - \* their main interest is not to offer higher benefits to pensioners, but to provide more long term capital to be invested in the economy;
  - \* workers would be prevented from resigning to withdraw their contributions plus interest. They would accumulate a full pension (something which insurers claim employers have prevented) in spite of resignation, dismissal, etc. They would thus be 'less of a burden on the state'.
4. All pension rights should be transferable between places of work, thus giving workers the 'freedom of movement which will stimulate the economy'. This was seen as a concession to the workers who live in constant fear of becoming 'redundant' in a company before retirement age. Also, transferability, in a sense, is 'the other side of the coin' of preservation. The question is how this should be administered and whether it should apply on a national or industrial level (eg the metal industry's fund).

#### IMPLICATIONS AND RESPONSES TO THE PROPOSALS

THE implications of this report have already been profound, even though legislation has not yet been passed; this is indicative of the way in which funds have operated in the past for the majority of workers. Their experience is that funds have not benefitted them, or the

generation before them, and that they are used as a method of control. If a worker enquires about the state of his/her contributions, this is seldom treated as a right. With the majority of workers the 'personell management' approach, it seems, has lasted only as long as it took to institute a scheme; after that they were threatened with dismissal if ever the fund was questioned. Often deductions are arbitrary - sometimes including overtime (particularly when the worker does a long stretch of overtime), and sometimes not.

The context in which workers came to hear of the new proposals was outrightly repressive. In the case of workers at Wilson-Rowntree, management raised the issue when workers demanded a refund of their contributions into an industrial council fund which had, on the decision of employers, been changed into a private, underwritten fund.

Insurers and pension fund managers are convinced that it is only a matter of time until workers 'accept the notion of preservation and realise that it is for their own good' (Wood, Old Mutual). What employers are most concerned about is the cost involved for them - in increased contributions and administration; like the insurers, they are convinced that the cost will fall on their backs. They are also reluctant to institute a scheme which would meet with resistance. At the moment there are quite marked contradictions between them and the finance capitalists who, being removed from the production process 'are not very concerned about the worker' (Hammond-Tooke, FCI economist).

Thusfar, the major demands of workers are that they should be able to withdraw contributions before retirement. In the absence of adequate wages, workers demand that money should be available to them when they need it.

This is important during periods of unemployment when it is difficult to get either work or unemployment benefits. Workers are aware that pension money is reinvested to accumulate, while they suffer greater exploitation. Also, benefits due to them on retirement are usually too small to sustain them and they cannot be sure of receiving such benefits.

Finance capital is only prepared to meet the requirement for improved pensions if, eventually, all pension rights are preserved. Industrial capitalists, on the other hand, faced with increased costs and worker resistance, are not uniformly in favour of a compulsory preserved scheme. Predictions are that, unless they are forced to establish funds or maintain them and to accept preservation, many employers will withdraw.

Other companies have become 'testing grounds' for preservation. Workers have come to hear about the proposed legislation through management or from their unions and in some factories it has been strongly resisted.

Initially employers took a hard line against striking workers, for example at Wilson-Rowntree in October and at Firestone in January. But as industrial capital itself was unsure of whether or not to support the proposals, individual employers were encouraged (by FCI) to take a conciliatory stand and regard it as 'an industrial relations issue'. As a result, management made three proposals to workers at Firestone, which seem to have been followed by other companies:

1. Workers could resign and withdraw their contributions with 7 weeks. They could take a chance in getting re-employed, but they would lose their bus service bonus, holiday pay and have to requalify for medical aid and pension benefits;
2. Workers could remain in the scheme until



Firestone received exemption from the proposed preservation requirements;

3. If workers resigned only from the scheme, they could get their contributions by 30 April, but would have to wait for one year to requalify.

Since January the response of management to these strikes at Dunlop (East London), Sparrat Electronics (East London), SATV Manufacturing Company, Federate Electronics and Murray and Stewart (Port Elizabeth and Uitenhage) has been equally ambivalent and manipulative (see WIP Labour Action sections for further 'pensions' strikes). In most cases workers have been dismissed on the grounds that pension contributions are a condition of service, and the evidence is that they have been re-employing selectively. Management's attitude towards striking workers and their organisations, is that workers are being 'misled', that they do not understand the legislation, and that they are 'using it as a political weapon'. The insurers support this viewpoint.

In other cases, for example in the food and canning industry, workers have withdrawn their pension contributions without taking strike action. Langeberg Co-operative is one company which has been prepared to negotiate this with worker representatives.

Furthermore, some workers have begun to question the pension set-up as a whole: the inadequacy of state old age pensions; compulsory membership of pension schemes as a part of the employment contract; and the fact that workers are forced to contribute when taxation already takes a large proportion of their low wages. Preservation is seen as a means of extracting larger contributions, controlling and dividing workers. If implemented, the national system will increasingly provide benefits only for people in continuous productive employment and

state old age pensions will gradually fall away.

There is evidence to suggest that capital wants to turn the workers' demands against them. They have suggested that everyone earning below a certain wage (it cannot be a 'racial' classification) will not be included in the scheme, or it will be optional for them. On the other hand it has been suggested that individual employers should be allowed to apply for exemption of certain categories of workers. Workers reject this, as their experience is that in such cases, employers have a degree of autonomy which enables them to manipulate divisions (eg between those 'in' and those 'out' of schemes).

The chances are that employers will be able to decide when they want all their workers to belong to a uniform, preserved scheme, and to threaten workers who resist such a scheme with dismissal. This method has always been more widely used than 'persuasion and education'. It has also been suggested that the present withdrawals are 'playing into the Insurance Companies' hands'. This enables them to hold onto the employers' contributions which will in future be transferred to other funds.

#### CONCLUSION

THE attitude of the state has always been that:

The government is opposed to the Republic's developing into a welfare state as it is understood and manifested itself in other parts of the world, but is committed to a policy which is aimed at the independence of the individual and of the community and is conducive to optimal social functioning (Department of Social Welfare and Pensions report, RP 91/1975:1).

We have seen that in this context 'capitalist solutions' emerged during the 1960s and 1970s, though still overlaid by the political and ideological relations of domination

which have characterised all spheres of this society. Attempts at creating 'industrial citizens' were not concerted and had little political effect. With the consolidation of monopoly capitalist relations and growing working class and popular struggles during the 1970s, certain fractions of capital began a new effort at extending minimal concessions to parts of the african working class along with the urban petty bourgeoisie.

A crucial gap in this analysis is an examination of just how successful the industrial bourgeoisie has been at manufacturing consent at the point of production. This will have to be done at some later stage.

However, the present situation is throwing into question the state's attempts to grant selective concessions, the costs of which are ultimately falling upon the working class. It is in this context that struggles against the so-called concession of preserved pension rights must be seen; for there are definite limits to capital's success in convincing workers that they have rights as workers in capitalist society, when everything is done to maintain them as a politically disorganised force.

The following statement remains true in our situation:

No protest that capital is his friend reassures him. Terror has made him deaf and experience unbelieving.

We can conclude with a few crucial points which need to be explored further:

1. We have seen that the implementation of private pensions is barely more 'liberal' than state old age pensions for the majority of workers, contrary to the claims of capital's ideologues. It can also be shown that the material benefits are not much greater; in fact often they are smaller and workers are disqualified for old age pensions in terms of the means test.

The price that workers have to pay for improved pensions is a single inflexible system of preserved funds. On the other hand it is true that there are ways in which workers can challenge capital more easily than the state can be challenged, eg by suing them.

2. It has been shown that the cost of simultaneously raising all state pensions to the average amount that a white pensioner receives would approximately double state expenditure on old age pensions. (The cost calculated for 1977 was the difference between R188-a and R349-a, ie R162-a (Urban Foundation)).

At the moment the state claims to be doing this by phasing out the differences in percentage terms (to be completed in about 2020), while the differences in money terms are increasing.

3. There is a wide-spread belief that a demand for improved state benefits is symbolic rather than an actual and viable option. This should be questioned. On the other hand, some unions are adopting the approach that workers should demand the best conditions within the existing pension system. This would involve rejection of preservation as a first step. It is suggested that workers should then demand representation on the management boards of pension funds. This strategy should be questioned. Firstly, we suggest that management would coerce workers to accept preservation. Secondly, the wide experience of US trade unionism, where workers are represented on Boards of Trustees and attempt to influence investment policies, should be examined critically. Apart from the limits to their influence, worker representatives have become embroiled in bureaucratic and hierarchical structures and the basic relations involved remain unquestioned.

This contribution has been re-written from an honours dissertation entitled

'Pensions and "social security" provisions: state, capital and the African working class; 1944-1981' (1981). Readers are referred to this work for a full bibliography and an expanded argument.

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# Divide and Rule in REIGER PARK

FOR A few days in early May, the headlines were full of news about riots and tensions in a previously little-known coloured township outside Boksburg, Reiger Park. The costly riots - which claimed nearly R1-million in property, 2 lives, 16 casualties among residents (mostly shot) and 6 among police (from stones) - received a great deal of attention. Yet they received little serious analysis, besides the glib assertion (repeated with horror or glee depending on the speaker) that 'there could be more Reiger Parks'.

The purpose of this article is to evaluate this claim. Specifically, two questions are asked: How likely is it that that events of Reiger Park will be repeated in other townships on the Reef? What are the lessons of Reiger Park for those concerned with understanding the politics of mass action in South Africa? To attempt an answer, it will be necessary to look at the causes and consequences of the 'unrest'.

#### ROOTS OF THE RIOTS

THE events of Reiger Park can be summed up simply. Crowds of coloured residents sacked and looted a series of indian-owned shops on land earmarked for housing, evoking a fierce response from the police. (For details, see the chronology at the end of this article). But these uncontested events have given rise to intense controversy over the 'real cause' of the riots. Was it the shortage of housing - as community leaders have maintained - or racial

hatred - as spokesmen for the government have insisted?

Undeniably, resentment over the ferrible shortage of housing was one of the underlying causes of mass anger. Reiger Park is short of some 2 000 houses for its 20 000 residents, a shortfall of something approaching 50 percent. In such an environment, housing is likely to be an issue which runs deep and is capable of stirring people to real anger.

The origins of the housing problem can be traced directly to agencies of the government in two respects. First of all, Reiger Park itself was created in the mid-1960s out of the old african township of Stirtonville as the Group Areas ghetto for coloured people from the East Rand. From near and far, they were crammed into the little community, packing it almost to bursting point. Secondly, requests for more land to match the housing demand were repeatedly rejected by the Boksburg Town Council, even as late as March this year.

Parallel to the housing crisis, the removals to the township also created a crisis of opportunity for coloured traders (and would-be shop owners) forced to compete against established indian traders in the area. Although the number of indian traders shrank from 42 to 14 between 1973 and 1981, they still maintained a grip on the majority of the township's businesses. The coloured petty bourgeoisie maintained it simply could not get a look-in competing against established and influential indian merchants. Although an Oriental Plaza was planned for Boksburg - to which both the town's and township's indian traders would be condemned to move - it had not begun to get off the drawing boards by May 1981.

While decisions of the Group Areas Board and local authorities were deeply resented by

ordinary residents in Reiger Park, these bodies were also regarded as distant and unrelenting. But the question of housing and the question of shops became linked - and took on a racial connotation - when it was pointed out that a row of indian shops in the centre of the township stood on prime housing land. Levelling the shops, as the Coloured Management Committee demanded, would free land for an estimated 60 houses, and clear the field for coloured businessmen. Resentment ran high, however, when one shopkeeper, Aibie Gungadin, began renovating his shop, despite the fact that his land had been earmarked for housing by the town.

Resentment against Gungadin had quite a history, however, and ran deep in Reiger Park. Rightly or wrongly, many residents believed serious allegations made against the trader. These included that he controlled an unfair share of town business; between his shop and his ownership of half the township's taxis; that he organised a sort of township 'mafia' to intimidate opponents, and that he enjoyed undue influence with the authorities and police.

Gungadin was directly involved in the incident which precipitated the riot, which occurred a week beforehand on May 2. On that date, a peaceful group of several hundred people demonstrated outside the indian shops in support of the Coloured Management Committee (CMC) demand that the area be given over to housing. It is worth quoting an eyewitness account of subsequent events:

(Gungadin) drove his car intentionally towards the crowd and knocked a youngster, Trevor Peterson, who landed on the bonnet. He drove on and the youngster fell off. The driver stopped and reversed to finish the youngster off, but Trevor jumped up and ran away. The driver of the car then pulled out a firearm and challenged the crowd. As the people were about to go, the

driver got into a big truck and ran it deliberately three times into the Beeld's van.

The following Friday, May 8, a boycott began against Gungadin's taxis, and that night a threatening crowd gathered outside his shop. On Saturday, running battles broke out between Gungadin's taxi drivers and residents, moving from the East Rand train station to the shops.

Although the exact sequence of events is confused, residents claim that Gungadin had men fire guns into the assembled crowd just before or after his shop was set alight. They say that when another indian shopkeeper began throwing bottles at the crowd, they began to burn the other indian shops as well.

Once underway, the violence took on an uncontrollably ethnic character. On the Sunday indian shops on the distant rim of the township were attacked, and two days later the surgery of a respected indian doctor and two other indian shops - all spared in the initial violence - were also torched. None of the coloured-run shops were attacked.

An observer walking around the township talking to residents could only wonder at the strength of the anti-indian sentiments expressed. Time and again came the refrain 'The indians must go!' One man, asked why he felt concerned when he had a house and wasn't a shopkeeper, replied simply, 'But I'm a coloured.'

How typical is Reiger Park of other black townships on the Reef? It is certainly a fact that most suffer from severe housing shortages. The coloured housing waiting list in Johannesburg is estimated at between 5 600 and 7 000. Actonville, Benoni, has a shortage of 1 400 units for indian families. Soweto, according to (very conservative) official estimates, is

short of 33 000 units.

But while these circumstances provided the backdrop to the drama of Reiger Park, the course of the action was shaped very much by the peculiarity of local characters and circumstances. The perception of indian traders as 'in the way', and the particularly intense hatred of Gungadin as the 'godfather' of Reiger Park, produced a degree of tension which is uncommon. These unusual factors actually precipitated the riots.

#### LESSONS OF THE RIOTS

ON THE other hand, the Reiger Park events were the consequence of political processes at work in many townships, both on and away from the Reef. They fit neatly into the state's strategy of 'divide and rule', playing the various black groups off against each other. Separating them to generate suspicion, the state then forces them to compete for scarce resources. Reiger Park is an extreme example of this, where a private individual appeared intent on doing the state's work for it. Nevertheless, it offered an alarming indication of how conflict can be channelled along ethnic lines in situations where progressive leadership is unavailable.

Reiger Park is a traditional coloured Labour Party area. (It is in fact the home of Jac Rabie, Transvaal Leader of the Party). A member of Chief Gatsha Buthelezi's South African Black Alliance, the Labour Party makes no bones about seeking the full integration of the coloured community into the existing capitalist order, or about using government-created platforms to seek this. In class terms, it aims to mobilise coloured working-class support for the demands of the coloured petty bourgeoisie (and more generally for the

aspirant black bourgeoisie).

Concretely, the Labour Party-run Management Committee followed a two-pronged strategy in Reiger Park. It pushed for progress on the housing question, to secure a mass base, while trying to push indian traders out of the township, securing advantage for the coloured petty bourgeoisie. Linking these issues around the traders' land proved an efficient means of rallying support, though the consequences got out of hand.

The Labour Party men in Reiger Park were aghast at the violence, which they had not intended and were unable to control. Most of them (with the exception of the strapping Jac Rabie) were personally timid men incapable of militant behaviour.

Nevertheless, the Labour Party reaped undeniable political dividends from the rioting. It was able to point to a large grant of land and cash shaken out of an alarmed Boksburg Council. The indian businessmen were pushed out of the township for good. And Rabie, wounded by police in the riots, rose from his hospital bed to assume the leadership of a new township Action Committee, his popularity sharply increased by the air of martyrdom.

The riots themselves, despite wishful thinking in some quarters, were far from revolutionary violence. They were clearly a spontaneous outgrowth of protest and provocation with no leadership of any sort evident. It is a fact that some of the violence had political overtones, such as the stoning of a shop recently leased by President's Councillor Simon Mentoor to an indian trader. But most of it clearly had to be interpreted in racial terms. Can action in support of the demand to accelerate Group Areas removals of traders to an Oriental Plaza really be seen as radical?

The Reiger Park case illustrates the danger that ethnic political organisation will become of its ethnic base, be tempted to obtain support through the generation of ethnic conflict. In the classic ethnic or nationalist alliance, the petty bourgeoisie of a particular group mobilises its workers against those of another group. While this makes perfect sense within the limited sphere of ethnic politics, it is clearly disastrous for attempts at building broad unity.

This is particularly true in South Africa, where there is so much potential for conflict between oppressed black groups. Perceiving issues in ethnic terms appears to be 'natural' because of statutory discrimination. Irritants exist, such as intra-black racism and class-based tensions between members of different groups. It is not uncommon to find cases where africans and indians bribe their way into coloured townships, fleeing the desperate housing shortages in their areas, and this is deeply resented. The specific circumstances of Reiger Park may have been unique, but the potential for conflict shown there was not.

#### CONCLUSIONS

TO SUM up, there appear to be three main conclusions to be drawn from the Reiger Park events:

1. Tensions with economic causes (housing) turned into ethnic conflict through the combination of circumstances and leadership. Reiger Park seems to be an extreme case of this.
2. The violence in Reiger Park was neither revolutionary in intent nor organised in character. While the resulting land decisions offer some gains to the people, the aftermath of the riots also speeded the implementation

of Group Areas removals and provided propaganda for proponents of segregation.

3. Circumstances of ethnic competition could lead to similar outbursts elsewhere, provided progressive leadership is absent and the initiative rests with groups involved in ethnic politics.

In the last analysis, political leadership consists in interpreting political reality for followers. Would-be leaders are continually trying to persuade their followers that their problems derive from their colour, their class, their language, their age, or some other series of factors. It is necessary for progressive leadership to counter those who attempt to play one ethnic group off against another for the sake of a short-term gain.

To end on a hopeful note, it should be remembered that the worst ethnic violence in the history of South Africa - the Durban riots of 1949 - was the prelude to one of the most important alliances in South African history. This was the Xuma/Dadoo pact between the African National Congress and the South African Indian Congress. If the riots in Reiger Park could inspire similar unity of action in the Transvaal today, they will not have been in vain.

#### ANATOMY OF A RIOT

Saturday, May 2, 1981: A crowd of several hundred coloured people gather to demonstrate opposite the shop of indian businessman Aibie Gungadin. They are protesting his plans to renovate his shop on ground earmarked for housing, and are angered at his alleged influence over township affairs. An enraged Gungadin drives a lorry into the crowd.

Friday, May 8: In the morning a boycott begins against Gungadin's taxi service, which operates half the township's taxis. By 21h00, a crowd

of 300 has gathered outside his shop, threatening to burn it. Police disperse the crowd with tear gas.

Saturday, May 9: From about 14h00 running battles between Gungadin's taxi drivers and Reiger Park coloured taxi drivers spread from the East Rand train station into the heart of the township by the indian shops.

At 15h00 a crowd gathers outside Gungadin's shop again. Stone throwing begins.

16h15: Gungadin's shop set alight. Five policemen armed with rifles arrive to investigate. When the crowd refuses to disperse, they send for reinforcements. Indian gangsters fire at crowd, according to some accounts.

16h30: Other indian shops in the vicinity are set on fire after the owner of one begins throwing bottles at the crowd. Police open fire on the crowd; rocks are hurled at them.

19h00: Police push the crowd up streets away from shopping centre, firing rifles and tear gas canisters.

19h30: 14 year old Aziza Phillips is shot in his backyard on September Street, well away from the indian shops. Residents allege that policemen roamed the township, firing tear gas canisters at will.

Sunday, May 9: During the morning, sporadic stone-throwing continues. Around 10h15, Thomas Damons is shot dead in the street. Windows are smashed at a second group of indian shops.

In the afternoon, residents allege that police swept through the streets, warning people to keep inside, charging into yards, sjambokking residents, and firing tear gas.

Evening. An unsuccessful attempt is made by a group of Reiger Park residents to set alight a third group of indian shops at the north end of the township.

Monday, May 10: Afternoon. A crowd begins to assemble outside the gutted shops, but the rest of the township remains quiet.

17h00: Police shoot tear gas canisters near shops to disperse crowd. Situation remains tense but quiet.

Tuesday, May 11: Evening. An indian doctors's surgery and 3 other indian shops are set alight.

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# LABOUR ACTION

Murray and Roberts (Port Elizabeth): Developments in the pensions dispute between management and workers reported in WIP 17:45 have reached a settlement, if only temporary.

600 of the workers fired during the dispute were taken on again (Star, 25.03.81). They were to receive their pension payouts on April 11 instead of having to wait three months. And they were exempted from having to pay in further pension contributions.

The secretary for the Industrial Council (IC) for the building industry in Port Elizabeth, V le Roux, stressed that this exemption was an interim measure that would have to be negotiated, and that the exemption involved only the Murray and Roberts workers.

What has happened to the 900 other workers who were also fired in the dispute? The Star article makes no mention of them.

Strydom, Basson and Tait (Port Elizabeth): Following other workers' fears of possible government controls over pensions, several hundred employees of this construction firm went on strike on 24 March, in a demand for an immediate pay out of their pension contributions. They feared that their contributions may be frozen until they reached the age of 65.

Management refused to consider these demands and by 27 March was already starting to take on new employees. By 6 April about 150 strikers had been replaced. The managing director, J Strydom, said those workers who had 'dismissed themselves' could reapply for their jobs.

Anglo American Corporation (Johannesburg): A letter circulated by management on 28 April on the issue of the proposed new government policy on pensions, sparked off an embittered protest by workers demanding the return of their contributions.

Most of them were members of the unregistered General Allied Workers' Union (GAWU).

The letter had stated that pension contributions could only be refunded following resignation, but that those who took this step could not be guaranteed re-employment.

GAWU's general secretary, Mary Ntseke, criticised the company for not altering the pension fund rules. She called for Anglo American to find ways of meeting the workers' demands, with regard to their own money, without forcing them to resign (Star, 30.04.81).

Whether to save Main Street further embarrassment, or for whatever other reason, the Star did not carry any further news on this strike.

Tricof Fertiliser Plant (Richards Bay): About 300 workers downed tools on 27 March in protest against management's refusal to recognise a union committee elected by the workers.

Chemical Industrial Workers' Union spokespeople said that workers had been trying, without success, to get management to recognise a union shop stewards committee. They had recently boycotted a liaison committee election initiated by management. Management was refusing to consider recognising their committee.

Everite (East London): For coverage of a strike for higher wages at the Everite branch in Johannesburg, see WIP 17:40.

At the East-London branch all 230 workers were fired on 27 March after they had stopped

work in protest against the dismissal of two fellow workers for 'poor work performance'.

Management has refused to recognise the workers' committee of the South African Allied Workers Union (SAWU).

Municipal Workers (Johannesburg): See WIP 17:47f for details of the strike of municipal workers in July 1980.

On 14 April, 1981, the RDM carried a brief report on wage increases granted to these workers, mainly from the Transkei. They are to receive 17,5% increases from 1 July.

In real terms, however, this increase has been sharply criticised by at least one city councillor, J Levine, who has pointed out that the wages still fall far short of the Poverty Datum Line.

Stellenbosch Farmers' Winery (Port Elizabeth): About 250 employees - the total production staff - went on strike for 2 hours over a wage dispute.

They returned to work when it was suggested that they negotiate through their elected shop stewards. It was agreed that no worker would receive an increment of less than 10%.

Penge Asbestos Mine - Rand Mines owned (eastern Transvaal): On 13 April mineworkers complained about the long hours and the low wages. They started negotiating with management while still underground.

That evening about 700 mineworkers began moving towards the white residential area, stoning cars and houses. The residents, mostly mine officials, opened fire with private weapons, killing one man and wounding eight others.

The police arrived and drove the men back to their quarters. The miners stoned some buildings and set fire to others during their

retreat. Police vehicles and mine offices were damaged. Teargas was used on the crowd, and police fired birdshot at a worker described as a 'ringleader'.

By 15 April workers had still not returned to work. Mine management expressed willingness to meet with them and discuss the incident that led to the strike, viz that certain black workers were not allowed to travel down the mine in a particular cage, on the instructions of a white official. But many workers had fled into the surrounding bush and so talks could not get under way.

By 16 April workers had met with management. According to management the talks were satisfactory and workers had agreed to return to work with provisos regarding length of shifts, and new wage structures. We have no information on whether workers feel that these talks were satisfactory, or whether any charges have arisen out of the disturbance.

Phoenix Colliery - JCI owned (Witbank): About 200 african mineworkers staged a work-stoppage in protest against a new pay system whereby they would be paid only after every 31 days, not after every 30 shifts as had previously been the case.

They had returned to work by 2 April (a stoppage of one day).

Simmer and Jack Hostel (East Rand Administration Board, Germiston): Angry inmates of the above hostel protested against a rise in rents from R12 to R15 a month, following on another flare-up over rents that started on 5 April in the Tembisa township.

They set fire to ERAB buildings and looted a nearby shopping centre.

7 500 people live in the Simmer and Jack Hostel.

At least one of the inmates has been charged with rioting (Star, 10.04.81).

Bloemfontein Hotel (Bloemfontein): Staff stopped work briefly on 27 April in protest against the dismissal of a fellow worker, following an allegation of theft against her.

They threatened to repeat the action on 29 April if she had not been reinstated.

Tongaat Group sugar mill (Tongaat): More than 800 indian and african workers demanded the reinstatement of 17 fellow workers who had been involved in a dispute with management. They all downed tools on 19 March.

The strike started in the transport department, but very quickly spread to other departments.

The dispute centred around management's demand that workers change jobs in the plumbing section, and the workers refused to do so.

The workers were all members of the registered National Union of Sugar Manufacturers and Refinery Workers.

Cadbury-Fry (Port Elizabeth): 8 women workers refused to work nightshift on 3 April, having understood that such work was voluntary. They were then allegedly dismissed. The full workforce then went on strike in protest (between 400 and 500 workers).

The 8 workers were reinstated (Star, 09.04.81) after negotiations between management and the PE Sweet, Food and Allied Workers Union. A recognition agreement with the union was also signed by the company, representing the climax of a long struggle for recognition on the part of the union against the management-created Cadbury In-Company Union.

Union Co-operative Bark and Sugar Company (Dalton, Natal): A strike by 450 workers started on 31 March, 1981, when the company raised wages by 17% but withdrew the workers' food rations. According to a spokesperson of the Sweet, Food and Allied Workers Union (SFAWU), the withdrawal of food rations nullified the pay increase.

Management refused to meet with this union, which has majority worker support, but instead unsuccessfully tried to negotiate a settlement with an 'in-company' union, the Sugar Manufacturing and Refinery Employees Union (the latter having been initiated by management).

After failing to meet a deadline to return to work by 10h00 on 3 April, about 400 workers were dismissed. When they refused to leave the premises, 300 workers were arrested by the police and charged with trespassing. These charges were later withdrawn. A court application was made on behalf of 45 workers by FOSATU, to allow them to return to the company compound from which they had been evicted, pending the outcome of a full application to declare their dismissal null and void as it is alleged that management had instituted a lock-out.

One worker was awarded an order enabling him to resume accommodation whilst the rest were dismissed on the grounds of technical defects in their submissions. However, the granting of the order is seen to be very significant in labour terms, because it means that employers can no longer remove workers from compound housing unless they can obtain a court order, or if the workers' contracts are terminated. FOSATU has now re-submitted 180 similar applications. Judgement has been postponed to August.

**Raleigh Cycles (Springs):** For previous coverage on this strike see WIP 10:32.

In a case taken before the industrial court, the Engineering and Allied Workers Union claimed that Raleigh had broken an agreement to rehire all dismissed workers, thus constituting an effective lock-out. The court ruled the case out of its jurisdiction.

At a meeting of the Transvaal Industrial Council for the Engineering Industry, Raleigh and EAWU reached agreement with central points being that the settlement would finalise the dispute; that dismissed workers could re-apply for jobs; that Raleigh would undertake to re-employ those workers when vacancies occurred; and finally that the settlement would not be discussed with the press. Since then workers have complained that Raleigh had taken on only about two dozen workers since the settlement, and that no union members had been rehired. The EAWU had not yet received a reply to a letter they had sent detailing the workers' complaints.

**Nel's Dairy (Johannesburg):** See previous coverage in WIP. The director of the dairy, JD Nel, was charged with illegally dismissing three workers for participating in the formation of a liaison or works committee. One of the workers, J Mosimae, alleged that Nel had objected to a liaison committee being formed after workers had signed a petition requesting such a committee. Workers had walked out of a meeting after Nel had insisted on electing the people he wanted.

**Colgate-Palmolive (Boksburg):** The struggle for recognition at this Boksburg based United States multi-national company, began more than a year ago and may result in the first legal strike since the state's 'new labour dispensation'. If

# WORKERS' STRUGGLE AT COLGATE



the strike does take place it will be only the second legal strike by african workers in the history of labour relations in South Africa.

The dispute also brings out, once more, the farce of the Sullivan Code, with its insistence on 'the rights of black workers to form their own union or be represented by trade unions where unions already exist'.

The FOSATU-affiliated Chemical Workers Industrial Union (CWIU) has now called on the Minister of Manpower Utilisation to establish a statutory conciliation board, and is threatening a legal strike.

The bitter dispute over union recognition has been going on very many months. The CWIU feels that it has been snubbed by the US based chairperson of the Colgate company, Keith Crane. The union has made it known that over 24 letters, three petitions by a majority of the workers, and six requests for meetings with management have been made, but to no avail. The union says that it had sent a telegram and letter to Crane requesting that he meet them.

Management have denied that Crane refused to meet the union, and said that the US chairperson 'fully supported' the company's stance to recognise the union - but not to negotiate with it on wages and working conditions (!). The company insists that negotiations take place at industrial level through the Industrial Council for the industry.

It appears that the company has capitulated on its original claims, when it alleged that the dispute arose because of the union's inability or unwillingness to prove that it represents the majority of the Colgate workforce (Star, 27.04.81).

Colgate says that it is not willing to negotiate on a 'company by company' basis, while the union's refusal to work through the Industrial Council rests on the argument that not all the workers are represented by the Industrial Council - only 23 of the 290 workers at Colgate are presently under the Industrial Council, and furthermore, even the wages negotiated by the IC fall far below the Poverty Datum Line.

The company says that company level bargaining would lead to wages 'out of all



proportion to those agreed by our competitors'.

In a petition drawn up by the workers, the workers have decided to take up the FOSATU 'living wage' campaign. They have asked for an 80% increase on the hourly rate, bringing the wage level up to R2,20 an hour.

The union has now released a booklet, 'Workers' Struggle at Colgate' - said to have 'been produced in furtherance of a contemplated legal strike'.

The booklet charges:

the union will not sell out its basic right to negotiate wages and working conditions for its members. This is what is at issue. Colgate wants to turn the union into another liaison committee dealing with 'shop floor grievances' only.

The union, in the booklet, has strongly attacked the liaison committee, obviously favoured by the Colgate management. It is referred to as a 'toothless body' and a second class institution where workers have no say, and that is being used as a tool against the workers.

In a letter to the CWIU Colgate management comes out with this paternalistic and platitudinous statement:

We firmly believe that, as enlightened employers, offering equal employment practices, no Trade Union can do more for our employees than we can.

The CWIU has stated clearly what recognition means to it:

1. Recognition of the right of the Union to represent its members and negotiate on all matters affecting workers in the plant, including wages and working conditions.
2. Recognition of the Union shop stewards as workers' representatives in the plant, with the right to take up issues on behalf of members.
3. Access to the factory for Union officials.
4. Stop order facilities for Union subscriptions.
5. The right to negotiate procedures such as grievance, dismissal, arbitration, health and safety procedures.

## COLGATE-PALMOLIVE PRODUCTS

### CHEMICAL PRODUCTS

#### Soap Powders And Detergents:

Punch,  
Bingo  
Bingo Bars  
Ajax liquid  
Dynamo Washing Liquid

Punch Automatic  
Cold Power  
Ajax scouring powder  
Sta-soft

#### Toothpastes:

Colgate Dental Cream  
Fluoroguard

Ultra-brite  
Dentagard

#### Toilet Articles:

Palmolive Soap  
Skin Mist Soap  
Hour-after-Hour Deodorant  
Colgate Shampoo

Nordika Soap  
Choice Soap  
Choice Glycerine  
Rapid Shave.

#### Cosmetics:

Helena Rubinstein range

### RICE PRODUCTS

Tastic Rice  
Old Mill Stream Rice  
Bonnet Rice

Aunt Caroline Rice  
Fiesta Rice  
All Baba Rice

### MEDICAL PRODUCTS

Curity range.

The union has also compiled a list of Colgate-Palmolive products (see in this publication). The union and FOSATU have since called for a boycott of these products, by unions and by the community as a whole. A conciliation board met earlier this month in an attempt to resolve the dispute. If this fails then the union is legally entitled to call a strike after 30 days.

Pick 'n Pay (Randburg): On 23 March, 1981, some 70 workers at this supermarket went on a four-

hour sit-in. They were protesting the dismissal of the workers committee vice-chairperson.

The dismissal followed an earlier sit-in in the store's canteen, as a complaint against the locking of toilets for african workers William Mataboge (the workers committee vice-chairperson) had apparently been active in presenting the workers' complaints before being fired.

On 1 April, Mataboge was reinstated. It was reported that other employees staged 'periodic work stoppages in support of Mr Mataboge'. The reinstatement was hailed as a 'very important victory for our members' by Emma Mashinini, general secretary of the Commercial, Catering and Allied Workers Union (CCAWUSA). 'Workers stuck to their guns and were successful. They did this, not for themselves, but for a union man whom they felt had been wronged'.

A report in the Star (30.03.81) said that stores had benefitted greatly from the 'economic boom of 1980'. Raymond Ackerman, Pick 'n Pay chairperson announced a 44,8% increase in pre-tax profits on a turnover of R745-m (only 34% up on the previous year's figure).

Checkers Supermarket (Sasolburg): Another strike over the dismissal (of a union member) involving the CCAWUSA (see above) took place at this store (28.04.81). Emma Mashinini, general secretary of the union was called in. Workers returned to the store on 29 April, but did not resume work. Later in the day, after management had decided to reinstate the worker and admitted that they had been wrong in the dismissal, workers returned to their jobs. This strike involved about 100 workers.

OK Bazaars (West Street, Durban): On 26 March about 100 workers at this supermarket went on strike in protest at management's alleged racial discrimination. These allegations have involved the unfair treatment of african workers when in dispute with workers from other racial groups.

The workers stopped work after talks between management and CCAWUSA had broken down.

Workers returned to work on the same day after discussion resumed.

A toy factory (Nancefield, outside Soweto):

The Sowetan newspaper, in several cases, seems to be reluctant to name companies involved in strikes.

64 workers at this factory went on strike (not clear when), and were dismissed on 7 April. The strike had been over wages, but wage levels were not reported.

A management spokesman said that those who 'deserved their jobs' would be taken back (Sowetan, 08.04.81). This was the only report to have appeared on this strike.

Coombs Communication and Paging Services

(Port Elizabeth): Some, or all, of the 35 guards employed by this firm went on a 'midnight strike' over wages. The next day (07.04.81) the men met with proprietor DB Coombs and an increase of 35c an hour was agreed upon (R1,13 to R1,48).

'This was in keeping with the minimum wages paid by other Port Elizabeth security firms', said Coombs (RDM, 08.04.81).

Nameplate Centre (Fordsburg, Johannesburg):

According to workers one man was injured while unloading metal sheets, after a mistake had been made by another worker. The latter worker was dismissed, allegedly because he had been drunk (manager Selwyn Uria's story).

The workers complained about the firing of this worker and went on strike on Tuesday, 5 May, demanding a satisfactory explanation for his dismissal. When they returned on the next day they were paid and signed off.

No further information available.

York Timbers (Pretoria): 280 workers went on strike on the morning of Monday, 13 April demanding an increase to R2,50 an hour.

A worker told the Sowetan (14.04.81) that male labourers started at R29,90, and R21,00 for women.

A committee of 15 met with management. Workers refused to resume work while negotiations were in progress. The employees left the premises to return the next day.

It was said that monthly paid staff were not affected. Workers resumed duties at 12h00 the next day, on the understanding that a 'special committee' of five workers would continue with the negotiations.

Outcome not known.

Pack Sure plastic manufacturing plant (?):

Workers struck for a few hours on 14 April. They resumed work after a committee, to continue negotiations, had been elected (RDM, 15.04.81).

No further information available.

Meat Industry workers (Cape Town): A year after the strike by meat workers (see previous WIPs) about 80 of the dismissed workers are still without employment (Cape Herald, 02.05.81). This is primarily because of the high unemployment in the western Cape (as in other areas), and discrimination against the meat workers when they do apply for work.

Initially the Western Province General Workers Union gave the strikers R15 a week

(at times this amounted to R12 000 a week) out of R159 700 collected for this purpose. However, this strike fund ran out in September.

The WPGWU has called on employers who are sympathetic to the plight of the strikers to offer employment.

Eley's Bakery (Benoni): This firm is a subsidiary of the Fatti's and Moni's company, a name that has frequently appeared in this section of WIP.

On 7 April, 70 delivery assistants went on strike over new transport arrangements for workers living in Daveyton. They had to meet at the station at 03h00 and were then taken to work by the firm. The assistants said that the arrangement had been that they would be picked up at their homes.

Management would not speak (at Eley's), while Peter Moni, FGM personnel director, denied that the two day strike had ever taken place. The outcome of the strike is not known.

On 4 May JJ Moni (FGM chairperson) announced that 'the group is well on its way to a healthy recovery', and that attempts were being made to 'regain profitability'. The company 'had been able to dispose of the unprofitable chemical companies and a bakery division (?) which had been the cause of great concern' (Star, 04.05.81).

Wilson-Rowntree (East London): Reference was made to the start of this strike in WIP 17:44. The union position on, or possibly the press reporting of, a boycott of Rowntree products has been somewhat confusing. On 4 April Sam Kikine, general secretary at the time of SAAMU, was reported to have said that the boycott may be called off as the head office of the company in Britain was to bring pressure

to bear to secure the reinstatement of the dismissed 500 workers (Cape Herald, 04.04.81). Two days later it was reported that a boycott 'was planned'. However, three days later it was reported that the boycott had the support of students at UWC. At the moment the boycott has spread quite widely.

According to SAAWU vice-president, Sisa Njikelana, two workers carrying and distributing boycott pamphlets had been arrested in Natal.



Meanwhile 'Brigadier' Charles Sebe and his Ciskei Central Intelligence Service (CCIS) have not been slow in attempting to 'pacify' the labour that is the poverty-stricken and unemployment-ridden bantustan's only 'exportable' asset. On Friday, 3 April, a large number of SAAWU members were detained under the region's proclamation R252, allowing for 90-day detention without trial. Sebe said that these people were among

the 500 workers dismissed from Rowntree, and that charges of arson and sabotage were being investigated. Whether it be in Chile or in South Africa capital will find the political allies to ensure profitable production.

This followed late-1980 detentions by the CCIS of 14 trade union officials (released without charge), and the appearance in court during March of 5 former workers and members of SAAWU, charged with assault (apparently following complaints from the TUCSA-affiliated and rival Sweet Workers Union). Yet another worker was said to be detained by the national security police - this worker was to be charged under the Riotous Assemblies Act (RDM, 10.04.81).

About a week later 14 SAAWU members (the chairperson and secretary of the SAAWU workers committee at the Wilson-Rowntree plant, and 12 shop stewards at the factory) were released on bail after being charged with public violence and riotous assembly.

On 27 April it was reported that the remaining 21 detainees had gone on a hunger strike. Four of them were admitted to hospital a few days later - 'a routine measure taken by police in the case of hunger strikers', said 'Brigadier' Sebe, who had previous experience of this sort of thing. The hunger strikers were protesting their imprisonment.

East London branch secretary of SAAWU (at the time), Sisa Njikelana, had his home bombed. This followed an earlier bomb attack against the home of national organiser, Thozamile Gqweta, and the burning of the car of general secretary Sam Kikine.

By 6 May the hunger strike had ended and it was reported that the detainees would appear in court 'soon'. To date there has been no report that this has in fact happened.

Ilco Homes (Durban area): 1 800 workers went on strike at the Phoenix depot of the Ilco Homes company - 'the largest builder of low-cost housing in Natal' - on 30 March.

With a certain predictability Jos Demmers, managing director, blamed it on a 'handful of agitators'. He said that workers were demanding to be paid fortnightly instead of monthly. Workers said that they also wanted higher wages and to be paid for working on republic day. Riot police were called in.

The next day the strike spread to the company's Queensburgh depot. This involved 500 workers. On 1 April Demmers said that workers would be paid fortnightly if three-quarters of them wanted this. He also said that workers would be paid off that day as he was 'no longer prepared to listen to them'. SAAWU's Sam Kikine said that he was surprised at this as Demmers had told him on the previous day that discussion would continue. Kikine also complained about security police presence at the strike.

On 2 April the workers decided to return to work. Demmers said that only 250 of the 2 450 workers had failed to return - 'but that is not saying much because on an ordinary workday we have about 5 to 8 percent absenteeism anyway'. While voting on the fortnightly pay issue was to take place on 3 April, Demmers said that he was not willing to discuss higher wages.

The vote went in favour of fortnightly pay which would have been instituted in May.

Cargo Carriers (Vanderbijlpark): On Monday, 4 May, 310 workers at Cargo Carriers road transport company went on strike in support of demands for higher wages and better working conditions. 110 of them were drivers and the other 200 lorry assistants.

The workers were considered to have been fired from the second day on, with selective re-employment possible. Workers rejected this and said that they would only return if they were all re-instated. The workers' case was being put by the Transport and Allied Workers' Union's general secretary Mike Mbatla.

Basic pay for drivers (of horse-and-trailers) was between R57,50 and R62,90 a week, with assistants earning R30,60. They were asking for increases of 60% for drivers and a 'general increase' for assistants.

Cargo Carriers is under contract to the ISCOR steelworks at Vanderbijlpark, to transport steel within South Africa and to 'black states'. White drivers were immediately being hired to scab on the strikers, and by the May 12, large numbers of ISCOR drivers were driving for Cargo.

Management refused to negotiate with the TAWU (CUA affiliated), saying at various times that this union 'was registered to cater for the transportation of passengers and not goods, as delivered by (this) company'; and that management recognised the African Transport Workers' Union (TUSA-affiliated) 'which was party to the Industrial Council'. No statement of support or involvement from the ATWU ever appeared in the newspapers. The ATWU's secretary is one G van der Walt (of Municipal workers fame?), and the union is said to have 2 273 african members.

On 13 May it was reported (Sowetan) that what was obvious during a visit to the fire's premises 'were the more than 100 blacks outside the premises looking for work'.

On 19 May Jimmy Sager of Cargo Carriers announced that a scheduled increase for drivers would be brought forward - 'following a steep rise in the cost of living'(!) The rise could total R185 per week, but this would include

average overtime and bonuses for drivers with four years service. The starting wage for a driver would be R75 per week (for 48-hours work).

It appears from inadequate press reports that only about 63 drivers and 45 assistants had been re-employed, and that 'new men from other areas' had been taken on in order to resume operations.

Sasol site (Secunda): On 22 April 130 Spanish workers at this petro-chemical plant's construction site went on strike for higher wages (111 workers were said to be involved in another report). The workers also complained about their working conditions.

The men were in the employ of Mannesmann Iberica, sub-contracted to do 'highly specialised construction work'. A Sasol spokesperson made a great point of telling newspapers that the men were not employed by Sasol or by the United States Fluor company at the construction site.

Police forcibly removed those workers who were not prepared to return, according to the strikers. This was denied by the police.

60 of the men refused to return until their demands had been met or they had been repatriated. The outcome of this strike is far from clear from the press reports.

Early in May it was reported that 17 Irish workers employed by Kent Clonnel of Ireland's local subsidiary (NF Kent, SA) had flown back to Ireland (RDM, 08.05.81). Two days later the Sunday Express reported that the workers had returned because of dissatisfaction with working conditions. Some of the more than 200 remaining Irish workers said they 'had been threatened that soldiers would be called to escort them to the airport if they continued to cause trouble'. The men said that the

camp in which they were housed provided accommodation for 2 400 workers.

The next day this story was denied by Sasol who said that the men who had left had gone on 'home leave'.

Sappi: The strike at this firm was covered in WIP 16:47 and WIP 17:39. Since then two further reports have come to our notice, dealing with the excellent profits and prospects of this company - profits and prospects limited to the owners. A Daily News (14.04.81) report starts like this:

Possible dumping of paper products by overseas firms is the only cloud on Sappi's horizon as it celebrates (sic) another year of record output, sales and profits.

Workers should also note a later statement from chairperson Basil Landau (Star, 06.05.81):

... in the first quarter of 1981 market demand had continued strongly and the company was confident that the profits for the full year will be substantially better than the 1980 results (which had risen by 75% - eds).

Toyota Marketing (Sandton, Johannesburg):

See WIP 16:39 and WIP 17:41 for previous coverage.

Toyota South Africa is now the largest motor company in the country and its 500 000th vehicle has just been assembled at Motor Assemblies in Durban (Star, 12.05.81).

This 500 000th vehicle was donated to Chief Gatsha Buthelezi of the KwaZulu bantustan, a gesture possibly similar to his well-publicised visit to mines in the Transvaal some time ago. Probably on the basis of 'if the Chief is friendly with the bosses then the workers should also be'.

The Metal and Allied Workers Union (MAWU) has accused the Industrial Council for the Metal Industry of 'not being representative

of the majority of the workers' (Sowetan, 21.05.81). This followed the inability of the IC to resolve the conflict between MAWU and the Toyota Motor Company, because it 'was not satisfied that a dispute existed'. MAWU said that ICs needed radical modification and workers must 'also be given the right to representation at establishment level by their unions. The Toyota case has demonstrated this beyond doubt'. (Also see the coverage of the Colgate-Palmolive conflict above).

Boekor (Pty) Ltd (Tsitsikama area): Over 600 workers (local coloured workers and migrants from the Ciskei) stopped work at this sawmill at Kleinbos, demanding salary increases. This happened during the week starting 18 May. By the 21st May the plant was back in operation but 247 workers from the Ciskei returned (were sent?) home.

Department of Cooperation and Development

(Boshanguve): 13 clerks downed pens on 21 May in the revenue section of the Department at the Boshanguve administration offices. They were all suspended from duty and four have been charged under the Public Service Commission Act for 'insubordination'.

Leyland (Blackheath and Elsie's River plants near Cape Town): On Thursday, 14 May, about 2 000 workers from the Leyland Blackheath factory stopped work. Later they were joined by about 400 workers from the Elsie's River factory.

The strike followed a December, 1980, agreement between the National Union of Motor Assemblies and Rubber Workers (NUMARWOSA), led by new FOSATU head Joe Foster, and the company. In terms of this agreement workers were to receive a 9c an hour increase in June of this

year.

Further meetings between management and the union took place just before the strikes. These meetings were described by management as 'unsatisfactory, vague and inconclusive'.

Workers were suspended, without pay, until 20 May (Wednesday) 'in terms of the disciplinary code of the (December) agreement'. On the 18th workers had returned to the Blackheath plant, donned overalls, but management 'kept the plant inoperative in terms of the disciplinary suspension'. Workers said that the union had advised them to do this to show that they did not accept the suspension.

Workers were dismissed on the 20th, and recruiting of new labour started. NUMARWOSA said that this would prove to be impossible as there had been a shortage of workers (presumably with the right skills) before the strike.

On Thursday, 21 May, workers started collecting their pay. The two factories were still at a standstill. Dismissed workers met in Bellville South and the more than 1 000 workers present demanded an increase of 25c an hour, and immediate negotiation by management with their union.

NUMARWOSA's Foster said that 'unofficial' lines of negotiation were the only ones open to the union as there was no Industrial Council for that industry in the western Cape.

The ICFTU said that they would coordinate an international approach to strikes in South Africa in general, and to the Leyland strike in particular, involving such groups as the ILO, the British TUC, and the International Metal-workers Federation.

Eastern Cape, motor industry: On Monday, 18 May, Ford's Cortina plant in Port Elizabeth ground

to a halt because of a solidarity strike by 1 000 workers with dismissed Firestone workers (see WIP 16:46-7 and WIP 17:44-5 on the Firestone strike). It was said that Ford was negotiating with the newly-formed Motor Assembly and Components Workers' Union (MACWUSA) in an attempt to have work resumed.

Ford had been warned the week before the strike took place that workers would not handle Firestone tyres. When two workers refused to fit the tyres on Monday, they were soon joined by more, and then the reality of 'socialisation of production' (the cooperation of many workers in producing the same commodity, even though they may sometimes not even be in the same plant, region, or country) became clear to management - no more cars were going along the production line. Two hours later workers on the trimline, paint shop, and the body shop had no more cars to work on. Management called it a 'chain reaction', not because of agitation but because of the way modern large-scale industry is organised. Henry Ford would have, proudly, called it a production line.

The Cortina workers were suspended 'in accordance with Ford's disciplinary procedure'.

Fred Ferreira, Ford's industrial relations director and a 'household name' by now because of all the labour unrest at the firm, said that more than 300 outside products were used by Ford in their cars and that they could not interfere in the 'domestic matters' of worker relations at these firms.

The strike spread to the 400 african workers at the Ford engine plant on the next day and also to about 40 african workers at the Neave plant of Ford's. At the General Motors plant management said that 175 of 4 000 african workers had walked out in sympathy with Firestone workers. General Motors had also been warned by MACWUSA that workers

there would not handle Firestone tyres.

The strike was also a reflection of the growing strength of MACWUSA, a union formed after dissatisfaction with the FOSATU-affiliated and Ford recognised union at the plants. The Firestone workers had apparently joined MACWUSA after they had been dismissed after the strike at their firm, and the union then agreed to take up their case. The fact that 400 engine plant workers joined the strike on the first day (leaving 158 workers) showed the growing strength of the union outside the Cortina plant.

Cortina plant and other Ford workers returned to work on the second day, but once more they refused to handle Firestone tyres. The same thing happened the next day, involving about 2 000 workers in Port Elizabeth.

Joe Mavi, of the Black Municipal Workers' Union in Johannesburg, expressed his solidarity with the PE strikers.

On Thursday, 21 May, 1 000 workers at Firestone joined the action in Port Elizabeth. The late night shift on 20 May refused to start work, and they were joined by the 06h00 shift the next morning.

Firestone managing director, Peter Morum, said that 'If we employ the 160 we would have to release (sic) 160 other workers', but that the company would give preference to dismissed workers if vacancies arose.

The meeting between Ford and MACWUSA ended after both sides had stated their positions. The union's spokesperson, Makanda, denied 'intimidation' charges with regard to the Firestone workers - 'How do we intimidate 1 000 people with the police standing by?'

Die Transvaler, (Transvaal morning paper), in a long tradition of speculative journalism, reported that the strikes were really aimed at the 'white man's festival' and would culminate

on 'republic' day. Aida Parker had made this kind of reporting famous on the pages of the Financial Gazette (see her coverage of the Durban strikes during 1973).

These strikes are continuing at present.

Armstrong Hydraulics (Port Elizabeth): A strike by about 40 workers related to pension grievances and pay demands has just been reported on (RDM, 23.05.81).

Sundays River Citrus Co-op (packing houses at Addo and Kirkwood, near Port Elizabeth): 'Hundreds' of african workers at these sites were said to be on strike demanding better wages and improved working conditions (RDM, 23.05.81).

Sigma (Mamelodi, outside Pretoria): On 9 April 4 000 workers at the Chrysler plant near Mamelodi downed tools demanding higher wages. The minimum wage was R1,04, and an increase to R3,00 was demanded.

The Sigma Motor Corporation is 75% owned by the Anglo American Corporation and 25% owned by Chrysler. In an article entitled 'Sigma prepares for fresh assault on black market' (Star, 16.04.81) the chairman of Sigma is quoted as stating that profits in 1980 were R25,4-m as against R7,1-m in 1979. He further states that the white dominated market had reached saturation point. Therefore, the 'Third World black economy must be placed to develop rapidly so that increasing demand will contribute to the growth of the vehicle market'.

The 4 000 strikers at Sigma constituted almost the entire labour force. The workers elected a committee of 20, all members of the National Union of Motor Assembly and Rubber Workers (NUMARWOSA) to negotiate. Initially management refused to negotiate with this committee



because they were discussing the situation with the liaison committee.

10.04.81: Management met with a liaison group and a union committee group.

Negotiations broke down. Meanwhile calls for the recognition of the union were made.

11.04.81 - 14.04.81: Workers clocked in as usual but stood around, sometimes singing freedom songs. Management warned strikers to return to work before any negotiations would be held. Management proposed an election to ascertain the support for the union. If it had a majority, it would be recognised as the sole negotiating power.

Workers, however, refused to heed the threats that negotiations would not go ahead unless they returned to work.

15.04.81: 4 000 workers were dismissed. The company spokesperson stated that 'they had no option but to terminate the services of the employees who did not return to normal work'. Workers dispersed and while they were returning home one of the former Sigma workers, P Mahlangu (30), was shot by a woman motorist. It was alleged that strikers had stoned and rocked cars. Soon after Mahlangu was shot, police in riot uniforms arrived and manned a roadblock.

17.04.81: Meanwhile management announced that workers could re-apply for jobs.

They would not lose their benefits if they applied before 24 April.

FOSATU criticised Sigma management describing them as inflexible and stating that 'by dismissing workers and refusing to negotiate until workers return, Sigma has set up conditions

which are not conducive to a peaceful settlement'.

3 000 workers met at the Mamelodi Community Centre and decided not to re-apply. They called on the community not to apply for work at Sigma.

21.04.81: Fanie Botha, Minister of Manpower Utilisation, sent Sigma Motor Corporation a message of congratulations on its handling of the strike 'in a way which prevented it escalating'.

Sigma continued to call on workers to re-apply and stated that if the union could show majority support, negotiations over wages and conditions could start. Newspapers stated that by 23 April about 1 500 new workers had been employed and 1 500 previous workers had been re-employed. Production resumed. Many of the new applicants and employees were women.

24.04.81: At a meeting held at Mamelodi Community Centre workers agreed to re-apply for their jobs, so as to give their union and workers' committee negotiating power. After two weeks, the strike was called off on the following conditions: 1. Management recognise the union; 2. The union be allowed time during working hours to report on the progress of the negotiations; 3. There was no victimisation of those involved in the strike; 4. Negotiations were finalised in a limited period of time.

Recommendations were made for the reinstatement of workers. When workers returned to work, police in camouflage uniforms stood ready to use the 'sneeze machine'.

Over the weekend, thousands attended the funeral of the shot worker, Mahlangu, singing freedom songs and carrying placards - 'We Promise We Shall Overcome One Day'.

29.04.81: 200 workers were refused re-employment and only two of the committee of 20

were re-employed. It was understood that re-employment would not be affected by their role in the strike, but 18 committee members lost their jobs. A Sigma spokesperson stated that the firm would not dismiss new workers.

The 18 members of the committee would not be able to partake in negotiations.

NUMARWOSA's Ndaba stated:

The union is composed of workers, not officials, and we may decide that only the committee elected by the workers should negotiate with management. Negotiators would request the reinstatement of committee members.

D Khumalo, a committee spokesperson, stated that the action against the 18 was 'pure victimisation'. It was this committee that had persuaded workers to return, therefore they should represent workers at negotiations.

01.05.81: At a meeting in Mamelodi, workers decided that negotiations should not go ahead before the 18 were reinstated.

05.05.81: There was a deadlock over the dismissals, but the union agreed that this would not delay wage negotiations. These negotiations deadlocked as well (09.05.81) after Sigma failed to meet union demands. Sigma unilaterally declared wage increases of between 38-63c per hour. (Workers had demanded increases of between R1,04-R3,00).

12.05.81: On the evening of 11 May a meeting was held in Mamelodi. Dissatisfaction over the low increases was expressed. Workers called for a strike and solidarity on the demands for the reinstatement of the dismissed workers and bigger pay increases.

A strike did not take place and production continued.

14.05.81: Ndaba was arrested at Sigma after refusing to follow the orders of a security guard, to move his car from company

premises. The police intervened and he was taken to Silverton police station. After paying an admission of guilt fine, he was released.

21.05.81: The 18 committee members who had been refused reinstatement, announced that they were cutting ties with the union. They stated that NUMARWOSA had not done enough to get them re-employed and that the union had not adhered to the workers' resolution not to negotiate until the 18 committee members had been reinstated.

The strike lasted for two weeks before workers reapplied for work. Newspapers reported that Sigma sales were dealt a blow dropping from 5 086 to 3 648, with output dropping below 20%.

Despite their problems Sigma are celebrating. They continue to sponsor the 'republic' games.

Post Office worker detentions: Four post office workers (Bob Mabaso, Elias Mosunkutu, Alpheus Khumalo - all three Soweto telephone technicians - and Ben Rabosyane, a counter clerk at Orlando post office) were detained by security police at the end of March. Ben Rabosyane was detained a week before the three technicians who were taken in on 25 March.

They were initially held under Section 22 of the General Law Amendment Act (14-day detention) but transferred to Section 6 of the Terrorism Act in April.

WIP is not aware of any further reports on these detentions since a Sowetan article of 10.04.81.

These detentions are said to be part of 'a bid to halt the growth of trade unionism in the Post Office' (Star, 26.03.81).

African Food and Canning Workers Union (East London branch): Secretary of this branch of

the AFCWU, Philemon Bonisile Norushe, has been jailed for a year for refusing to give evidence in the trial of Mandla Gxanyana (see Courts section in this WIP) (Star, 13, 14.04.81).

Norushe said that he could not testify against 'anyone who fights for our nation'. He added that people who had turned state witness' lives changed and that they were regarded as sell-outs. 'Some never drank liquor but today they are drunks'.

SAWU and FCWU (East London): Three union officials appeared in court again in May on a charge of 'attending an illegal gathering'. The case was remanded to June 26.

The three, McPherson Rani of SAWU and Deborah Kawase and Alice Stuurman of the FCWU, had been addressing a meeting near a mens' hostel in Duncan Village on the FCWU and were recruiting members, said state witness Sergeant A Tyutuza.

# WANTED

THE EDITORS OF WORK IN PROGRESS URGENTLY NEED TO BE INFORMED OF ANY RESEARCH WORK THAT HAS BEEN DONE, OR IS BEING DONE, INTO MECHANISATION OF CAPITALIST AGRICULTURE; CONCENTRATION OF LAND OWNERSHIP, CONTROL, AND EXPLOITATION; AND THE DEGREE TO WHICH THESE AND OTHER FACTORS AFFECT THE QUALITATIVE AND QUANTITATIVE ASPECTS OF LABOUR EXPLOITATION IN SOUTH AFRICA DURING THE 1970s.

Editorial address on the index page of this publication.

# Trade Union Recognition Agreements - a new form of control

OVER THE last few years there have been many changes in trends in the labour field. Not the least of these have been the Wiehahn Commission Report and subsequent amendments to the Industrial Conciliation Act during 1980, while a Bill containing further amendments is due to be passed by parliament later this year. The main consequence of these changes is that previously unregistered unions representing black workers may now apply for registration in terms of the Industrial Conciliation Act. While registration would confer certain privileges on these unions it would also impose certain controls, and because of this different unions have taken different attitudes towards registration.

Together with these trends another very important one has emerged - that of recognition agreements between the independent unions and individual companies. Until the late 1970s there were very few of these in existence. The most noteworthy was that between Smith & Nephew Company and the National Union of Textile Workers. Over the past two years recognition agreements have become more common. They have generally been seen as a victory by workers and

their unions over companies in that they have given to unions rights in excess of those that could be achieved within the official industrial relations system.

While this is correct, this article will attempt to show that in many cases where companies have agreed to enter into these agreements with unions, this has led to limiting the power of the union on the shop floor and to a distortion of the relationship between union members, their paid officials and the company.

This article will not look at any specific agreements. It does however draw upon a number of them. As far as the issues mentioned are concerned, most have been resisted by unions, either successfully or unsuccessfully. On some occasions however, they have been written into the agreements without union opposition.

It should perhaps be first asked what a recognition agreement is. Is it a document which confers upon workers in a particular company the right to be represented by an organisation and certain structures of their own choice so that these can operate in their best interests? Or is it a deal between company management and paid union officials which is designed to rationalise their relationship and make it as smooth-running and amicable as possible? It appears that for managements that have entered into recognition agreements - either because they are following 'enlightened' policies or because they have been forced into it by pressure from their workers - the latter is the way they see such agreements. And unfortunately it seems that a number of unions have not been sufficiently vigilant in fighting against these attempts by management to destroy democratic and independent trade unionism at the work place. The



following provisions which management has attempted, in many cases successfully, to include in recognition agreements, will bear this out.

#### PROFITABILITY.

The following is an extract from a certain recognition agreement:

The Parties to this agreement....declare their mutual commitment to profitability, growth and stability....of the Company.

This statement in itself need not have any direct consequences for workers on the shop floor. It nevertheless demonstrates an unfortunate attitude by union leadership towards the work situation. Given that the interests of workers and management are fundamentally in opposition one wonders how a commitment by the union to the company's profitability can serve the interests of the members of the union. It may well set the stage for a relationship between management and the union leadership which is conducted on a false basis, and where the interests of the rank-and-file are ignored if these, in the opinion of the two former parties, conflict with the primary aims of the company.

#### MATTERS FOR NEGOTIATION.

A number of agreements state that certain issues are not negotiable at factory level.

a) Industrial Councils. In a number of agreements it is stated that all matters which are negotiated at Industrial Council level, ie wages and the most important working conditions including hours of work, annual and sick leave, overtime work and very often pension schemes, may not be negotiated at factory level.

It is not intended to discuss the Industrial Council system and its failings here. It is

sufficient to say that participation on an Industrial Council tends to remove the focus of the struggle from the shop floor to a board room, leaving it in the hands of a few union leaders. It is also clearly undesirable for workers' leaders to sign away the right of their members to have a say in these most basic workplace issues.

b) Various other issues such as job advancement, training and dismissals are often declared by the agreements to be non-negotiable on the grounds that they constitute a management right and prerogative. While in reality this may be the case at a certain point in time, it is questionable whether it is correct for a union to make the commitment that its members shall not take any action if, for example a colleague is considered to be unfairly dismissed.

#### COMPANY INTERFERENCE IN UNION AFFAIRS.

If a union is a workers' organisation should companies be given any say, through recognition agreements, in the following?

- a) Who may be elected as a shop steward or as a member of a Branch Executive Committee (eg only workers employed by the firm for over one year);
- b) How many shop stewards may be elected;
- c) The convening of the elections;
- d) The frequency of elections;
- e) The quorum for elections;
- f) The unions' worker education activity;
- g) The nature and content of union literature.

These are some of the controls companies have had, or attempted to have had, written into recognition agreements. In any union these should be issues to be decided by workers alone, and any attempts by companies to interfere in the making of these decisions should be strongly resisted.

#### REGISTRATION.

A number of companies have recognised that the official collective bargaining system as prescribed in the Industrial Conciliation Act is inadequate to serve their needs. They have therefore entered into recognition agreements with unions, but are nevertheless well aware that important aspects of the system can be of great value to them. One example of this is where acceptance of the provisions of the Industrial Council agreement is made a condition of recognition (as noted above). Another, which goes together with this since it is a prerequisite for participation on the Industrial Councils, is the question of registration. In several cases registration, or at least a commitment to apply for registration, is made a condition of recognition.

This is a prime example of company interference in union affairs. While not wishing to discuss here the advantages and disadvantages of registration, it is a question that should be decided only after lengthy and open discussion amongst union membership. It is certainly not a decision which can be imposed on membership in this manner. While in some cases this commitment was made by unions when they had already applied for registration, and perhaps even after the lengthy and open discussion, it could nevertheless cause problems in the future. There have, for example, recently been calls for a united front against the new Industrial Conciliation Amendment Bill. If it were decided that part of the strategy for the united front should be a mass withdrawal or registration applications by those organisations who had already applied, unions who had made commitments regarding registration in their recognition agreements would find themselves in a position where it would be

almost impossible for them to participate in this solidarity action. They would have to put seriously at risk the gains that had been made by their members which are also incorporated in the agreements.

STRIKES.

The ultimate aim of any company in the industrial relations sphere, quite understandably, is the prevention of strikes. What is less understandable is for union leadership, overwhelmed by the generosity of the company in affording recognition to the union, to agree on behalf of the members that under no circumstances will there ever be a strike.

Such a commitment limits the legal right of workers to strike even more severely than the already highly restrictive Industrial Conciliation Act. And it clearly leads to a situation where, in the event of workers justifiably wanting to use the strike weapon, union leadership would have to make great efforts to discourage them. If workers contravened the agreement by striking, the union bureaucracy would stand to lose stop order and organising facilities, and many other carrots offered by recognition.

This type of clause in an agreement demonstrates more clearly than any other the risk of a tendency within unions towards control by union officials over members rather than vice versa. Attempts by management to impose on workers stronger controls over strikes than already exist in law should be strenuously resisted.

CONCLUSION.

This article does not argue that trade union recognition agreements are inherently bad, or that they always lead to highly bureaucratised

and undemocratic trade union organisation. It does try to show, though, that there are many pitfalls and dangers to be avoided. Ultimately there is only one way of avoiding them - strong organisation in the workplace and a high level of participation by the company's workers in the negotiations for recognition. This must involve a clear understanding by the workers of all the issues involved.

Trade Unionist.

# Documentation

The Document below is believed, by trade unionists, to have been circulated amongst management in East London late last year. It contains (along with several factual inaccuracies, innuendos, and libellous remarks) a proposed strategy for the crushing of the independent trade union movement in the eastern Cape. Comment on this document from interested parties is welcome. Any further information on the origins of the document would be appreciated, as well as on how widely it has been circulated.

LABOUR SITUATION - EAST LONDON

To visualise and understand the current labour situation as a whole in East London, it is necessary to take a brief look at the history and background of the situation.

A. LABOUR UNREST AND CONTRIBUTORY CAUSES

1. Low wages and job reservation

The strikes and labour unrest which has ravaged East London and other large centres in the Republic since 1972 can be attributed to an interaction of factors which includes, inter alia, the following:

- a. the urbanisation of the black worker after the 2nd World War accompanied

- by various socio-economic problems;
- b. the dramatisation of the real and supposed grievances of the black worker through pressure groups with political motives;
- c. after the initial wave of strikes in 1973, it was found during investigation into the causes, that employers were aware for a long time of the dissatisfaction but, in their quest for higher profits, employers took refuge in the minimum wage scale as determined by the Wage Act (Act 5/1957);
- d. although personal tax of whites and blacks cannot be compared, unequal pay for equal work leads to discontent amongst the non-white workers. Job reservation is a factor which is always used by agitators to create a suitable climate for unrest.

2. Unsatisfactory working and living conditions

During investigations it was found that the black worker often has to work and live in critical (very bad) conditions. In certain cases employers lose sight of the aspect of decent eating and relaxation facilities.

3. Contract Labour

Agitators exploit the family disruption which accompanies contract labour to fan the flames of discontent. The recruitment and importation of workers from neighbouring states whilst unemployment exists in South Africa, is also a factor which should be borne in mind.

4. Union Involvement

No evidence could be found after the 1972 and up to and including the 1977 strikes that black unions initiated any

of the strikes. Workers were, however, in certain cases, informed by union representatives of their rights as workers either during or after the strikes. The situation which gave rise to certain of the incidents could probably have been caused by agitation.

The fact that strikes did not escalate during the years 1977-79 could partly be attributed to the economic recession and accompanying unemployment.

#### 5. Ethnic Solidarity

During large-scale labour unrest, ethnic solidarity was found to be a contributing factor to the snowball effect of strikes.

#### 6. Agitators

The factors as mentioned in paragraphs 1-5 above do not only create a suitable climate for strikes and labour unrest but it also leaves the ideal gap for white agitators who, under the pretext of research, visit industrial premises and indirectly foment strikes. Evidence was gained which indeed showed that the 1972/73 wave of strikes was indirectly initiated by white agitators.

### B. THE ROLE OF THE WHITE AGITATOR IN THE LABOUR FRAMEWORK

#### 1. Students and Student Organisations

During a NUSAS seminar on 28-4-71, the following was decided:

"NUSAS realises that, as such, it has little chance of achieving anything. An idea which emerged and survived was that NUSAS should try and create a Black Pressure Group. The system in South Africa is exploitation of one class (Black) by another (White). The wealthy have gained control to suppress Black Development. This control is both

economic and political. In order to change this, the Blacks must pressurise. At the moment the Blacks cannot strike because it is illegal. If they do, they will be fired and replaced - if they do, they will soon starve as they have no surplus finance. However, if they could, they should, because the economy is dependent upon them. This is what NUSAS hopes to achieve. The idea then, a Black Pressure Group".

To implement this decision, the "Wages and Economic Commission" (W.C.), a branch of NUSAS which has functioned in Durban since March 1971, extended to other English language universities in July 1971 and then also became active. The W.C. did research in the different industries and co-operation was obtained from the "Bolton Hall" unions (also known as the left wing of TUCSA), SPROCAS and other organisation.

A poverty Datum Line and a minimum wage (Effective Minimum Level) were determined. During the second half of 1971, the WC started to distribute pamphlets in the region of Durban and Pietermaritzburg.

N.B. Wage comparisons were made between whites and non-whites and a request was made to workers to combine their efforts in establishing black unions. In April 1971, the WC distributed pamphlets amongst workers wherein the strikes of the Owambo workers in South West Africa were discussed. There was said, amongst other things, that the prohibition on strikes was transgressed but that the strikers were not arrested. This was because too many workers went on strike and therefore the factories and mines would have come

to a standstill. The pamphlet ended as follows: "We learn from this that if workers take decisions together, they will have power to get what they want". Further pamphlets were distributed in which workers' rights were explained and they pointed out that individuals cannot do much but, as a unit of a great number of workers, they will obtain more favourable results. After this, strikes for higher wages occurred sporadically at industries in Durban and Pietermaritzburg. In October 1972, the strikes increased and escalated to other centres such as Cape Town, Port Elizabeth and East London where it sporadically continued up to and including 1976 but with the peak in East London during 1974. During 1974/75, the WC of Cape Town and Grahamstown visited East London quite often and tried to establish a union which would function on an umbrella basis. Different unions would be started in the different industries but one representative in each industry would have representation in the umbrella body, named the Regional Committee, wherein matters of common interest in every industry would be discussed. If it had been decided to strike to force one or other issue, all workers of the different industries would automatically be informed by his representative on the Regional Committee. In this way at any point in time, a strike could be called which would affect 100% of the workers in East London. Management cannot dismiss the workers because it will not be only one or two firms involved but the whole of East London. The result is very clear

- one would have to give in to the demands of the workers however extravagant or ludicrous these may be. Various lectures were given by the WC to selected groups of intellectual black workers from East London in an effort to start this abovementioned union but, due to an interaction of various factors they could not manage to do this or to give this organisation momentum. The WC and various other organisations are still busy throughout the whole country with their work amongst black workers. Research is still done and pamphlets are distributed in increasing numbers to inform workers about their rights, etc. and to encourage them to join black unions. In this process the system of workers and Liaison Committees are criticised and presented as suspect. The organisations work in such a way that existing legislation is not contravened.

2. Other

Various other white orientated organisations are working to change the existing structure and these include the SA Council of Churches, Christian Institute, Black Sash, Young Christian Workers and the SA Institute of Race Relations. Ample funds are then distributed to black organisations and unions.

C. THE ORIGINS OF MILITANT BLACK UNIONS ON THE LABOUR LEVEL DURING THE PAST DECADE

1. Urban training projects Alliance (UTP)

- a. The UTP was established during 1971 in Johannesburg.
- b. The original aim was to inform the black workers about their rights, privileges and responsibilities and pro-

paganda was made for Works and Liaison Committees.

c. Since 1974, the UTP did their best to start establishing black unions and the unions were helped and encouraged to obtain recognition from the employers.

d. The UTP was involved with and provided financial and other help for the establishment of various black unions, inter alia, the United Automobile and Rubber & Allied Workers Union which has its headquarters at CDA in East London.

2. Black Allied Workers' Union

a. The BAWU was established during 1972 in Johannesburg and can be seen as the workers' wing of the BPC, an umbrella union for all black workers in the Republic. This organisation was relatively inactive during the beginning of the 70's but has recently gained momentum and expanded tremendously.

b. During the 63rd sitting of the International Labour Organisation on 10 and 11 June in Geneva, the BAWU presented a memorandum during this conference in which it declares that the BAWU is the movement for black workers in South Africa and had played a key role in the 1976 riot inspired strikes, shop boycotts and pamphlet distribution. The BAWU requested the ILO to grant it international union status and also requested international labour organisations to manipulate their governments by way of pressure so that they could try and change the views of the Republic.

3. African Food and Canning Workers' Union

a. This union is part of the registered Food & Canning Workers' Union, a Coloured union.

b. The Food & Canning Workers' Union was previously affiliated to SACTU and is currently indirectly controlled from Zambia by a listed Communist, Ray Simons.

D. THE GENERAL POSITION OF BLACK UNIONS AFTER THE PUBLICATION OF THE WHITE PAPER - (THE REPORT OF THE COMMISSION OF INVESTIGATION INTO LABOUR LEGISLATION).

1. In this report, published about the middle of 1979, provision is made for the establishment and registration of black unions with certain provisos. Although black unions existed before the publication of the White Paper, they did not enjoy any recognition and also did not have any bargaining power. They can now, for the first time, openly organise themselves and register.

2. Above all expectations, however, the White Paper was rejected by all existing unions and the majority decided, out of protest against the stipulations of the White Paper, not to register their unions.

3. The only way in which they now could get de facto recognition of their unions is by way of confrontation with Management - "either recognise our union or we strike".

E. THE LOCAL SITUATION: EAST LONDON

1. At the end of 1978, a difference of opinion amongst the members of the BAWU in Durban which resulted in the resignation of 9 of the committee members as a splinter group and the SA Allied Workers' Union was born.

2. During November 1979, Sam Kikini, the President of SAAMU, visited East London and appointed Thozamile Gqweta as National Organiser of SAAMU. He asked Gqweta to establish a local branch of SAAMU and to organise it.

3. Gqweta appointed a secretary and

immediately started issuing pamphlets which explain the aims of the union and he started to organise meetings. These meetings increased at a tremendous tempo and one followed the other in quick succession.

4. At about the same time that SAAWU started gaining ground in East London, Oscar Mpeta, the national organiser for the Food African Food & Canning Workers' Union, visited East London to establish a local branch of the AFCWU in East London. He persuaded Bonsile Norushe, the black personnel manager of Langeberg Co-op, to resign his post and act as local organiser for the union.

5. The two good friends, Noruse and Gqweta, decided to combine their strength and to hold meetings and organise for the two unions. They obtained offices in the same complex from the SA Council of Churches, in the centre of town, from which they operate. The one meeting follows the other and daily they gain ground.

6. Their modus operandi is briefly as follows:

They contact a representative of the workers at the firm where they wish to infiltrate, invite him to a meeting and then request him, after the meeting, to do organisation for the union. After such a meeting, where they try to get the black man as emotionally involved as possible, he will normally do just about everything for the union and he feels honoured that he is the one chosen for the task. In other words, he tries his best to get members for the union at his firm. If he succeeds fairly well in conscripting members for the union and the interest is fairly great, a few of the workers at the firm will be invited to the next meeting

where they will be indoctrinated. After this meeting they will go over to the selection of a committee for the union from the few that are present. This committee is then invited to conscript workers for the union at their specific firm and for this purpose they are issued with blank membership cards. When the committee of the union has then conscripted 50% or more of the workers at the factory as members of the union, they are now instructed to attack the Liaison Committee system and they must insist and persuade management to accept this committee chosen by the workers. If management rejects this request, they must be confronted with the threat of a strike. If this continues, they must actually go over to a strike. The assurance is normally given to the workers that management can dismiss one or two workers but they cannot afford to dismiss all the workers because the company will then not be able to operate.

7. The strategy of two unions is not to demand any salary increases and the like at this stage but its main object is to get acknowledgement at as many industries as possible. The day when they believe that they have 50% or more acceptance or acknowledgement of all the industries in East London, they will show how strong these unions are and will set their demands. At this stage one would have to give in to their demands however irrational these may be because East London cannot afford more than 50% of its industries inactive due to strikes.

8. The plan of strategy of how they should react to get recognition of the unions started on 16 April 1980 when the workers of Special Organisation, Mdantsane went on

strike and demanded that SAAWU be recognised as their union. The result of this was that Gqweta was arrested by the Ciskei police and was held under their "Noodregulasie R.292". He was freed after 40 days on bail of R500 and the court case is still pending.

9. This strike was followed by the strike of Langeberg Co-op's workers on 19 June 1980, also not requesting higher wages but the acknowledgement of their union. After the strike had gone on for 6 hours, the management agreed to the demands and promised that negotiations could be held for acknowledgement of the AFCWU. After this the workers resumed their duties.

10. On 13 June 1980, a week before the strike at Langeberg, a total of 660 black workers went on strike at Western Province Preserving Co, also not for higher wages but for the acknowledgement of the AFCWU as a union. Also here management gave in to the demands and the union was recognised. The strikers immediately started to work again.

11. On 1 July 1980, the workers of SATV confronted management and uttered threats of either the management accept SAAWU or they would go on strike. Management refused to recognise the union and presented a list of names of 800 applicants to the threatening strikers and informed them that these people would start the following day as soon as the present lot went on strike. The confrontation of the workers was not successful and they did not go over to a strike position.

12. On 4 July 1980, after the workers at Raylite Battery received a 17% salary increase, they still demanded that they would go on strike unless they received a wage

of R2 per hour. Although this demand did not go hand in glove with acknowledgement of SAMRU as a union, it is clear that SAMRU was involved in this action because the wage of R2 per hour is one of the SAMRU objectives within their strategy. Raylite, on advice, refused to accede to this demand and informed prospective strikers that they had available the names and addresses of approximately 200 applicants who would all come to work on short notice if the so-called dissatisfied workers went on strike. No strike took place. Investigations carried out afterwards proved that Raylite workers were all members of SAMRU and that they do have a committee of the union.

13. On 8 July 1980, approximately 200 black workers of NCI confronted their management to demand acknowledgement of SAMRU and if not, they would go on strike. On certain recommendations given to Management, they decided not to give in to the demands of the workers and the latter consequently went on strike. The following day at about 7 o'clock, all 200 strikers turned up for work at NCI and told management that they were prepared to start work again on certain conditions. One was that the union must be acknowledged and the other was that all 9 committee members of the union must not be dismissed. The two demands were rejected by management and the workers were given 15 minutes to start work again or alternatively be regarded as finally dismissed after which they could come and collect their wages at 2 p.m. on 10 July. The strikers rejected this suggestion of management and went home. During the afternoon they visited some houses of some of the loyal black workers who had continued working and

these people's families were intimidated with threats of arson and death should they go to work on 11 July. They further threatened small groups of workers at NCI that they would be killed if they accepted a job at NCI. A few cases of assault occurred and it was consequently decided that on the morning of 11 July steps would be taken against all strikers who gathered in front of the gates of NCI.

128 Strikers were arrested on the Friday morning and charged. The case is still pending.

14. On Wednesday 16 July 1980, the offices of SAMRU at Duncan House, Esat London were searched and for the first time it was really confirmed how far SAMRU had already progressed to reach its new aims. In practically every big industry or business in East London, SAMRU already has an agent or one, two or three people who could do the organisational work. It is only a question of time before a SAMRU committee would be appointed in these industries which will then demand acknowledgement of the union. This suspicion is further confirmed by the fact that dismissed black workers of SATV are prepared to at this stage, practically without any wage or compensation, voluntarily work in the SAMRU offices to try and get the aims of the union to come to fruition as soon as possible. In other words, one can expect that in the near future East London will be plagued by a wave of strikes which will all deal with the acknowledgement of SAMRU as a union.

Facts of grave concern is that SAMRU may, especially now after its two defeats by SATV and NCI, decide to rather organise all

the firms properly and to then, on a given date, allow that confrontation to develop to thereby force acknowledgement of the union. Such a total assault of confrontation to force acknowledgement will not be withstood by any firm because it is clear that dismissed workers will not be easily replaced in such a situation as it is when strikes are isolated.

F. WHAT IS SEEN AS A POSSIBLE SOLUTION TO BREAK THE POWER OF SAMRU/UNREGISTERED BLACK UNIONS AND TO NORMALISE LABOUR UNREST?

For practical reasons, two types of solution are available for this problem, namely:

1. The long-term solution
2. The short-term solution.

1. Long-term Solution

a. In this country there is no legislation which limits unregistered black unions insofar as registration and organisational work is concerned and these unions are always staying just within the limits of current legislation and they therefore cannot be "touched". It was wrongly supposed, in the first part of the White Paper, that black unions would, within the foreseeable future, increase in numbers to such an extent that they would act competitively. In other words, that one union would serve black workers of one category and another union would serve black workers for another specific category of work. This is therefore the reason why legislation was not tabled to force unregistered black unions to register. In other words, there would have been unions which would serve the motor industry, carpenters, steel and iron workers, and the various trades. What was actually not foreseen was the fact one great union would emerge which would cater for the needs of

all types of workers as is currently the position in East London. The case with SAAWU is that even members of other existing registered black unions in East London, i.e. Garment Workers Union of Southern Africa, SA Distillers & Allied Workers Union and United Automobile Rubber & Allied Workers of South Africa are "stolen" and they are allowed to register or sign up with SAAWU. One of the long-term solutions would thus be to force the black unions, by way of legislation, to act on behalf of one specific type of industry only as is currently the case with registered unions. The alternative is, of course, to force the black unions, by way of legislation, to register after a certain time of existence because when it is registered, it cannot serve the needs of any type of worker as is currently the case with SAAWU.

A further reason why the registration of black unions was not forced by legislation is the idea that such unions would have no bargaining power. No bargaining power is, however, greater and stronger than a union with 100% votes behind it if it approaches a firm, whether registered or not.

b. An alternative long-term solution which can be thought about is when forced legislation is found to be unacceptable, is to balance the basis of the inequality which currently exists between the FOSATU group unions on the one side and the TUCSA group unions on the other. FOSATU affiliated unions with SAAWU and AFCWU at the front in East London, control currently 90% of the black union interest locally as against 10% of TUCSA. The reason can be attributed to the fact that TUCSA follows a more moderate policy and is by far not so active as

FOSATU.

To obtain a more even balance, one would have to activate and motivate TUCSA to show more interest and to be more active insofar as recruitment and organisation of workers is concerned.

## 2. Short-term Solution

a. It is obvious that both the above-mentioned long term solutions will take a long time before they bear fruit. In the meantime one would have to think of a short term solution, even though it is not as effective, it could act as a millstone around the necks of SAAWU to prevent the acceleration of its successes. Here one must think of the success which SATV achieved in preventing a strike because the firm was in possession of a list of names of about 800 people unemployed who could start work at very short notice if required. The success of the action of SATV was mainly attributed to the fact that the workers or prospective strikers were aware of the authenticity of this list and that it was not only a real threat. SATV conducts interviews regularly throughout the year with unemployed people and the unemployed : people are told that they will be kept in mind when posts become vacant. Industry should be encouraged to keep such lists of employment seekers instead of just turning them away at the gate without taking down any of their particulars. To take down only the bare essentials and keep this on record would help firms not to give in to ridiculous demands when their present workforce goes on strike. The big worry of firms today during labour unrest is the loss of production and time which normally goes hand in hand with strikes.

Confrontation and the refusal to work can continue for days on end until the weaker of the two parties gives in and normally this is management because time is money and the longer the confrontation the more management will be apt to give in to the demands as set by the strikers.

With such a reserve list on record at any firm, it would be easier not to give in to pressure from the workers if they demand that SAAWU be recognised as a union.

b. The list of names of unemployed people can be obtained through other means. An idea which one can think about is the compilation of a type of census form which would be completed by all unemployed people which then is posted to a central point after completion. Firms with labour differences or problems can be informed about these lists and the number of unemployed people looking for work and therefore do not have to fear a strike.

c. A third plan, which can be seen as a short term solution, is already operating in East London. The Chairmen of the Chamber of Industries, Chamber of Commerce and Afrikaanse Sakekamer are attending meetings where the aims of SAAWU are explained to them as well as the necessity of uniform action by industry in East London against SAAWU. These Chairmen promise to call meetings where various industries are represented, to discuss the matter and when they would press for uniform action of all industries.

(SIC)