

SOUTH AFRICAN LABOUR BULLETIN

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necessarily those of the editorial board.)

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COMMENT

THE STATE AND CHANGE IN
INDUSTRIAL RELATIONS

In themselves Commissions of Inquiry do not bring industrial or political change. When two were assigned within months of each other to investigate such sensitive areas as industrial relations and the supply and control of labour, as happened at the end of last year, it does reflect more than a passing concern. Within the next few months the Rieckert and Wiehahn Commissions will present their recommendations on how best to resolve the crisis presented by the widespread industrial unrest of the early 'seventies. If leaks to the press and the utterances of interested parties are anything to go by far-reaching changes in the framework for the control of labour will be contemplated for the first time since the end of the Second World War. The crisis of the late 'forties bears many similarities to that of the 'seventies which allow lessons to be drawn from the earlier abortive effort at restructuring and reform. Whether the appropriate lessons will be drawn remains to be seen.

The Botha Commission Report of 1951 came at the end of a decade in which rapid economic and social change had created a larger and less tractable urban working class whose main component, the African workers, had followed the lead of white, coloured and Asian workers in establishing industrial unions. They were pressing for recognition of these organisations by employers and the state. For a brief period the more militant actions of both organised and unorganised labour led to concessions being granted by employers and the Department of Labour. The crisis was brought home even more strongly when the African Mine Workers' Union led 76 000 workers on strike in 1946. The initial response of

the state was to suggest the recognition of the African trade union movement under employer and government control. In 1947 the draft Industrial Conciliation (Natives) Bill provided for recognition of African unions under a separate system to that for workers who already had trade union rights. The Bill was scrapped in the face of opposition from employers and the trade unions. There followed the establishment of the Botha Commission which reported in broadly similar vein in 1951.

By this stage, as Welcher argues in this issue (Pages 15-48), the Nationalist Government supported by agricultural capital, an embryonic Afrikaner Commercial and industrial bourgeoisie and that section of the white workers who has fallen to the Afrikaner reformers' exclusivist trade unions, had come to be entrenched in power. It embarked on a sustained offensive against the African workers, strengthening the controls on their movement through the labour bureau system and turning its back on African trade unions, and the Botha Commission, by establishing a framework for in-company committees characterised in the first instance by close supervision on the part of the state through the various Regional Labour Committees and the Central Bantu Labour Board of the Department of Labour. In the face of assaults on their institutions, and simultaneously on their material conditions, black workers responded in a broadly political fashion and swept their main representative the South African Congress of Trade Unions along a militantly political path. SACTU affiliated itself closely with the A.N.C. and called a number of political strikes; this together with other political activities gave an excuse, if indeed one were needed, to drive both movements underground.

These followed a period of relative quiescence. Foreign capital flooded in, the South African economy expanded at an unprecedented rate bringing structural changes which brought African workers firmly to the centre of the industrial arena.

With the advent of the 'seventies strikes, starting in Namibia at the end of 1971, spread throughout South Africa with the state playing an increasingly open role in suppressing them. From mid-1975 they declined in the

face of recession and wide-spread retrenchments. They did not however peter out - sporadic outbursts have continued throughout the economy. No formal organisation created these flash-points of industrial conflict. They continue to occur wherever the weight of crude exploitation makes the expectation of losing a job of limited importance.

At the same time trade union organisation of African workers has again emerged and the state finds itself in a similar situation to the late forties. In 1973 the state and management's immediate response was to amend the Bantu Relations Regulation Act of 1953 to give even greater powers of control through the proliferation of Liaison Committees. By 1976 it was plain that the response had been inadequate and that a more sophisticated approach to control was required. With the Heineman and Armourplate disputes of that year fears that "a new and more militant" trade unionism might take root begun to be articulated. The township uprisings of 1976 - 1977 which gave rise to the spectre of the disinvestment of foreign capital and permanently simmering discontent threw into sharp relief the dimensions of the crisis facing the state.

It could be argued that management's anticipated loss of control spurred the government to act by setting up the Riekert and Wiehahn Commissions. Corporate management in particular has long perceived shortcomings in the present structure of industrial relations. Many employers have developed their own versions of the committee system and have channelled greater resources into investigating new methods of control. Personnel Departments have been strengthened and Industrial Relations Departments established. Anglo-American and more liberal managements have established the Institute for Industrial Relations to serve as a forum for communication with representatives of labour. The Institute of Labour Relations at the University of South Africa enjoying backing from SIEFSA and with close links to the government has entered the market in ideas. In this way the 'models' have become more sophisticated and tentative steps have begun to establish elements of managements new thinking in practice. What is this new thinking?

EVIDENCE TO THE WIEHAHN COMMISSION

An examination of press coverage of comments by leading opinion-makers and interests displays a wide variety of detailed differences. The overriding consensus however is that the present "dualism" in industrial relations legislation needs to be overcome and a new system devised to incorporate aspects of both.

One of the primary problem areas for change is clearly the mines, arguably still the centre of the South African system, and the setting for an interdepartmental Commission of Inquiry in 1975 whose report was withheld from public view by the government. (see pages 49 - 65). The Chamber of Mines was divided in its evidence to the Wiehahn Commission with Anglo American submitting a separate section of the report. It appears that the conservatives among the mining houses led by Gold Fields argued that migrant workers should be represented through mine level committees and not trade unions. In their view trade unions would only be acceptable for more permanent miners and then only in the form of enterprise unions, euphemistically referred to by some as "decentralised unions". Allowance for regional committees drawn from enterprise-based structures leading up to a National Labour Relations Board was also contemplated.

Anglo Americans position is more ambivalent. Zac De Beer considers that Black workers should join existing registered unions and that it would be necessary to persuade the registered unions if company unions were to be successful. He advocates more effective "upward communication" committees and meeting and talking to unregistered unions as being of importance to management. He does not however spell out what the overall structure should be. It would seem that Anglo would like to feel its way along within a broadly enabling legislative framework allowing for a unitary system encompassing both works Councils and trade unions. The moves by AE & CI to establish a combined Negotiating Committee comprising all Liaison Committees in its plants is a reflection of the direction being taken by at least one section of the Corporation. Despite assurances that the Combined Committee is not designed to preclude

recognition of unregistered unions, to whom the company will remain open, these moves tend to foreshadow the development of a company union should this become necessary.

Commerce as represented in Assocom is apparently in favour of the recognition of African workers under the Industrial Conciliation Act and the removal of clauses prohibiting mixed unions. Negotiations on minimum wages and conditions in an industry would then take place between industry-wide unions and employers associations. At the same time they argue for the extension of the Bantu Labour Relations Regulation Act to all workers to deal with issues affecting individual companies. Finally they argue for a system of labour courts independent of the existing civil and criminal courts.

The Afrikaanse Handelsinstituut feels, similarly, that Africans should be allowed union membership under the I.C. Act, but that migrants on the mines should be excluded and accommodated by plant level committees which would continue to remain unregistered. They break up industry into "organised sectors", where the Industrial Councils should remain, supplemented by registered plant level committees for all races; and "unorganised sectors" where Industrial Councils do not exist and plant level committees including a possible federate industry-wide superstructure of these committees, should be allowed to negotiate. They argue against the recognition of existing unregistered unions unless they represent 50% of workers in an industry. They would allow for uni-racial unions where this was desired as well as the protection of "minorities" by giving them equal representation with Africans regardless of numbers. Finally they argue against stop-orders for union dues and closed shops.

One of the first responses to the Commission's establishment from the registered unions came in a statement from "The Committee of 12" representing the Confederation of Labour, TUCSA, unaffiliated registered unions, and the Confederation of Metal and Building Unions (CMBU). This meeting, designed to promote trade union unity indicated strong antipathy to Works Councils along German lines insisting that all factory committee members should be union members. It was argued that

the right of all workers to have registered unions should be upheld leaving the racial composition of unions as a matter of choice while suggesting that unregistered unions be prohibited. It did however demand the right of appeal to a labour Court for unions refused registration.

When TUCSA came to decide on its evidence to the Commission the stand against Works Councils had moderated despite considerable reservations from some delegates. TUCSA wishes to see the fusing of the two existing Acts and supports works councils provided these are "supplementary or complementary" to unions. It also stressed the need for the entrenchment of freedom of association allowing all workers to organise and gain legal recognition of their organisations.

The Garment Workers Unions in separate evidence argued for the recognition of "Black" unions (presumably existing unregistered unions) and the right to strike. The distributive workers unions going further in defence of trade unionism attacked Liaison Committees as no substitute and called on the state to refrain from interfering with black trade unions as if they were subversive. They appear to argue in the immediate term for management to grant organising facilities to unregistered unions.

These then are some of the positions reported in the press. More elaborate is the model developed at the Institute of Labour Relations by Prof. D.W.F. Bendix, Prof J.M. Piron and Prof S.M. Swart under the title "A framework for South African Labour Relations: Guidelines for the restructuring of the present system under legal and functional aspects" (S.A. Journal of Labour Relations Vol 2 No 1 February 1978). This envisages a system of broadly based "industry unions" to which all unions in an industry whether of a craft or industrial nature would have to affiliate. Representation on the industry union will be proportionate to the share of the unions' members operating on a craft basis in the industry. These industry unions in turn would affiliate to a National Trade Union Federation. As a counterpart to this, employers associations for the specific purposes of negotiation would be developed.

These would be the parties to Industrial Councils who would reach agreement on wages and working conditions for the industry. A central employers Association would together with the state and National Trade Union Federation form a National Labour Council at the apex of the system at its ideal stage.

On the other hand a proposed "two tier" system would introduce an in-company committee structure consisting of Works Committees, Workers' Councils and co-ordinating Workers' Councils, with Liaison Committees and Co-ordinating Liaison Committees bringing management and workers together. A strict division in the organisational structure of these two tiers is seen as essential. The trade unions are only to operate "on a company extaneous level" in negotiating agreements covering wages and working conditions in an industry. The policing and interpretation of the Agreements and all management worker issues arising in the company would be the ambit of the Workers' Council structure not of trade union shop floor organization. This briefly and schematically is the model.

We do not intend to take up all of the criticisms which could be levelled at this system. There are some merits to the system. It favours the unionisation of African workers, the extension of Industrial rights to domestic and agricultural workers, a statute embodying workers' rights, and the abolition of contributing periods to qualify for unemployment insurance payments which should be available for as long as they are required. Systems however have to be created; they do not simply spring to life from legislation. In South Africa today the crucial question is who will organise the structure of Workers' organisation? Though the authors might note that the main onus for establishing the Worker Council structure will be on workers they also note that "the company is free to promote the full and effective applicability of the relevant provisions of the act." There can be little doubt that managements faced by independent trade unions will make every effort to seal the factory against trade union organisation by promoting in-company Workers' Council structures.

The explicit recommendation that trade union rights and activities are not to be exercised through the workers Councils' is aimed to exclude trade unions from essential in-plant activities and negotiations. Contrary to the German system on which they rely heavily, the authors seem to recommend that trade union representatives are not to serve on the workers councils. In Germany about 80% of Workers Councils' members are trade unionists while it is sometimes as high as 100% in the coal and steel industries. In fact, the German workers council system operates more effectively where the council is backed by a strong union.

On the other hand the trade unions will be obliged to affiliate to CMBU type industry unions to carry out negotiations. They will not be free to act as direct parties to industrial agreements but forced into set channels. The provision that trade unions be represented on the industrial unions in proportion to their share of craft members taking into consideration the skill mix of the trade unions could ensure that the existing registered unions retain a dominant hold on the industry unions.

A further weakness of the article is its implicit assumption that the state is somehow an equal partner with management and labour, a third party who can play the role of neutral umpire in industrial relations. Nowhere do the authors explicitly examine the role which the state will play in the establishment and maintenance of the system. Only in the tri-partite apex of the system and in the need for training in industrial relations is there some indication of the role the state will play. The state as presently constituted however acts predominantly in the interests of employers and the extension of state involvement in training can only imply greater state control over the labour movement. The whole model proposed by the authors boils down to a sophisticated method of domination over labour on the part of the state and employers.

OUR OWN POSITION

Elsewhere in the Bulletin we publish a summary of our own recommendations to the Wiehahn Commission. In brief, we recommend that the dualistic system of industrial relations should be abolished by scrapping the Bantu

Labour Relations Regulation Act and by extending the same trade union rights to African workers that other workers enjoy under the Industrial Conciliation Act and other legislation. We recommend that no trade union that is not open to all races should be registered and that in-plant bargaining should be the outcome of negotiations between the trade unions and companies concerned. However, the Industrial Conciliation Act and other legislation are not satisfactory as they limit the bargaining power of trade unions. The right to strike needs to be extended and peaceful picketing should be legitimised in order to make strikes effective. Our criterion for trade union recognition is that the unions should be independent of control from the state and management and that they should be democratic. Without the right to freely associate and establish their own democratic structures of representation the mass of workers are unlikely to be convinced that they really have been conceded any rights.

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Acknowledgements to *Volskas - Ekonomiese Oorsig* April 1977 for permission to reprint the article Unemployment in South Africa by P.J. van der Merwe.

COMMENT"EMPACT" AND SOUTH AFRICA'SOVERSEAS IMAGE

*Empact** has been published by the Department of Labour with the express purpose of presenting an "unbiased" picture of South Africa's labour relations to the international community. In fact it is a series of half-truths and propagandistic statements that will not convince South Africa's enemies and will certainly embarrass her friends.

The piece de resistance is the statement that South Africa left the I.L.O. in 1964 for "more or less the same reasons that the U.S. withdrew recently". This is a false analogy. South Africa withdrew in 1964 to preempt her expulsion when the membership concurred in their condemnation of South Africa's labour policies. South Africa had been 'out of step' with the I.L.O. ever since it refused to sign the articles on freedom of association in 1949. With the systematic application of apartheid in the 1950's South Africa's relationship with the I.L.O. became increasingly uneasy. In 1958 the I.L.O. made it clear that it opposed the practice of apartheid when it passed the convention on Discrimination in Employment and Occupations. But it was not until 1961 that the organisation openly showed its opposition to South Africa's continued membership. In June 1961 the I.L.O. passed a resolution which condemned the countries race policies and advised South Africa to withdraw until the Government abandoned apartheid. In 1963, 36 states withdrew from the I.L.O. in protest against South Africa's continued participation

and the organisation excluded South Africa from all meetings except the annual conference. The USA on the other hand, withdrew, not because of the USA's domestic labour policies, but because of the USA's disagreement with certain policy directions of the I.L.O. particularly over the Middle East.

The same article in *Empact* blandly states that South Africa is "among the top 3 countries in the world as regards compliance with the ideals of the I.L.O.". To be charitable this is a naive statement. It assumes that the international community has no information on South Africa's labour policies. In fact ever since 1964 the I.L.O. has published an annual *special report* which details South Africa's violations of the I.L.O. principles. Thirteen reports have now been published. Consequently statements that freedom of association and the right to organize exist in South Africa are just not believed. One need only be referred to the Industrial Conciliation Act of 1956 where Africans are prohibited from membership of registered trade unions to see violation of the ideals of the I.L.O.

Empact abounds with similar misleading statements. South Africa, it says, has an outstanding record of labour peace. This ignores the fact that until 1973 strikes among African workers were illegal. Since then the Act has been amended but the provisions for conducting a legal strike are so cumbersome that to date, no successful legal strike has taken place among African workers. Job reservation, *Empact* says, was introduced to "protect the various population groups against inter racial competition". This ignores the historical fact that job reservation was introduced by relatively privileged white workers to maintain their position in the labour market. Similarly it is stated that the Sullivan and E.E.C. codes have had very little impact in South Africa because for "many years employers have been practising the principles in the two codes". To take one example from the EEC code: besides the Smith and Nephew agreement in Durban and the clothing industry in the Transvaal can *Empact* name *one other* employer who has recognized African trade unions.

This journal is a misguided venture. Of course South Africa has complicated problems that are not always understood abroad. However if South Africa wants to be accepted back into international labour circles meaningful changes in the labour field will have to be made *first*. This above all means the extension of full trade union rights to all workers. The Department of Labour would be best advised to divert limited resources to facilitate these changes within South Africa.

* *Impact*, March 1978, Bureau of Labour Research.

COMMENT

CHRISTIANITY AND WORKERS

"These compounded natives are the finest body of black labourers in South Africa ... Missionaries are allowed to visit them but are not requested to worry them unduly. They are enjoined to impress upon the native mind two simple Christian precepts - the virtue of obedience and the dignity of labour. Thus the natives receive religion in moderate doses, and in like manner their allowance of Kaffir beer is regulated on strictly reasonable lines."

(S. Ransome: The Engineer in South Africa, London, Constable, 1903, p. 67)

"... General Mining's Stilfontein gold mines uses the age-old opiate of the masses to keep its men happy.

It has several Black "minister" on the pay-roll. They exhort new recruits to shout: 'Hallelujah! We are very happy'. Sermons go as follows: 'Do not fight. Do not strike. These are the works of Satan. Come to service every day. Those who don't come are the children of Satan. Be loyal to the indunas, the management and the government.'

(When miners complain of the catering, lack of privacy in the lavatories, and sleeping accommodation) the preachers tell them their conditions are the best on SA mines, and that they musn't complain or Satan will get them."

(Financial Mail: 16 July 1976 p. 210)

The above two quotes underline the extent to which Christianity has been used by management to reinforce control of workers. This has been facilitated by the established Churches who have tended in the past to define their role in industrial relations largely from managements' perspective.

We are pleased to note that the managerial version of Christianity is now under attack within the churches themselves. At the annual conference of the SA Council of Churches in July the conference resolved to call on all business organisations in SA to recognise and negotiate with "black trade unions", whether officially recognised or not.

The resolution was passed in the context of a wide debate on foreign investment. This is a complicated and difficult debate. However what is clear is that trade unions for all workers is crucial in determining the kind of change that will take place in SA.

Further evidence that the Church in South Africa has not exclusively advocated the preservation of the status quo was recently provided by the detention without trial of 30 members of the Young Christian Workers between May and June of this year. Amongst the detained were the national president, Mr. Phelelo Magane and the national co-ordinator, Mr Roddy Nunes, who was detained under Section Six of the Terrorism Act.

Although 15 of the detainees had been released by 19th July including Mr Nunes who was detained in solitary confinement for more than a month, we again want to register our strongest opposition to the existence on our Statute Books of Laws that allow for detention without trial or deny recourse to a court of law.

Above all these detentions seem to us to be a thinly disguised attempt to curtail workers rights to organize. The Minister would be advised to tread carefully in these times when the eyes of international labour are focussed on workers' rights in South Africa.

THE RELATIONSHIP BETWEEN
THE STATE AND AFRICAN TRADE UNIONS
IN SOUTH AFRICA
1948 - 1953

by Larry Welcher

A few months after it came to power in 1948, the new Nationalist Government appointed an Industrial Legislation Commission of Enquiry, commonly known as the 'Botha Commission' after the name of its chairman, to investigate all aspects of industrial relations in South Africa.

The first part of this article deals with the evidence considered. For the purposes of this analysis the evidence submitted to the Commission can be divided under the following headings: the evidence of the major employers namely industry, agriculture and mining: the views of the trade unions both registered and unregistered, the evidence of State officials and that of private institutions. Each interest group will be examined in detail to determine their attitude to African unions and the reasons for that attitude. Thereby an understanding can perhaps be reached of why the Commission came to the findings it did.

EVIDENCE TO THE BOTHA COMMISSION

To begin with industry's viewpoint, there seems to have been some difference of views among employers in various parts of the country and for this reason the Federated Chamber of Industries did not submit an opinion on what form recognition of African trade unions should take. However it was concerned 'at the continual development of Native trade unions free from any form of control

or recognition by the Government' (1) and considered it essential that some form of recognition be extended. The Cape Chamber supported full recognition for mixed unions which were operating successfully and controlled recognition, as envisaged by the 1947 Industrial Conciliation (Natives) Bill, for African unions. (2) Natal employers, claiming that most of their labour force comprised tribal Africans from the Reserves, argued that instability of labour and the frequent change in jobs militated against responsible trade unionism. Accordingly the Natal Chamber was strongly against extending full recognition to African unions under the Industrial Conciliation Act but it did recommend some form of official recognition. (3)

The Transvaal Chamber also had a low opinion of the unions claiming that the leaders were inexperienced and ill-equipped to present a case on behalf of the members and it was precisely for that reason that it strongly recommended that the African unions be accorded statutory recognition. If the unions were left to drift haphazardly they would become 'fertile soil for indoctrination with pernicious philosophies' (4). Recognition was obviously conceived of as a means of regaining control of a workforce whose productivity had declined as trade union leaders had changed an atmosphere of 'tranquility and industry' to one of 'sullen resentment' (5). The Transvaal Chamber was also against full recognition being extended. It supported the 1947 Bill arguing that trade unions should be subject to official vigilance and guidance and that Africans should be educated in the principles of trade unionism.

From the evidence it is clear that the fear of uncontrolled unions weighed heavily on employers at the time and seems to have been the main reason for arguing in favour of statutory recognition. Many industrialists felt that trade union recognition meant more trouble in the short run and did not necessarily entail greater quiescence in industry, but they were prepared to take that risk in order to ensure that African unions came under proper control and to remove the 'artificial stimulation' to join trade unions being brought to bear by 'negrophilists' and 'scheming people' who bludgeoned

Africans into membership. (6) Industry stated clearly what it meant by recognition:

Recognition means bringing them under control, making them comply with certain qualifications, before they can exist as a trade union. (7)

Unions would have to submit to tutelage and guidance from government officials, their funds would be subject to regulation and all their meetings would be controlled. They would have to be led 'every inch of the way by people capable and fit to lead them' (8) A very tightly controlled form of unionism was being advocated for African workers.

Another serious concern of industry was to prevent the unions from being driven underground by non-recognition and to prevent them from engaging in subversive activities. The unrest prevalent at the time was viewed in a grave light and it was feared that industrial production could be paralysed by uncontrolled masses of African workers. In the words of the Transvaal Chamber of Industries:

The 1st of May (ie the stay-at-home called by the Communist Party on May Day 1950) is a very big warning to us in the Transvaal. (9)

This was taken as proof that African Unions were exploitable and therefore in need of supervision. It was feared that organized African labour would join in the disturbances creating chaos in the country and therefore close control of the unions was seen as a means of retaining control. As the Commercial Employers Association put it:

The association believes that it is desirable that the registration of Native Unions should be effected in order that the movement can be organised on desirable lines. (10)

Clearly employers were by no means in favour of African unions per se but felt that as they were already in existence some form of de jure recognition should be given to ensure that they would be guided in the right

channels. Employers were convinced that no attempt at outlawing the African unions would be successful. (11)

No employer was in favour of extending full recognition to the African unions under the Industrial Conciliation Act, fearing that as the Africans enjoyed numerical superiority in industry, they would ultimately come to control all trade unions. (12) Almost all were in favour of extending the limited recognition with strict controls envisaged by the Industrial Conciliation (Natives) Bill of 1947. Both the Steel and Engineering Federation and the Commercial Employers Association for example considered that the provisions contained in the Bill were reasonable and would cater for the needs of the Africans and would deny them the opportunity of making mischief in industry. (13)

Thus industry, a major interest group in the country, was basically in favour of a limited recognition of African unions along the lines of the 1947 Bill. It was motivated by two essential factors. Firstly a fear that uncontrolled, powerful unions could disrupt industry, lower productivity and cause unrest throughout the country, and secondly, following on from this first point, a desire to prevent this occurring through a highly circumscribed form of recognition which would ensure close supervision of the African unions and an emasculation of their power. Ultimately employers were interested in retaining control. The representative of the Motor Industry Employers Association expressed this succinctly when he said:

To sum up: the European is the custodian of this country and whatever legislation is introduced must be introduced for European supremacy. (14)

Turning now to mining, the Chamber of Mines made it clear in its Memorandum that it was totally against any form of recognition of African trade unions. The main reason put forward for this was the fact that the tribal Africans who made up the bulk of the mining labour force were insufficiently advanced to manage their own trade unions and that control of the unions would therefore inevitably fall to people not connected with the industry. (15)

The self-styled African Mineworkers Union is directed by persons not employed in the gold mines and the Union is not representative of the vast body of tribal natives in the industry. (16)

Another reason for distrusting the union was the claim that it was connected with, and had the support of 'Communist influences'. The Chamber's paternalist attitude is clearly evident in its statement that it was 'the special function of the Native Affairs Department to care for Native interests and to represent Native views to others'. (17) Africans were considered incapable of putting forward their own views, as a trade union organisation was outside their comprehension.

The industry, concerned with making profits under a fixed gold price, was also totally against any recognition of trade unions on the mines, for this would push up wage costs to an unacceptable level. Even the experience of the 1946 Strike had not moved the Chamber towards any softening of the position it had held throughout the forties, and it was as determined as ever to crush the AMWU with every means at its disposal. However, in its evidence submitted to the Commission it made no comment about the recognition of African unions in secondary industry. (18) Previously, fearing that higher wages in industry would draw away its own labour supply, it had been against any recognition at all, but perhaps now that its labour was being drawn primarily from outside the Union, its opposition to the recognition of unions in industry had slightly abated. (19)

It was this very issue of higher industrial wages affecting the wages paid to farm labourers that formed the major argument of the Memorandum submitted by the South African Agricultural Union. It argued that as soon as industrial legislation recognizing African trade unions was applied to urban areas, thus causing wages to rise, the workers on surrounding farms would also feel that they were entitled to higher cash wages, not taking into consideration the wages paid to them in kind. (20) It was argued that farmers could not afford to pay higher cash wages as well as wages in

kind with the result that they would lose their labourers. Agriculture emphasized the important role it played in the national economy and was emphatically against the application of any labour legislation to farming, claiming that farm labour was already well protected.

It also claimed that as the African only worked to provide for immediate requirements and then returned to the reserves to live on savings,

to pay him higher cash wages would only result in his working for shorter periods, thus aggravating the prevailing shortage of labour. (21)

Clearly then in the late forties, with farmers still complaining of a labour shortage, and the Government's new measures to improve the labour supply especially through the setting up of labour bureaux, not yet having the desired results, organised agriculture was totally opposed to any form of legal recognition for African trade unions. It was not really concerned with the political and social threat posed by the African masses in the urban areas but more worried about the fact that more and more Africans would leave for the towns thus denuding the farmers of their labour as industrial wages were raised even further in response to pressure from the newly recognized unions. Thus another important interest group whose influence was becoming ever more powerful was opposed to any form of recognition, and its views were to weigh more heavily on the Government than those of industry in the years ahead.

Among the white working class a split emerged as to whether recognition should be extended to the African unions. The South African Trades and Labour Council, acknowledging that the quality of African labour had changed in that many were now doing semi-skilled work, considered it essential not only in the interests of the African workers but also in the interest of the White unions to ensure that Africans were brought within the scope of industrial legislation like all other workers. (22) The SATLC, arguing that it had already

formed African unions and spoken on their behalf on industrial councils, felt that fears about giving them full legal recognition fell away and that accordingly they should be recognized under the Industrial Conciliation Act with the same rights as other workers.

However a very different opinion was heard from the Afrikaner worker organizations that had come under Nationalist control. It was these workers, who had formed one of the foundations which ensured the National Party's victory in 1948 and they were vehemently against any form of recognition for African unions. Articulating the apartheid ideology already coming to the fore, the Blanke Werkers Federasie declared that:

Die naturelle in die stede kom van 'n groep wat totaal teenoor mekaar staan. En nou vra ek hoe kan ons hulle dan bring in dieselfde arbeids-organisasies. Dit is heeltemal ontmoontlik. (23)

Other reasons put forward for non-recognition were that Africans were not permanent workers and that it was the duty of the State to ensure better conditions for them.

The Ko-ordinerende Raad van Suid - Afrikaanse Vak - verenigings used exactly the same arguments against recognition of African unions as those put forward by the Government in 1953 when it argued that Africans would only be satisfied with full recognition and that it would be impossible to control the unions once they were recognized. In addition:

'n Vak-vereniging-die staan kniediep in die politieke lewe - en van vak-vereniging tot politiek is net maar 'n stap. (24)

In reply to a question of what to do with the already existing unions, the Raad had no hesitation: "ontbind hulle ... met die mag van die Staat". (25)

Thus both the Agricultural fraction as well as an important section of the white working class, which provided the basis of the support for the Nationalist Party were against any form of trade union recognition

albeit the former articulated economic reasons while the latter took a more ideological line. The opposition to trade union recognition of these two important groups, was to be an important influence on the Government's later decisions.

At that time however State officials were mostly in favour of extending some form of recognition to the African unions. The Labour Department was in favour of the legal recognition of African trade unions under appropriate control and under a separate law providing guidance and tutelage. The Department felt that if there was no proper control, the unions would be used for subversive activities as had happened in other parts of Africa. (26)

It warned the Commission that it was no use shutting its eyes to the fact that unions were already organised and argued that only once unions were recognised would it be possible to prohibit improper ones. If all the unions were banned it would merely drive them underground, making them more dangerous. (27) The Department had no doubt that African unions were sufficiently advanced to be afforded recognition. Most of the Divisional Inspectors concurred with this view. They too warned that eventually some recognition would have to be extended and therefore

Isn't it a good investment for us to give them recognition which will not be dangerous to us? (28)

Thus they argued for a highly controlled recognition with compulsory arbitration and the prohibition of strikes. The Inspectors argued that it was also to the advantage of the Department that African workers be organised in trade unions as in the past strikes had been averted through the co-operation of African leaders who had been found to be sufficiently responsible and educated. (29)

Government officials, having firsthand experience of the African unions, thus generally seem to have felt that the best way of controlling the unions would be by extending a measure of recognition as well as tight

safeguards. Their evidence indicates that the unions were still a force to be reckoned with in the late forties.

The Institute of Race Relations pushed for the full recognition of the African unions. Molteno warned that if recognition was withheld indefinitely it would embitter the Africans in industry more and more and that it was better to have an orderly system of collective bargaining than to simply leave it to the play of forces. (30) Rheinalt Jones argued that the day for some recognition and not full recognition was past and that any separate treatment would now be opposed by the unions. He suggested that legislation should make provision for a two-stage process - first registration and then recognition of the unions. (31) However recognition should be full recognition by extending the definition of 'employee' in the Industrial Conciliation Act.

Whereas the Afrikaanse Handelsinstituut was also in favour of recognition, SABRA was strongly opposed. Fearing that it would be impossible to ignore the unions, the Handelsinstituut considered it better to place them under strict control with limited recognition. SABRA on the other hand warned that recognition would have serious repercussions on the economy, and because urban workers were migrants whose homes were in the African areas, there was no need for recognition. Not only would strong unions be politically dangerous, but more important, recognition of the unions would mean that Africans 'permanente gevestig raak in die blanke omgeving' (32) Apartheid ideology would not permit any step to be taken which would implicitly recognise that Africans had become permanent urban dwellers and this constituted SABRA's most severe objection to recognition. However it is interesting to note that SABRA did put forward the idea of 'produksie komitees' to take the place of the African unions which they demanded should be banned. (33)

The final important group that gave evidence before the Commission was the African Unions themselves. All the unions demanded full recognition under the Industrial Conciliation Act. The provisions of the 1947 Bill were

rejected because it proposed the strict supervision of the African unions. Gana Makabeni of the Joint Council of Non-European Trade Unions declared:

Our fight here is for the recognition of African Trade Unions, that is the Amendment of the Industrial Conciliation Act to include Africans as 'employees'. (34)

The Government was blamed for the troubles faced by the unions. African leaders complained that because there was no legal control, advantage was being taken of the workers.

Once unions were recognised and matters were regularised there would not be such a mushrooming of unions. Zulu Phungulu who had been leader of the dockworkers in Durban reassured the Commission that

The majority of the Natives do not like Communists. They wish to belong to the Government, but it is the Government which ignores us and pushed us down into the mud. (35)

Three points of view thus clearly emerge from the evidence presented to the Commission. The majority of witnesses seem to have been in favour of a *limited* form of recognition subject to strict controls. This group included industry and government officials. A second group comprising agriculture and sections of the white workers and Afrikaner institutions were totally against any form of recognition, their main argument being that industrial workers were not advanced enough for trade unionism and were but temporary sojourners in the white areas. Although this point of view was not one shared by other witnesses, it is important to note that these groups were the main interest groups supporting the Government and therefore their arguments weighed heavily in official circles. The last group of witnesses recommended the full recognition of African unions under the Industrial Conciliation Act. This position was advocated by a minority, consisting of African unions themselves and liberal organisations such as the Institute of Race Relations.

The reaction of the Commission to these differing approaches and the recommendations it finally put forward must now be examined.

THE REPORT OF THE BOTHA COMMISSION

The first viewpoint dealt with by the Commission was that wishing to include Africans within the definition of 'employee' under the Industrial Conciliation Act. This proposal was rejected firstly on the grounds that African workers would be placed on a basis of absolute equality with other workers, which was entirely contrary to public opinion in South Africa, and secondly because it was felt that there would then be no possibility of applying stricter control and guidance over African unions. If mixed unions were permitted, Africans could by force of numbers become the leaders of these unions causing racial conflict within them. In any industry where Africans predominated, as the strongest representative on the industrial council African unions would be able to influence wages to the detriment of other workers and in addition, owing to racial prejudice, if Africans sat on industrial councils, this would cause the dissolution of many of these councils. (36)

Clearly, in rejecting this position the Commission was setting itself against any change in the status quo of white supremacy in South Africa and arguing for the continuation of the privileged position of the white workers vis-a-vis those of other races, even though 'from the purely economic point of view' the Commission considered the proposal correct. However it refused to consider such a course of action for it would ultimately result in 'the complete social and political equality of all races' and would lower white standards to those of Africans. (37)

Thus the desirability of retaining white leadership overcame any possible economic advantages that would result from recognising the solidarity of labour irrespective of race. This basic premise was at the foundation of all the Commission's findings.

The Commission also rejected the argument that African trade unions should not be recognised at all. Acknowledging that this proposal was based on the idea of a partition of the country and a total separation of the races, the Commission argued that it would provide almost insurmountable difficulties and was in fact impractical. Therefore it was felt that this ground for the refusal to grant recognition fell away. It also dealt with the other main reason for not extending recognition, the fear that the unions would be used as a means to demand political rights, declaring that all the responsible leaders it had examined were interested only in the improvement of the economic conditions of their members. The Commission was convinced of the sincerity of their statements. (38) It also pointed out that political action was much more likely to emanate from unrecognised and uncontrolled unions than from those over whom the Government exercised strict controls, citing as proof for this the activities of the ICU in the twenties. The Commission argued that if unions were well controlled, they would not become involved in political struggles. It warned that to imagine the banning of the trade unions would lead to their ultimate disappearance "disregards both human psychology and the history of the trade union movement in other countries." (39)

It agreed with the view that to prohibit the unions would drive them underground where they would become even more dangerous as they would be exposed to agitators and 'foreign ideologies'. (40) Finally it was felt that even if there was a risk in recognising African unions, this risk could be minimised by strict control and guidance. The Commission was more concerned with controlling the immediate threat which it perceived in the existence of a number of totally unregulated unions and although wishing to preserve white leadership in the country was not impressed with the utopian schemes of total segregation of the races then prevailing among a number of groups. Pragmatic issues of control and not ideology seem to have been its overriding concerns.

This led it to the third option, namely the recognition of African unions under separate legislation and subject

to strict control. The Commission noted that the majority of witnesses had admitted that there were a sufficient number of people in secondary industry who understood the principles of trade unionism and that trade unions under such leaders was both practicable and desirable. (41) The Commission itself was impressed with a number of trade union leaders who gave evidence before it. They were found to be reasonable and responsible people, conducting their unions on sound lines. The argument that trade unions were not a viable proposition because the majority of the workers were migrant labourers was unacceptable as most of those employed in secondary industry were permanently urbanised.

Despite the fact that the differential treatment proposed for African unions in the 1947 Bill was strongly opposed by African leaders the Commission was confident that the proposal to treat the unions under separate legislation would be acceptable to the bulk of African workers.

It was felt that the time was most opportune for attempting to control the unions in that they had declined in the years just before the Commission sat. Control would be more effective when the unions were comparatively small and few in number. However it was felt that even though the number of African unions was small, to ban them entirely would raise the danger of a large-scale revival.

Finally the Commission warned of the dangers of non-recognition. If the unions knew that there was no possibility of gaining recognition there would no longer be any cause for restraint and an even stronger trade union movement might emerge.

Accordingly it was recommended that African trade unions be granted recognition under separate legislation with special measures for their control and guidance. This control would not be exercised by the registered unions but by the Government itself through the Department of Labour. In this particular case the Commission did take into account the views of the African trade union leaders, who had unanimously opposed the suggestion that control of the unions should be vested in the

Department of Native Affairs.

To control and guide the unions the Commission recommended the appointment of 'Native Trade Union Officers' to advise trade union leaders as to the proper conduct of their affairs, to inspect the books of the unions and to report on their general functioning. However, the Commission's main suggestion for the control of the unions was contained in the method it recommended for the recognition of African unions. This was to be a two-stage process.

Every African union would first have to be certified. After the Registrar had determined that the union was a genuine one, that it complied with minimum legal requirements and that its constitution was in order, it would be certified even if it was not suitable for recognition. No uncertified union would be permitted to function. Officials would thus have information about all the African unions and would be able to control and guide them. A certified union would not be able to take part officially in collective bargaining nor to establish benefit funds. However it would be entitled 'to carry on the ordinary functions of trade unions in organizing the workers and representing their views collectively' (42) It was recommended that these unions negotiate with employers through Native Trade Union Officers.

When a trade union had complied with certain further requirements it would become eligible for recognition. Before granting recognition the Registrar would have to consider whether the affairs of the union were properly conducted, whether it took part in 'undesirable activities', if its books were properly maintained, if its officials were responsible and if the union was representative of the African workers in the industry. (43)

Africans would only be allowed to organise unions on industrial lines and only one union would be certified in every industry. General worker's unions were undesirable as they enlarged the scope of any unrest.

Members of African unions would have to be at least 18

years old and be actively employed in the industry concerned. Officials would have to be South African inhabitants and could not engage in political activities. They would have to be older and responsible people. Information as to office-bearers as well as a copy of the union's balance sheet would have to be submitted to the Registrar, who would also be authorized to supervise elections.

To allay the fears of those who felt African unions might become political organisations, the Commission also recommended that these unions be prohibited from participating in any political activities and from having political discussions at their meetings. To prevent any political action, it was also recommended that federations of African trade unions be prohibited.

Turning to the prevention and settlement of disputes, the Commission recommended that African workers only be allowed to negotiate with their employers as long as they did not endanger the standards of the white workers and negotiations were to be under strict control and tutelage. Africans were not on a level to participate in full collective bargaining and therefore all bargaining that did take place would have to be supervised by Government officials. However the machinery proposed in the 1947 Bill was considered to be too involved.

It was suggested that a conciliation board be set up consisting of an equal number of employers and employees under the chairmanship of a senior government official. Any agreement would be referred to the National Labour Board and if accepted would be published by the Minister. The Commission reiterated that participation on conciliation boards was not a prelude to Africans becoming parties to industrial councils. (44)

If a conciliation board was deadlocked, the matter would be settled by arbitration. In addition, the right to bargain collectively would only be granted to African workers provided employers did not object.

The Commission felt that it would not be safe to grant the bulk of African workers the right to strike. Strikes were prohibited except if workers were not covered by a

wage determination and the Minister refused to set up a conciliation board to settle the dispute or if Africans worked in industries held to be more suitable for the employment of other races. (45) Sympathetic strikes were to be totally prohibited.

In its final recommendations with regard to African trade unions, the Commission dealt with the issue of works committees. It declared that these committees could by no means be considered as a substitute for trade unions, but thought that employers should be encouraged to establish them in factories of sufficient size so as to improve the relations between themselves and their employees. These committees were also to be supervised by Native Trade Union Officers. (46)

The key assumption of the Botha Commission was that the 'native' had not yet reached the level of civilization of the white man and that he needed to be slowly and gradually incorporated so as not to damage the interests of the whites. Thus African unions could not be fully recognised under the Industrial Conciliation Act lest they held the balance of power in the collective bargaining process. This paternalist and segregationist theme runs through the whole Report of the Commission, which clearly stated that the 'social and political equality of the races' was unacceptable.

The Report as a whole seems to be representative of industry's interests with an attempt to appease mining as well. Arguing against total segregation, the Commission maintained that the employment of the urbanised blacks was more economical than supporting a migrant labour system and that in any case it was impractical to have the labour supply situated far away from industry. All these views were being put forward by industry at the time. Also, the very fact that the Commission recommended controlled recognition for African unions in secondary industry as almost all the representatives from that sector had favoured, indicated that it was still concerned in the main with industry's interests and was trying to find a solution to their problem of having large, uncontrolled and potentially disruptive unions to deal with. By recommending recognition, the

Commission hoped to control the unions in secondary industry. Clearly the evidence of the representatives from industry had a significant influence on the Commission, probably because no other major interest group had to deal with the problem of African unions to the same extent.

Mining, being more powerful and not having to deal with a number of strong and militant unions, still refused to countenance any form of trade unionism. It was also totally against strikes by its African workers and favoured migrant labour because of its low profitability. The Commission did to a certain extent take mining's view into consideration in that it agreed that African mineworkers had not yet reached the stage of development to engage in responsible trade unionism. (47) However, while refusing to recognise the AMWU, the Commission refused to let it function entirely uncontrolled. It warned that if the law excluded African mineworkers they would be subject to undesirable outside influences, to agitation and to exploitation. The 1946 strike was cited as an example of how the peace and security of the whole community could be disturbed by uncontrolled workers under outside leadership.

Accordingly it proposed to allow the registration but not the recognition of African unions on the mines so as to ensure at least some degree of control. It was argued that this would not necessarily lead to unrest because workers on the mines were so disinterested in trade unionism. The machinery for the settlement of disputes recommended for African workers in secondary industry would not be applied in mining. In an industry where a loss in revenue due to an increase in wages could not be tolerated and where employers felt strong enough to contain the threat posed by African unions through repression, the Commission did not push for limited recognition as a means of control. However the Commission refused to take any risk of driving African unions underground thus increasing the danger posed by them and wanted every union to be certified so that its activities could be scrutinised by the authorities.

The Commission took both industry's and mining's interests into account but it dismissed the views of the major grouping in the power bloc after 1948 - agriculture. Its recommendations were, in fact, almost a denial that agriculture was in any way a significant interest group. The Commission accepted that permanent urbanisation of Africans was an irreversible trend, something the farmers were not prepared to accept. They, together with the right wing trade unions, considered that African workers were not sufficiently advanced to be free of white guidance and that African unions should be banned, warning that if they spread to farm labour the price of food would rise and production could be paralysed. The Commission gave short shift to this argument, claiming that it was impossible to organise farm labourers effectively as they were isolated from each other. As has been shown, the Commission also disregarded the argument that the best way to control the threat posed by African unions was to ban them, recommending instead close supervision of recognised unions. By adopting this course and clearly favouring industry's interests, the Commission's recommendations were not a reflection of the viewpoints of all fractions of the power bloc. In its failure to recommend prohibition of the African unions it was obviously out of touch with the thinking of the most powerful and influential interests in the country and this in turn was ultimately to lead to the rejection of its proposals.

Two major interrelated themes ran through the Commission's report. The first was its concern with the political threat posed by the African trade unions. In the late forties, although there had been some decline in the strength of the unions since their hayday at the end of the Second World War, the Commission still felt that they posed a substantial threat if left uncontrolled and unregulated. Its important premise was that the only way to prevent the unions engaging in political action and causing unrest was not to prohibit them, driving them underground and thus subjecting them to foreign ideologies, but rather to supervise and guide them by means of a limited form of recognition. It maintained that with supervision, there were a sufficient

number of responsible leaders to make for a viable African trade union movement.

However, its actual proposals for recognition were very limited and can in no way be considered a way of appeasing the African unions, who had demanded full and equal recognition under the Industrial Conciliation Act. The recognition advocated was highly circumscribed - it was laid down who could be members and officials of unions, what they could do and what they could discuss. Government officials would monitor every aspect of their activities to ensure that no undesirable activities took place and independent collective bargaining would not be permitted.

The Commission was putting forward clearcut proposals to control and negate the threat posed by the trade union movement. It was by no means on the defensive, being forced to extend recognition as a result of the weakness of the State and the need to appease the unions, nor was it a concessionary gesture to accord the Africans a means of improving their wages and working conditions. Rather, the Commission's recommendations were an attempt to utilise the status quo, namely the existence of African unions to control the African workforce. The recognition to be given was so limited that African unions would not be able to do anything without the approval of State officials. It was also believed that a limited form of recognition would prevent industrial grievances becoming generalised into a political struggle and that industrial conflict could thereby be institutionalised and peace ensured.

While not advocating any outright repressive steps such as the prohibition of African unions, the Commission's proposals could in a sense be seen as a form of repression or at least of severe control of African organisations which were perceived of as posing some threat to the dominating classes. Its basic interest was in maintaining white supremacy and this was considered the best way of achieving that goal. If it had believed that the unions were weak enough to be totally suppressed, it would probably have considered that approach for it was clearly not at all interested in any real strategy of 'incorporation' to control the

unions. All the above evidence suggests that the limited form of recognition was not the first step towards such an 'incorporation' but rather the Commission's solution to the problem of containing the unions that had already arisen. This approach was the one advocated by the majority of the witnesses examined by the Commission, none of whom were actually in favour of African unions in principle but who proposed that tight control of the unions was the best way to handle an undesired and undesirable situation. In terms of the evidence heard it was the 'middle path' between the two extremes of total prohibition and full recognition and as such was predictably criticised by those who recommended these other courses of action.

The South African Trades and Labour Council (SATLC) for example claimed that the Commission, by its proposals, aimed 'to divide the Trade Union Movement, intensify race prejudice, isolate the Africans from the European workers, and muzzle the African organisations.' (48) The SATLC dismissed as nonsense the fear that recognition of African unions would lead 'to the disappearance of Europeans as a separate race, and of European civilization in Southern Africa.' It asked how there could be collective bargaining if employers were free to refuse to negotiate and when workers were debarred from striking, and warned that the emasculated, disunited and rigidly controlled trade unionism envisaged by the Commission would not take root nor satisfy the African. (49) The SATLC rejected the recommendations as it saw the aim of the Commission to divide and devitalize the whole trade union movement.

The African unions were just as firm in their rejection of the Commission's recommendations. CNETU declared that the recommendation to divide trade unions into racial components was an attempt to weaken the whole trade union movement and to render it powerless to use its main weapons of collective bargaining and the right to strike. It argued that the recommendations in the Report were not intended for control but for rendering African trade unions innocuous and also condemned the Commission for denying trade union rights to sections of workers who worked in appalling conditions and who were the most exploited, namely those in mining and agriculture. (50)

However employers in secondary industry were mainly in favour of the Commission's recommendations for limited recognition:

It should be remembered that the degree of industrial consciousness achieved by the Native workers today is somewhat rudimentary and therefore full recognition of Native trade unions with full bargaining powers is too precipitate an action. (51)

The feeling of many employers was that 'de jure' recognition should be given to African unions since a number of official bodies such as the Wage Board heard representations from them. The representatives of industry had been the ones pushing hardest for a circumscribed recognition of African unions for they felt that this would be the best way to control their workforce and ensure industrial peace. The Commission had also agreed with their reasoning that it was better to extend limited recognition to prevent the emergence of underground organisations. As most of industry's recommendations were complied with, it had reason to be satisfied with the Report of the Commission.

Basically the Commission had come to its conclusions because it had heard most of its evidence in 1949 and 1950, years when the African unions still posed a considerable threat to productivity and stability, where there was still industrial strife and continuing serious urban unrest. At that time as well agriculture had not yet come to the fore as the dominant interest group as it was still preoccupied with its problems in obtaining an adequate labour supply.

Thus the Commission supported secondary industry in its opinion that the best way to deal with the unions was to give them limited support. By the time the Government was ready to introduce legislation in 1952/3 the situation had changed. The reasons why the Government refused to accept the Botha Commission's recommendations as a means of controlling the African unions will now be dealt with.

THE STATE OF THE FIFTIES

It seems that the first fundamental reason why the Government refused to extend any recognition to African trade unions was the fact that by the early fifties the threat posed by the trade union movement had largely dissipated. At the end of 1945 CNETU claimed to represent 119 unions with a membership of 158 000 (52), and African unions were at the peak of their power. However, after the War it was more difficult for the unions to obtain higher wages either through the Wage Board or through the compulsory arbitration provided for under War Measure 145. There was a decline in industrial production as the wartime boom slowed and industry could not absorb all the Africans streaming into the urban areas in search of work, so causing a considerable pool of unemployed. The postwar recession and the fact that there was no longer relatively full employment affected the strength of the African unions. Employers were no longer as amenable to trade union demands as their dependence on their workers declined. Consequently many of the rank-and-file became discouraged and lost interest in the unions when they saw that no benefits were forthcoming. Others determined to strike for higher wages, thereby exposing themselves to the heavy penalties contained in War Measure 145 and also to the danger of unemployment as the unemployed workers constituted potential strike-breakers. This was reflected in the steady decline in strikes in the late forties and early fifties.

1946 - 54 strikes by African workers

1948 - 44 strikes

1950 - 33 strikes

Whereas in 1947 losses in wages had amounted to £1 800 000 this had dropped to only £13 000 by 1951.(53)

Not only were economic conditions becoming more unfavourable for the African trade union movement, but with the coming to power of the Nationalist Party in 1948, their problems in the political arena were also intensified. In 1950 the Suppression of Communism Act was passed

which authorised the Minister of Justice to prohibit any listed Communist from holding office and taking part in trade union activities. Communism was so widely defined that many trade union leaders were affected. In May 1952 the Minister sent letters to a number of trade unionists and leaders of non-European organizations such as Kotane, Dadoo and Marks, ordering them to resign from their organizations and confining them to their provinces. (54) Some of the most capable and efficient leaders of the African unions were removed, seriously affecting the running of these unions. The unions were also harrassed by the passing of the Group Areas Act in 1950 which established machinery for the segregation of all races by removal and resettlement, as many unions which had offices in white areas were forced to move.

Clearly the Government had swung onto the attack in an attempt to weaken the African trade union movement, and this attack had a serious effect on the unions.

In the memorandum which CNETU submitted to the Botha Commission in the late forties, it claimed only 2 206 African members in 9 unions the largest of which, the African Food and Canning Workers Union, represented 736 workers. (55) The Commission itself was definitely of the opinion that the African unions had suffered a severe setback since the end of the war. The Commission found that approximately 66 African trade unions had become defunct and gave the following estimation of total paid - up membership of African trade union as at 31st March 1950. (56)

TABLE 1

AREA	MEMBERSHIP
Pretoria	250
Witwatersrand	12078
Durban	1686
Cape Town	2028
Port Elizabeth	604
East London	500
Kimberely	-
Bloemfontein	150
Total	17296

The difference is striking when one examines CNETU's membership just a few years earlier in 1945. (57)

TABLE 2

AREA	NUMBER OF UNIONS	MEMBERSHIP
Johannesburg	50	80 000
Pretoria	15	15 000
Bloemfontein	10	5 000
Kimberely	5	3 000
East London	10	15 000
Port Elizabeth	19	30 000
Cape Town	10	10 000

From a membership of 80 000 in 1945, unions in Johannesburg had declined to only 12 000 members in 1950.

(see Table 1) (58). The decline in African unions can perhaps also be seen in the fact that there were only 4 African unions affiliated to the South African Trades and Labour Council in 1949 and the affiliation fees from no less than 10 unions were written off. (59)

The unions were further weakened by the split in the South African Trades and Labour Council on the question whether to accept African unions as affiliates. In October 1951, 16 unions with a membership of 80 000 broke away from the Trades and Labour Council to form the South African Federation of Trade Unions which refused to accept the membership of African unions. (60)

The African unions were thus deprived of the help and guidance of the registered unions, a factor which contributed to their decline. The fact that there was no longer a united labour front in favour of extending recognition to African unions probably strengthened the Government in its resolve to proceed with alternative conciliation machinery.

Lewis has maintained that the State's 'offensive' in the early fifties 'had succeeded temporarily in choking off the growth of the African union movement.' (61) From the above analysis it could be argued that the African trade union movement was already on the decline by the

end of the forties and was in such a weakened state that it posed no substantial threat to the dominating classes. By the time the Government passed its labour legislation it was confident that it could maintain control and ensure industrial peace not through conciliation and the limited recognition of African unions, but rather through repression and the setting up of alternative machinery to replace the trade unions. It seems clear that one of the fundamental reasons why the Government was free to pursue this course was precisely because the unions were in no state to pose any substantial challenge. In fact the 'offensive' against the unions could only succeed because they had already declined.

There is no doubt however that Government action did aggravate the situation, and this action was facilitated by the fact that there was a movement towards a more unified and stable power bloc.

With the coming to power of the Nationalist Party in 1948, secondary industry lost its tenuous hegemony and agricultural capital moved into a hegemonic position. This is shown most clearly by the fact that the crucial point of conflict within the power bloc, the allocation of African labour between rural and urban areas was finally resolved in the early fifties in agriculture's favour. During the forties there had been some relaxation of the pass laws and also a failure by the authorities to maintain an effective registration system. The Smuts Government was not prepared to control the drift to the towns by Africans that was denuding farmers of their labour supplies. One of the first things the new Government did was to set up labour bureaux for a better distribution of African labour and to ensure an adequate supply for agriculture. Attempts were made to channel surplus and 'undesirable' Africans back to the rural areas. The key legislation in this regard was the 1952 Native Laws Amendment Act which divided the African population into two groups, agricultural and industrial. It instituted labour bureaux and controlled both migration and influx into urban areas. The whole process was one of 'canalising' labour.

However it is important to realise that the Government by no means intended that industry be starved of labour.

It did not want to limit industry's growth in any way but instead of permitting the reserve army of labour to be situated in the urban areas themselves as was the case in the forties, it would be placed in the rural areas and a more efficient system of labour allocation would ensure that the needs of each fraction of capital were met. In the Parliamentary debate on the 1952 Act the Government reiterated that the authorities would not reduce industry's surplus to a point at which it would suffer.

Thus apartheid can be seen as a system of conflict resolution between different sections of capital and as a means of reconciling labour needs through state intervention. Industry's labour requirements would be ensured but not at the expense of other fractions, and it would no longer have an unlimited reserve army in the urban areas. Rather, its surplus unemployed population would be cut so that agriculture too could progress. In the view of the Government no one need suffer - all could be satisfied without harming the interests of others.

In 1954 in an address to the Executive Council of the Federated Chamber of Industries Dr Verwoerd, then Minister of Native Affairs declared:

There is one point I would like to stress most emphatically. I think we are all agreed that we do not want to stop the economic growth of South Africa - not even for a period. (62)

In fact, in certain respects the policy of the new Government was even to industry's advantage. The potential danger of concentrated masses of unemployed Africans in 'white' areas would be removed and labour power could be cheapened through the constant danger of the unemployed being 'endorsed' out. Thus even though some policies were against industry's interests eg. under the Native Services Levy Act, all industrial employers had to pay a levy to provide services and transport for African workers and considered this discriminatory, on the whole, it could support Government policies.

Now clearly it was not in agriculture's interests to have a large settled urban proletariat organized in trade unions which pushed up the cost of labour power in industry and which ultimately, through competition, threatened the cheapness of farmworkers. Therefore the Government, brought to power by a coalition of capitalist agriculture and that portion of the white working class threatened by the rapid increase of African workers in secondary industry, was not likely to be sympathetic to African unions. In addition when industry, realising that its labour supply would not be threatened, and that the Government was succeeding in controlling the African masses not through conciliation but through repression which also ensured a cheap labour force, it began to drop its demands for trade union regulation. In fact it expressed support for the 1953 Bill, for it found that it no longer had to accommodate powerful and uncontrolled African unions and that industrial unrest was being adequately suppressed by the policy of the new Government. Thus, a united and cohesive power bloc was in a very strong position to resist all demands for recognition and to pursue its own course of weakening and ultimately removing African trade union participation in industrial relations.

The unified power bloc did not only aid the Government as it moved against the African unions but also helped in the successful implementation of its wider strategy of a general political offensive against the dominated classes. Government policy towards the unions therefore should be seen as part of a determined effort by the Nationalists to crush all opposition, and as such it must be situated in the broader framework of Government action at the time. Political reasons clearly played an important part in the decision to exclude African unions from the 1953 legislation.

It must be remembered that when the Nationalist Party came to power in 1948, the country was in a state of unrest and unresolved conflicts. The urban black proletariat was still rapidly expanding, overcrowding African townships and sprawling onto private land where they erected temporary shelters in illegal squatter camps. From these squalid, unsettled conditions,

aggressive restless stirrings emerged. African resentment rose against inadequate housing and transport, the rising cost of living and low wages. The pass laws, early morning liquor raids and apartheid signs at railway stations and other buildings aggravated the situation.

In the face of all this unrest the Government's approach was to try to contain the disturbances by force and to institute a harsher policy of repression. Racial discrimination was rapidly entrenched and many of the hesitant gestures of reform initiated by the Smuts government were abandoned. The project designed to train African artisans for the construction of African housing was stopped, African school feeding schemes were checked, the requirements for pass exemptions were raised and Africans were excluded from the unemployment insurance funds. (63)

The 1952 Native Laws (Amendment) Act gave administrators increased powers to 'endorse' Africans out of the urban areas and the Bantu Authorities Act of 1951 did away with the Native Representative Council and attempted to revive the tribal authority of the chiefs. The Minister in charge of the Law and Police summed up the whole approach of the Government when he declared:

I can assure you that I have put my foot down and have decided to stamp out all violence from whatever side it comes. (64)

To show that he was in earnest the leftwing newspaper 'The Guardian' was banned and Sam Kahn, one of the Native Representative was removed from Parliament in May 1952 on the grounds that he was a Communist.

However the key event in the early fifties which indicated African frustration and anger, and which also showed how the Government was determined to react, was the Defiance Campaign of 1952. This Campaign actually had its roots in a change in the whole philosophy and approach of the African National Council (ANC) since the mid-forties. The most important source of these new ideas was the Congress Youth League (CYL) founded in 1943 and committed to the concept of 'Africanism'. It believed that attempts at mass protest, boycotts and passive

resistance would eventually create the basis for mass support. Leading League members began to move into positions of national responsibility in the ANC as in the face of growing social and political grievances moderate congressmen reluctantly came to see that there was no alternative but to accept the methods of protest being advocated. There was a realisation that African extra-constitutional political power would be necessary to induce reforms. In 1948 Congress, with the CYL in the forefront, finally endorsed a 'Programme of Action' and accepted the need for non-collaboration in the Native Representative Council (NRC) and the systematic use of passive resistance. Thus, with the advent of the Nationalist Government in 1948, there was a definite move away from constitutional politics such as support for the NRC and the Native Representatives in Parliament towards non-collaboration and mass action and a reliance on the political power of the African people. (65)

The Youth League now intended to exercise real influence in the National Executive. The new Executive appointed a Council of Action in February 1950 which then moved hesitantly towards the implementation of non-collaboration and mass action. The closer ties established between African and Indian leaders by the so-called 'Xuma-Dadoo' Pact in 1947 were strengthened and in an attempt to avoid a recurrence of the 1949 Durban riots, the African and Indian Congresses moved towards greater co-operation.

This was the general background which preceded the passing of the 1953 legislation which failed to recognise African trade unions. It is obvious that this state of unrest influenced the Government in its action for, as had already been indicated, the Minister of Labour specifically mentioned CNETU'S support for the Defiance Campaign as a reason for non-recognition, when he spoke in the Parliamentary debate. While there was no organised movement among African unions to take part in the Campaign a number of African workers were among the thousands who were arrested.

In the troubled atmosphere of the time, the Government certainly had no wish to strengthen the opposition to it by granting recognition to the African unions and thereby perhaps giving the ANC a powerful and legal ally. The Government feared that the Campaign would be carried

forward by the factory workers and it would not allow an organized working class to become part of the growing political challenge facing it in the early fifties, a challenge begun by the new spirit within the ANC, one of non-collaboration and defiance.

It was stated in Parliament that if the Botha Commission had submitted its Report after the Campaign, it would not have recommended the recognition of the African unions, and clearly the political dimension played a crucial role in the non-recognition of the unions.

These seem to have been the main reasons why the recommendation of the Botha Commission were rejected and alternative machinery was set up in the 1953 Act to take the place of the African unions.

FOOTNOTES

1. *Industrial Legislation 1948 - 1951 Evidence* (Hereinafter referred to as Botha Commission Evidence). Housed in the Department of Historical & Literary Papers, University Witwatersrand Library (UWL) Memorandum No. 169 p 50.
2. *ibid* p 52
3. *ibid* p 54
4. *ibid* p 56
5. *ibid*
6. *Botha Commission Evidence* p 12654 & 12655
7. *ibid* p 12656
8. *ibid*
9. *ibid* p 12654
10. *ibid* p 8616
11. *Botha Commission Evidence Industrial Employers Association Memorandum No 112* p 6
12. *ibid* p 12
13. *Botha Commission Evidence* p 5567 & 8619
14. *ibid* p 8711
15. *Botha Commission Evidence Chamber of Mines Memorandum No 40*
16. *ibid*
17. *ibid*
18. *Botha Commission Evidence* p 9510
19. *See the South African Labour Bulletin VOL 1 No 7* p 13

20. *Botha Commission Evidence*, South Africa Agricultural Union Memorandum No 153, point 29
21. *ibid* point 44
22. *Botha Commission Evidence* p 8651
23. *ibid* p 999
Translation: The Natives in the cities come from a group which stands at the opposite side. We ask how can they be brought into the same labour organisation. This is completely impossible (-Ed.)
24. *ibid* p 5665
Translation: A trade union stands knee deep in political life - from trade unionism to politics is just a step.
25. *ibid* p 5674
Translation: Disband them - with the power of the state.
26. *ibid* p 7606
27. *ibid* p 7616
28. *ibid* p 7022
29. However there were some dissenting voices. As one official declared: Soos ek die naturel ken - laat hy net more 'n hoer loon wil kry & sy baas jaag hom weg en dan praat hy met die ander en dan net wat hy vir die klomp se - dis net "Jo'. Jo'." en almal stem saam. Ek se enige organisasie of vakunie moet verban word.
Botha Commission Evidence p 7028
30. *Botha Commission Evidence* p 4287
31. *ibid* p 9584 & 9585
32. *ibid* p 1462
Translation: That Africans would become permanently established in White areas.

33. *ibid* p 4065
34. *ibid* p 9819
35. *ibid* p 2960
36. *Report of the Industrial Commission of Enquiry* UG 62/1951 (Hereinafter referred to as Botha Commission Report) para 1556
37. *ibid* para 1593
38. *ibid* para 1615
39. *ibid* para 1621
40. *ibid* para 1625
41. *ibid* para 1627
42. *ibid* para 1711
43. *ibid* para 1714
44. *ibid* para 1797
45. *ibid* para 1820
46. *ibid* para 1846 & 1847
47. *ibid* para 1692
48. TUCSA Records, SATLC File 1949 'Recommendations by the Industrial Legislation Commission for the Separate Trade Unions for the Various Races and African Trade Unions' p 5.
49. *ibid* p 7
50. TUCSA Records, SATLC File 1949 'Report of the Subcommittee of the Council of Non-European Trade Unions on the Industrial Legislation Commission of Enquiry Recommendations' p 7 & 8
51. Houreld V.L. 'Trade Union attitudes to the ICL proposals' *Industrial Review*, Vol 3, No 9. April 1952, p 39

52. *Botha Commission Report* para 1468
53. *House of Assembly Debates* Vol 82, 1953, Col 1575
54. Bunting B Moses Kotane, *South African revolutionary*, London, Inkulukeko Publications, 1975
55. TUCSA Records, SATLC files. Memoranda: Affiliated Unions. A 646/Dd i U.W.L.
56. *Botha Commission Report* para 1500
57. Quoted from Lewis D 'African trade unions and the South African State 1947 - 1953' (unpublished article)
58. Also see Stein M, *African Trade Unionism on the Witwatersrand, 1926 - 1940* Johannesburg, Witwatersrand University, 1976, Dissertation: B.A. (Hons) p 92, where he claims that in 1954 there were 26 surviving trade unions on the Witwatersrand with a paid-up membership of 12 596
59. TUCSA Records. SATLC files. Minutes: Annual Conference, NEC A646/Dd19 Annual Report and Balance Sheet presented to 19th Annual Conference, East London, April 1949.
60. Simons H.J. & R.E. *Class & Colour in South Africa 1850 - 1950* Penguin, 1969, p 94
61. Lewis D. *African trade unions* p 39
62. 'Government Policy with regard to the Native in Industry'. Dr H.F. Verwoerd, *The Manufacturer* July 1954, p 25
63. Walshe P *The Rise of African Nationalism in South Africa 1912 - 1952* London: Hurst, 1970 p 287
64. *The South African Outlook* Vol 82, September 1952, p 129
65. Walshe P *African Nationalism* p 188

EXTRACTS FROM THE REPORT OF THE INTER-

DEPARTMENTAL COMMITTEE OF INQUIRY

INTO RIOTS ON THE MINES IN

THE REPUBLIC OF SOUTH AFRICA

The Government report of the Committee of Inquiry into riots on the South African mines has only recently surfaced in South Africa. It had previously been withheld from public view since its presentation to the government in March, 1976. The Committee was constituted on 13 March 1975 following a year in which unrest on the mines had been widespread culminating in the resistance of Sotho miners to the Lesotho Governments deferred pay scheme implemented early in 1975. The terms of reference of the Inquiry were: "To determine the Underlying causes of the riots on the mines and to recommend steps to prevent them". At the time at which the Commission began its investigation, the Bulletin published an article: "The Mine-workers Struggle" (Mike Kirkwood SALB Vol 1 No 8) in which it was argued from the fragmentary press coverage immediately available that despite the apparent surface features of much of the rioting as being faction - fighting there were strong indications that the unrest was generated primarily by worker rejection of their total working/living conditions on the mines. The phenomenon of inter-ethnic conflict, given such emphasis by the press was in many cases a secondary feature resulting from the failure of different groups of ethnically housed workers to achieve solidarity on work related issues. In this issue (Pg 66) we publish a short note on evidence in the Maseru archives from as early as 1914 which indicate that even at that stage supposedly tribally based conflict was closely related to rejection

by workers of aspects of their working conditions and not simply a manifestation of inter tribal conflict.

The Commission of Inquiry proceeded to obtain evidence of the immediately preceding year's events on the mines from police reports, reports from the managements of the mines affected, from top officials of major mining houses, the Chamber of Mines and from a fairly broad spectrum of specifically selected political and academic figures who were felt to have "a material interest in the matter". Evidence was solicited from the general public and through interviews on an "informal basis" from "Bantu witnesses (who) were encouraged to talk freely by assuring them that the information given by them would be regarded as confidential". It appears however that with few exceptions little information "concerning the riots was gleaned from Bantu witnesses".

When the commission drew up its report it dealt with the evidence in two parts viz. (a) "Determination of the underlying causes of riots" and (b) "steps recommended to prevent them". Much of the argumentation in the report does not however divide strictly under these broad headings and the following extracts are presented in order to illustrate particular themes reflected in the report and not their order of presentation.

THE POPULAR ANTHROPOLOGICAL APPROACH:

Where the report makes direct reference to "theoretical" works which are seen to have a direct bearing on the question of the underlying causes these are all to works of what we would refer to as "popular anthropology". The limitations of these perspective have been dealt with in greater depth in a previous issue of the bulletin (David Webster: A Review of some "Popular Anthropological Approaches to Understanding Black Workers - SALB Vol 3 No 1). Here we present them without further comment that a note that they reflect a conservative ethnological orientation which remains widely held by South African management even in manufacturing industry where ideas are generally more progressive. (see Liaison Committee Notice (Pg 80) .

In considering the question of the underlying causes the Report has the following to say:

It is probably unnecessary to stress that this grouping or banding together is not peculiar to the Black mineworker. It is a phenomenon that occurs among all races and a study of the history of Bantu tribes from the days of Chaka will reveal that in the case of the Bantu this faction-forming has its origin in fear or a feeling of insecurity which leads to violence. This fear is passed from generation to generation and is ingrained in most Bantu tribes. Despite the influence of the White men, civilization, religion and Western standards, the tendency to become violent, where tribal differences are involved, is practically spontaneous. The ethnologist and Bantu expert, Dr. van Warmelo, stated inter alia, that the Southern Bantu tribes (Xhosa, Basotho, etc.) are particularly inclined to become violent and that they even regard fighting as a form of recreation. Here it is worthy of note that in most of the ethnic clashes the participants were Xhosa and Basothos. Some regard the feeling which has arisen among the ethnic groups as a feud but the Committee does not necessarily view it as a form of enmity. Tribal members, however, are closely bound by traditions, customs, etc., and as soon as something occurs to affect a tribal fellowman, the tribal feeling comes to the fore and the tribe will then either defend or revenge its colleague. The ethnic differences among Bantu tribes still exist and tribal fights do not occur on the mines alone but wherever Bantu of one ethnic group come into contact in large numbers with Bantu of another ethnic group or tribe. A tradition has probably also arisen among Black mineworkers and tribal fights are indeed a phenomenon of long standing on the mines, although it does seem that this activity has recently increased or perhaps it today enjoys more attention.

In dealing with how to overcome the problem of "Ethnic Difference" the Report draws the following conclusions:

(1) ETHNIC DIFFERENCES:

It is our considered opinion that these differences will not be effaced in the foreseeable future and consequently incidents between members of different ethnic groups, or tribes, will continue to occur and will readily lead to further riots unless real and immediate measures are taken to suppress them.

In this connection we quote from Dr. Peter Becker's book "Tribe to Township". On page 177 he says: "A tribal environment is invariably conducive to superstitious beliefs and magical practices, both good and malevolent. The reasons are varied and manifold, but basically they stem from insecurities experienced by tribal man as a result of his reliance for survival on the elements of nature as a whole, and the shades of the dead in particular. Although kind, hospitable and basically happy, tribal man, sensitive as he is to situations that kindle flames of doubt and fear within him, is often slave to emotion. Those of us who are insensitive to similar situations are likely to find him complex and difficult to fathom.

The crux of the problem is tribal man's belief in insidious forces of evil. For however God-fearing he may be, or however assiduous his belief in the perpetuity of life, he can never really find peace of mind while he also persists in believing that much of his destiny is in the hands of diabolic influences poised to destroy him".

This fear of destruction may conceivably be tempered by the convening of tribal meetings, say at quarterly intervals. At such a meeting, one ethnic group exclusively would be allowed. Here then opportunity could be given to discuss and promote the interests of that ethnic group and so to create the opportunity for its members to discuss these fears and in this way rid themselves of their emotions. Meetings of this nature must, of course, be arranged for each separate ethnic group. At the meetings a better understanding between groups can also be propagated.

THE MIGRATORY LABOUR SYSTEM

The Committee dealt extensively with measures to make adaptations to the migratory labour system. Though accepting this was the crux of the problem recommendations were limited merely to adaptations because:

"It is our view that it is the migratory labour, per se that is creating the problem (of unrest) but it is a system which has been in existence for at least 75 years and, at this juncture, there does not appear to be any practical alternative".

HOUSING OF WORKERS

Having accepted that the migratory labour system "will be with us for years to come as we are unable to do

without it" the committee also came to the conclusion that in general compounds and hostels were being made as "comfortable and pleasant as possible" by the mines in order to "fulfil the needs of the Black workers" whenever possible. That consequently there "are truly very few complaints over housing, facilities and conveniences, etc". This would appear to fly in the face of at least some of the evidence from the riots, for as was noted by one reporter in the case of the riots at Vaal Reef: "In the aftermath of hatred the well appointed community recreational facilities and welfare centres were hardest hit no one knows for what reason".

Though workers may not complain during normal times it is fairly clear that for them even the most advanced compound conditions remain something which is linked to the totality of their experience and that in times of crisis these were selected as objects for symbolic destruction (see SALB Vol 1 No 8 Pages 3,5-38) for a detailed analysis of this aspect of the riots) The most extensive possible alteration of the migratory labour system which the committee recommended was that the state consider allowing the mining authorities facilities for:

The provision of more married quarters for key mineworkers on mining property: or the provision of more married quarters in municipal Bantu townships in the vicinity of mines, or, where it is possible and practicable, the construction of a Bantu townships, within a mining area, which will be able to serve several mines under control of a Bantu Administration Board.

In this manner an attempt can be made to build up a source of labour with a tradition of sustained and loyal service to a mine.

The question arises: "What happens when the mine is worked out?", for then the authorities will be landed with an established community - housed but without work. This, however, does not appear to be a problem in connection with the establishment of a White township.

According to the Managing Director of the Gold Division of Anglo American, the process, at all events, will be a gradual one with the younger workers being transferred to other mines. As for the older employee who is close to retirement, the group envisages the

institution of a fund which will provide for the establishment of the old worker and his family in his own homeland. We believe that in general there ought really not to be a problem: Should no industries be established to make good use of the facilities, more and more housing will be needed for the Black workers of the surrounding cities and towns and negotiations with the relative Bantu Affairs Administration Board can be put in hand for the efficient use of houses that are vacated. We believe, at all events that the matter should be carefully examined and discussed by the Chamber of Mines and the Department of Bantu Administration and Development, as well as other likely interested parties.

RECRUITMENT:

The Committee was clearly perturbed by the effect of political developments in foreign neighbouring territories and had the following to recommend.

RECRUITING OF R.S.A. LABOUR:

Approximately 70% of Black mineworkers are from outside the Republic and although it can reasonably be anticipated that with a more intensive recruiting campaign within the Republic this percentage will diminish, we must accept that for many years to come we shall still be dependent, to a large extent, upon migrant labour from outside the Republic. We are not happy, however, to leave the position as it is without further ado, and suggest that the mines, with the aid of the State, do all in their power to attract more R.S.A labour to the mines. In this regard we also have the following measures in mind.

1. BY THE MINING INDUSTRY:

A more intensive recruiting campaign throughout the Republic including the Homelands. With the large and inexpensive sources of labour outside the Republic which have been readily available to the mining industry down the years, we feel that attempts at recruiting within the country have been neglected. It is high time that this state of affairs be put to rights.

2. BY THE STATE:

The removal, as far as possible, of obstacles in the recruiting efforts. We realise that the interests of other

concerns, such as Iscor, the farmers, etc., have to be taken into account and are aware that problems are involved here. We naturally accept that the State will consider everybody's interests and also determine its own priorities, but, in the interest of the mining industry and the country's economic and political stability, we wish to plead that attention be specifically given to the problems which are peculiar to the mining industry as a result of the migratory labour system. We feel that the erstwhile ratio of relationship of 23% - 77% which has latterly been improved to 30% - 70% should now be pushed up to 50% - 50%. In this connection, the Transkei and other homelands are seen as part of the Republic.

It is notable that by March 1978 these recommendations had been effected and that 53% on the mine labour complement was from the R.S.A. and Homelands .

POLITICAL AGITATORS:

On the question of agitators in the 1973-75 events and the future threat of political agitation and need for security the committee noted the following:

POSSIBLE SECRET POLITICAL CONSIDERATIONS:

Our investigation produced no direct proof that the riots were politically inspired or organised by agents of other states or foreign organisations, but, as already mentioned, the Black worker is aware of what is going on around him, and of events elsewhere in Africa and in the World. He is subject to many influences such as for example, the political thoughts of the O.A.U. and allied states, radio propaganda from everywhere, including certain neighbouring African states and the Communist countries (Exhibit EK), the doings and political utterances of leaders of the neighbour-states and the homelands, and he is becoming more and more aware of himself and the important part that he plays in the mining industry. He is aware of the enhanced gold price and that the industry is dependent on him and is very vulnerable - seen from the labour view point. We must constantly bear in mind that the Black worker himself is very susceptible to communist influences and that everything possible has to be done to protect him from those influences.

We must reasonably expect that as propaganda is stepped up, the Black workers, having their own problems, ideals and aspirations, will co-operate to an increasing degree to realise their political aspirations.

The rapid taking-over of Mozambique by Frelimo, which according to reports is inclined very much to the Left, and the Leftish military government in Portugal (where but 12% of the population is Communist), must surely be a good lesson to us and a clear indication that neither the industry nor the state can feel too much at ease.

The Committee accepts on probabilities, that the Basuto Congress Party (B.C.P.) played a rather important part in connection with the riots after the institution of the compulsory deferred pay scheme of the Lesotho Government, but we are reasonably satisfied that the action of the B.C.P. was not aimed at the Republican mining authorities but only at the Government of Dr. Leabua Jonathan. As one witness expressed it:

"They are fighting their political battles on the South African mines."

Reference to the Anglo American report in connection with the riots on its mines (Exhibit CE - pages 54 - 56) will reveal that mine management was concerned about the role during the riots of a certain Danial Ramotsetjoa, alias Mokimel, alias Kimberely - Reference Book No. 3522492. He is understood to be a Msotho/Xhosa, born in Herschel and employed on the farm Bloukrans, the property of a certain Mr. Schutte. The mine concerned was Vaal Reefs South. Mine Management had good reason to believe that the person was definitely concerned with the riot in one of its compounds while apparently being employed by the State as an informer - and seemingly protected. We accept that the South African Police and the Bureau for State Security (B.O.S.S) are well informed as to the role of this particular person and also the role of the B.C.P. in Basotho politics on the Mines.

The Committee assumes that B.O.S.S. and the Security Division of the S.A. Police, are continually on the lookout for secret or underhand political activities which, in the nature of things, would not normally be disclosed at our investigations. We accept that with the passage of time (if it is not already happening), agitators (communistic or otherwise) and terrorists from outside the country will attempt to be adsorbed as part of the migrant labour force taken up by the mines, and that the authorities are on their toes for such infiltration. We would pertinently refer to the speech by the Tanzanian Minister of Foreign Affairs (Exhibit FC - Sch. 7), at Dar-es-Salaam on 9th April, 1975, during the conference of the O.A.U. and also Bob Hitchcock's book

"Bwana Go Home" - Chapter VIII.

These documents sketch very clearly, what we may expect in the future especially that the Republic is the final objective of the terrorists. Said with due respect, the State and the mining industry, which is so vulnerable, will constantly have to be on their guard.

We feel that recruiting agents or organisations can play a tremendous part, in co-operation with the security sections of the mining industry and of the State, in picking recruits on a very strict footing. This is of special importance insofar as migrant labourers from Mozambique are concerned, who, although they have heretofore been regarded as exemplary labourers will, from now, on be under considerable pressure and political influence. This particular source of migrant labour is especially exposed to infiltration by terrorists. We also wish to refer to the outbursts of certain political leaders in the homelands. Better understanding with the homeland governments involved and their leaders is of the utmost importance.

DISSATISFACTION IN CONNECTION WITH WORKING CONDITIONS:

Throughout the committee's overriding analysis of the riots was that they were a product of inter ethnic conflict and not an expression of industrial conflict between workers and management. They have the following to note about dissatisfaction with Working conditions:

This type of dispute should never give rise to violence. We feel that the sort of dissatisfaction which has led to the perpetration of violence in the past, may be effaced to a great extent in the future, if attention is given to the following proposals:

- (1) There should be a reasonable measure of uniformity of wages maintained in the mining industry.

(aa) LABOUR EVALUATION:

Labour evaluation has possibly not enjoyed sufficient attention in the past. Consequently there are a mere 6 wage groups which have to cover at least 30 types of work. It is recommended that a wage payment be linked with a particular kind of job which would have warded off dissatisfaction of the kind that led to riots at Western Deep Levels where no less than 12 persons were killed

because team leaders suddenly received more money than the labourers drilling holes for blasting.

(bb) FIXED AVERAGE BASIC WAGES FOR THE SAME WORK AT ALL MINES:

It is amazing to learn that a well organised industry such as mining, where most companies are members of the Chamber of Mines, has not long ago already paid the same basic wages for the same kind of work.

It would appear that there is a certain measure of competition between the various mining houses to acquire sufficient labour in this manner. Two of the most serious riots took place in the Orange Free State during the past 18 months because the pay scales on two of the mines were very much lower than those on neighbouring mines. It is understood that the Chamber is now endeavouring through its members, to fix a basic minimum wage-scale for certain work.

It is recommended that the mining industry be encouraged, as far as possible, to pay the same basic wages for the same work. It is a fact, though, that working conditions are not the same on all mines, e.g. deep and shallow mines, hot and cool mines. To solve this problem a bonus system could be employed to compensate for the differences.

(11) An effective system of communication must be maintained.

(111) As far as is practicable, the announcement of wage increases should not be made in advance.

INDUSTRIAL RELATIONS:

With respect to the need for better "communication" and the structure of supervision of the mines the committee having considered the role of compound managers turned to the question of "communication" on industrial issues:

(11) COMMUNICATION:

The Chamber of Mines made available, inter alia. the communication systems of the various mining groups. (Exh. ES - Sch. 41). We are not in a position to say that a particular system is better or poorer than another and, generally speaking and with few exceptions, the lack of communication was not a cause of riots.

We wish, however, to stress the following aspects:-

- (aa) There must be adequate machinery for the worker to approach the compound manager with his grievances, in all candour. Sight must never be lost of the fact that the black worker does not have an effective canal of communication along which he can put his case, this by itself can contribute to frustration. A big responsibility rests on the State and the mining industry to see to it that the black worker is treated in all fairness, that there are discussions with him, that his complaints are heard and that he is given the opportunity to negotiate with management.
- (bb) The part of the induna must be revised. As the greater majority of migrant labourers are tribal Bantu, the induna can and must play a useful role but the fact must also be taken into consideration that times are changing fast, very fast, and that because mine wages have been raised considerably, a more educated and sophisticated type of worker will be attracted to the mines. This type of worker does not always have much respect for the traditional tribal induna and does not really understand his role - more especially, if the induna, as is often the case, has little or no scholastic training. We find ourselves in a period of transition and while the induna still has to play his part, more modern and efficient standards can be set in the election of indunas. The induna could perhaps gradually be replaced by a person with another title, but we doubt that this is necessary. The title "induna", after all, ought still to be associated with authority and respect.

The duties of the induna should be clearly prescribed so that he, the worker and management know precisely what is expected of him. At this stage in time, he is the senior representative of his tribe and simultaneously its policeman: this is an anomaly.

However it may be, it is still extremely important that an honest, dignified, responsible and honoured person be appointed as induna, and that he be continuously trained for his task.

- (cc) (1) Although the induna system exists everywhere there are nevertheless various though differing additional or supplementary committee systems either adopted or under consideration by mining groups and which are really still in the experimental stage.

- (11) The institution of liaison or other representative committees meets with our approval and we feel that this will contribute towards improved communication. Communication must not merely be transmitted, it must be understood and there must be reaction to it: there must be a continual feed-back.
- (111) The Bantu Labour Relations Regulation Act, 1953 (Act No. 48 of 1953) is, in terms of section 2(2) of the Act, not applicable to Bantus in the service of gold and coal mines. In accordance with section 2(3), however the provisions of the Act may be made applicable to the gold or coal mining industry in any area, by Proclamation of the State President. When this matter was raised at the time, the President of the Chamber of Mines in his evidence said, categorically, that these industries are in an experimental stage and should first be given the chance to find their feet, as it were. The whole matter has been placed under the searchlight by the Chamber and the Mining Groups and there is no uniformity at present, indeed a sub-committee has been appointed by the Gold Producers' Committee to investigate it. The industry at this stage is not satisfied that a formula (for communication) has been discovered, but a serious effort is being made in this connection.
- (1V) It would be undesirable, therefore, to make the said Act applicable, by proclamation, to the gold and coal mining industries which are struggling with the problem of a suitable formula. Time will tell if it can actually be applied and when. It must also be borne in mind, as the President of the Chamber stated in his evidence, that we are dealing here with unskilled migrant labourers who in most cases have come, on a contract basis, from states outside the Republic. The workers are not ripe for a statutory committee system, whether in the form of workers' or liaison committees as provided by the said Act. Were the Act to be applied in this critical stage of trial and climate in these two industries and were it to fail in its purpose, it would occasion a severe setback, insofar as the relevant legislation, generally, is concerned. This is undoubtedly a step which can only be taken, therefore, in course of time, after serious consideration and in full consultation with the two industries. From the evidence gleaned, it is clear that the Chamber of Mines and the various mining groups regard this matter in a serious light and are assiduously attempting to create effective means of communication in one

form or another. There is also no reason, then, why the gold and coal mines cannot institute some committee system such as envisaged by the relevant Act, or of any nature whatsoever.

- (dd) "Fanakalo" as a language medium in the worker situation has proved its worth through the years, although not effectively in all work situations. We have doubts, however, concerning the usefulness thereof in the personnel, hostel or compound situations and there is much evidence to support these doubts. There appear to be limitations especially where contentious wage and other complicated matters are discussed.

Our recommendation is, therefore, that in compounds where workers have problems, these be discussed in the language of the worker by means of an interpreter. In the case of contentious wage or other complicated policy has to be made known, we feel that the best method is to convey it to the black worker in his own language, by way of a circular issued by the manager, directed to every mine worker and posted up in the room he shares with fellow tribesmen, that is to say there will be a circular to each room. All those who can will read the message and those who are unable to do so will have the contents explained to them by their room mates. In this manner there will be direct communication between management and the worker without the unnecessary links of indunas, tribal representatives and room leaders (isibondas).

DISCIPLINE AND SECURITY:

The report deals extensively with the need for greater discipline on the mines and the strengthening of security measures. In the first place the committee saw the need for a "definite disciplinary code to provide for changed circumstances and the repeal of punitive measures concerning labour contracts." An example code drawn up by the committee included provisions which required the establishment of "a central bureau" to be brought into being "so as to keep an effective black list." The committee also noted the Chamber of Mines "is busily engaged on investigating a fully computerised fingerprint system whereby control will possibly be put into practise." These measures were seen as necessary to debar "inciters and instigators" from employment on the mines.

The committee recommended a range of security measures

which it saw as essential because

"Suppression of riots is part of the process of preventing them in the sense that in the event of the suppression being rapid and effective, prevention of the extension of the riots has already taken place."

These included:

- (1) In the first instance hostels or compounds must be so built so planned that in the event of riots the task of the rioters should be rendered difficult while that of the suppressors (compound management, security officers and the S.A. Police) be simplified by the following measures:
 - (aa) Throughout the compound or hostel there must be proper lighting which can be controlled from the outside and which the rioters can neither damage nor put out of order.
 - (bb) Key buildings such as administrative offices, liquor outlets, kitchens, stores, etc., which are customarily targets for rioters must be erected as far as possible, on the perimeter of the compound so that they may be afforded better protection.
 - (cc) The minimum quantity of strong liquor should be kept on the premises, e.g. only one day's normal supply.
 - (dd) Inflammable material must not be kept in the compounds or hostels.
 - (ee) All records, and valuable documents should be kept in strong rooms.
 - (ff) The compounds and hostels should be fitted out as attractively as possible but with the minimum of barricades or the use of material which can be converted into weapons.
 - (gg) Where possible there should be a passable motor road around and through the compound.
 - (hh) Hydrants should be placed as suitable points.
 - (jj) Where possible a changeover should be made from the use of coal to electricity. There is more than sufficient evidence

that rioters made use of coal to assault people and to damage property. Certain of the compounds have already switched to electric power - with good results.

- (kk) Medical services must be at hand at all times.
- (ll) Where possible use should be made of television equipment (and/or video tapes) to identify instigators during riots so that they may be successfully charged later on. Traffic Departments employ a similar apparatus to apprehend traffic lawbreakers and our information is to the effect that the Chamber of Mines is currently investigating this matter.

Having considered the desirability or otherwise of ethnically based compounds and argued that housing arrangements on a work basis would be preferable the report continues:

- (ll) There should be a proper foolproof system of communication in case of emergency, e.g. two-way radios (walkie-talkies) which loudspeakers etc. There should be rooms from which administrative management personnel can continue with safety to exercise control and see what is afoot.
- (lll) There should be provisions, outside the hostels for the incidental safe custodianship (of as short as possible duration) and express removal by or to the S.A. Police of prisoners or threatened persons.
- (lV) As previously stated, every mine should have a properly trained security unit - equipped with all the requisite and modern implements, e.g. patrol dogs, teargas, batons and, where necessary an armoured riot vehicle. The unit should regularly train with units from surrounding mines and with the S.A. Police.
- (V) There must at all times be the closest co-operation and understanding with the S.A. Police who should be informed of the first possibility or suspicion of riots. The vigilance of the mining authorities must be so keen that incidents or possible causes of riots immediately come to their attention and are, as far as possible, smothered at birth. It shall be the duty of management and the security unit to maintain order until the Police arrive. From this stage onwards they will act in close co-operation with and under the command of the police.

- (VI) There must be regular and effective search parties for dangerous weapons in hostels and compounds, under the supervision of a senior White personnel officer. Judging by the number of weapons (many of them large add home-made) removed after raids - in certain instances there were loads of them - it can only be inferred that the searches carried out do not take place with due frequency or in a very effective manner.

We have been assured that the searches are accepted. In the process the mineworker has probably also learnt a thing or two, e.g. how to deceive the investigator.

The Committee duly appreciates that rioters damage property in order to acquire weapons but feels nevertheless that searches ostensibly carried out in the past, have left much to be desired.

SUMMARY AND CONCLUSION:

The committee noted in its introduction that "many of our recommendations are already being effected" That "by taking fitting precautions (some mines ensured the avoidance of a repetition of riots that had taken place." Yet despite this it would appear that though there has not been a repetition of the widespread riots of 1973 - 75 sporadic outbursts have continued. The report leaves the reader with a strong impression that though the seriousness of the problem was realised the commissioners found themselves unable to provide any thorough going solution. Rather, finding themselves in an empass all they could do was to offer a few minor suggestions to alleviate secondary problems resting their main hopes on the tightening of security measures in order more effectively to supress the miners resistance to their conditions.

On 22 May 1978 an outburst at Anglo American's President Steyn Gold Mine caused over R1 million damage and saw 640 miners packing up and leaving for home. The cause of the outburst left mine management puzzled and led the Chairman of Anglo Gold Division D. Ethridge to comment:

"They did'nt attack the administration buildings or the hostels. The violence was restricted to the kitchen and the change rooms. This is odd -

President Steyn is one of the few mines which provides changing facilities of this sort and the rioters were in effect destroying their own clothes". (F.M. 26/5/78.)

Speaking in the House of Assembly in the Labour Vote on 24 May 1978 the Minister of Labour Fanie Botha stated:

"I don't think our thoughts should ever move in the direction that workers from outside the country should have any claim to specific organisation and labour rights in our country." (Daily News 25/5/78).

Mine management remains puzzled, the Government has set itself against rights being granted to migrants. The Commission of Inquiry into Riots on to the mines has achieved no solution.

FACTION FIGHTING, RACE CONSCIOUSNESSAND WORKER CONSCIOUSNESS:A NOTE ON THE JAGERSFONTEIN RIOTS *OF 1914*Terence Ranger*

In the decade before the first world war black workers in South Africa appeared to waste their energies in inter-tribal faction fighting. When such outbreaks got out of hand in the urban location or the mining compound they could give the local administrator or policeman a good deal of trouble. But they seemed to direct African anger safely away from the white-controlled industrial system. For this reason faction-fighting was roundly condemned by nationalist and labour leaders. 'The demon of racialism', proclaimed Pixley Seme as he called for a national Congress in 1911: 'the aberrations of the Xhosa-Fingo feud, the animosity that exists between the Zulu and the Tongas, between the Basuto and every other native must be buried and forgotten...We are one people'. The trade union leader Sidney Bunting rejoiced in black miners proving capable of concerted industrial action in 1920. 'They are now putting aside their tribal differences; they are entering the world-wide army of labour. They are putting aside sticks and assegais and are learning how to with-hold their labour with folded arms.' (1)

Sotho workers appeared above all others to need this transition to race patriotism or to labour consciousness. Seme spoke of them as the enemies of 'every other native'. Before the war they were involved in a series of inter-tribal riots in the South African mining compounds. But having had occasion recently to work through the mining riot files in the Lesotho National Archives, it seems to

*AUTHORS NOTE: This note is based on a preliminary investigation of the "riots" files of the Meseru Archives.

me that it is possible partly to re-interpret this phenomenon. On the basis of this Sotho evidence at least I believe that Seme and Bunting were drawing too sharp a contrast between nationalist and labour unity on the one hand and so-called faction riots on the other. A good deal more seems to have been at stake in some of the Sotho 'riots' than the hatred of the Sotho for the Tembu or the Shangaan.

The Lesotho National Archives files deal with riots in 1907, 1910, 1913 and 1914; no doubt Sotho workers were involved in other such disturbances. The earlier upheavals are thinly documented in the Archives and I have no evidence to challenge the interpretation that they were clashes between the Sotho of Basutoland - called by Compound Managers 'the Moshesh' - and the Sotho of the Transvaal. The 'Moshesh look down on all natives', wrote an Inspector of Native Affairs? 'the Shangaan submits to it and the Transvaal Basuto does not'. (2) The 1913 and 1914 episodes, which are much more fully documented, appeared also to be faction riots, though on these occasions the enemy of the 'Moshesh' were Shangaan and Tembu workers respectively.

The first of these 'riots' took place in the Compounds of the Premier Diamond Mine on November 23rd 1913. At this mine there were some 4 000 'Moshesh' in one Compound and some 1 500 Shangaan in another, though there were some 500 of each resident in the other's Compound. Trouble began when a drunken 'Moshesh' was arrested in the Shangaan Compound by a Shangaan policeman. 'The cry went up among the Moshesh that a brother had been killed'. Sotho workers attacked the Shangaan minority in their Compound and then marched on the Shangaan Compound. White police opened fire on them and killed 3 Sotho miners, wounding 19 others. (3)

This disaster was soon exceeded. On January 9th 1914 there was a 'riot' at Jagersfontein Mine. This time fighting began between Sotho and Tembu miners; white workers armed with rifles intervened to clear the Compounds; in the ensuing clashes 16 African miners were killed. Government officials were in no doubt of the 'tribal' basis of the trouble. 'The trouble started in the New Mine Compound', wrote the Deputy

Inspector of Mines, Bloemfontein, 'which accomodates some 2 800 boys, but of these 800 or 900 were on shift in the Mine at the time. Of those actually in the Compound more than half were Fingoes, Xosas or other tribes, and took no part whatever in the trouble.' In his view some 500 Sotho 'extremists', including 300 who had been transferred from the Premier Mine after the riots of November 1913, had 'started out with set purpose to do as much mischief as possible'.
(4)

But this apparently straightforward tribal faction analysis cannot survive a closer examination of the evidence. To begin with it is plain that hostility between black and white was a major feature of both disturbances. At the Premier Mine in November 1913 administrators noted an 'animosity shown by the Moshesh against the European in authority' which had hitherto been absent; Sotho miners attacked whites who were attempting to intervene and it was feared that they might break out of the Compounds and endanger the white civilian population. The inquiring Magistrate, Rose-Innes, urged that the numbers of the European Mine Guards be increased and that they be armed with rifles, so as to form, 'a force of sixty boyonets'.
(5)

This hostility to whites was shown much more clearly in the Jagersfontein 'riots'. If the violence began with an attack on Tembu drillers, it immediately continued with an attempt to destroy the Compound office and its records and developed thereafter into stoning of Compound officials and white workers. Indeed the 'riot' took on all the appearances of race war. The main grievance of the Sotho rioters was the death of Daniel Molipha after he had been assaulted underground by white miners; they demanded that the men responsible be prosecuted; they asserted that they feared further violence from white workers. On their side, white workers hastened to arm themselves and to repress this challenge. 'The Manager was before very long able to command the service of as many as 100 white men, mostly armed with rifles and shot guns but a few with revolvers only'. (6) A witness explained at the Inquest that 'the mine (had) bought a certain

number of rifles and sold them to Mine employees at reduced prices so as to have protection close at hand. There were 150 rifles so issued. This was about three years ago owing to the unrest in Koffyfontein Mine'.

(7) These armed whites, alarmed as they testified, by the sight of 'a floating mass of blankets coming along at great speed', and anxious to repair the breaches in the Compound fence, opened fire on two occasions without orders from those nominally in command of them. 'The firing broke out without order', testified a police witness at the Inquest, 'and it is quite impossible for me to say who fired as I was in front of the line ... I have not been here long in Jagersfontein and the men were quite strangers to me so that it is impossible for me to identify anyone who fired'. A second police witness shared this incapacity since 'the firing was pretty general'. He added that the African workers' 'whole hostility seemed to be concentrated against the European employees in the mine'. (8)

Hence white commentators set the Jagersfontein incident not only in the context of previous faction fighting but also in a broader context of racial unrest. The Deputy Inspector of Mines, while dismissing charges of ill-treatment of black workers by white miners as 'vague and illusive', believed that the upheavals had been triggered off by 'the unrest in the country caused by the strikes' of white miners on the Rand. 'The boys generally were quite aware that trouble was abroad, especially on the Rand. They appear, however, to have understood that the whites were actually fighting - probably from not being able to distinguish in meaning between striking and fighting ... It is notorious how quickly natives get information and how easily they become affected by excitement and unrest'. (9)

In admitting this wider context to the riots the Deputy Inspector remained resolute that whatever caused the upheavals it was *not* labour grievances or labour consciousness. The matter 'is not one in which this Department (of Mines) is called upon to concern itself in any way. It had been purely a matter of rioting and disorder among a proportion of the native employees having had to be met by armed force.' The death of Daniel Molipha was 'merely incidental' and certainly

could not be taken to suggest that labour relations were bad or working conditions poor. The unpopular Compound Manager, Nesbitt, whose dismissal the 'rioters' had called for, 'was a believer in strict discipline but until lately he has always appeared to be respected and sufficiently well-liked by the natives'. The Company administrators had done 'their utmost to conciliate the rioters'. (10) African witnesses who appeared before the Inquest did little to challenge such a view; they made no complaints about the Compound Manager or about working conditions or even about the Mine Medical Officer, who had explained Daniel Molipha's death as due to a ruptured ulcer brought on by excessive eating and drinking. 'I was satisfied because the Doctor had said this', said Steven Moutsoupi. 'I thought the Doctor knew better than Daniel. On account of the many accidents in the Mine we must believe what the Doctor says.' (11)

African worker testimony exists, however, which gives a very different account of the Jagersfontein riot. Disturbed by the death of so many Sotho workers, the administration of Basutoland initiated its own inquiry and examined many of the Jagersfontein miners who had left the mine and returned home after the shootings. Their statements, given very much more freely than before the Jagersfontein Inquest, reveal the extent to which the whole upheaval possessed the character of an industrial dispute. Thus on January 17th 1914 at Mafeteng one Joe Letsie testified:

'I returned from Jagersfontein Mine where I have been working for about three months in the rock shaft. The trouble began over the case of Daniel who was killed by the whites. I only heard this when we were down in the mine on Thursday and that he had been kicked and died. I heard he was walking with two other boys and as he passed a white man kicked him and pushed him and as he did not know what it was for he tried to fight them and one white man kicked him in the side and he fell and was unable to rise for some time. He was removed to the Hospital and we heard that blood was coming out of his mouth. On Friday morning one Lenepa went round and said we should go to the office and inquire. A large number of us went to Nesbitt and asked him why that man

had been killed. Nesbitt told us the doctor said the man had died from drinking *mahleu* (beer), smoking dagga and also had gonorrhoea. He went away. We decided not to go down as we were not satisfied with the explanation and were afraid we might also be killed. At 2 o' clock a lot of noise was made and the Basuto refused to go down the mine. As some men were going down we suggested we would remove from where we were and go and stop those men from going down. As we went there some white people standing by and we picked up some stones and threw at them. They ran down a tunnel. We broke the windows and entered the offices and spoiled books and everything we could find. The whites returned armed with guns. There was an officer in uniform riding a bay horse and as some of us had broken the wire fence and got sticks he told us to put the weapon down and have the matters settled quietly. We made a noise and said we were not satisfied that one of our men should be killed without reason. We went out through the gate and sat down at the change house. The white men working there told us to go down to work as the matter had been settled. ... We remained at the change house for a long time and as we were sitting there we heard firing in the compound. We then rushed at those white men and threw stones at them and they ran away. There were labourers from the Floor Compound also with us. We stayed at the Floor Compound in the evening. ... Lenepo was killed He was a youngish man. I should say under thirty. He never instigated the Basuto to riot, when he came to us about the killing of Daniel. He said we should go and ask the Compound Manager for an explanation.' (12)

Sepinare Phahlahla also stressed their grievance with the Compound Manager: 'On Friday we went to the Compound Manager and said we were expecting a reply to our complaints and said we did not feel inclined to work until we received a reply ... When we asked to see the General Manager he kicked us away. The Basuto then decided not to go to work. Then the fight began'. (13) It becomes clear from these statements that the clash with the Tembu began at this point. 'Daniel's brother said to us that all people of Chief Griffith (Paramount of Basutoland) should not go to work until we were told definitely when an inquiry would be held into the death of Daniel. We all decided to strike work. The Tembus

did not fall in with us and attempted to go to work and the brother of the deceased went to stop them and we all followed. It was here the fight with the Tembu started'. (14) The statements also make it clear that the Sotho workers took further industrial action after the shootings and in protest against them. 'I sat down and helped to remove the dead and wounded. My own brother was badly wounded. I did not count but I think there were about 20 white men who fired on us.... We told the General Manager to send these armed men away as we did not like their attitudes'. (15) Or again, a witness spoke of being attacked by 'a lot of armed Dutchmen' - 'We consulted together and next day told Mr Dobell that we all wished to go home as we could not work under such people'. (16)

There seems little here of the irrationality of tribal faction fighting or the confused rumour of racial war. And it seems possible to argue that the notion of 'all people of Chief Griffith' was a very useful one for industrial action. At any rate it ensured that the workers' own view of the disturbances as strike rather than riot was given a hearing. Every influential interest in Basutoland was mobilised on their behalf. The relatively strong Basuto Progressive Association protested through its paper at 'the way in which the native miners are killed like animals'. The Paramount Chief was deeply involved through the arrest and prosecution after the shootings of his brother, Chief Molai. On February 3rd the Paramount asked the Resident Commissioner to ensure that 'true evidence' was found in the trials of the Sotho workers indicted for riot: and he declared his wish to 'be present through messengers when (my brother) is judged. I fear to leave my brother without protection'. (17) Finally, the Basutoland administration took the part of the workers. 'It seems that the real cause of the trouble', wrote the Resident Commissioner, 'was the brutal way in which Daniel was done to death ... The original sensational stories as to the natives attacking Jagersfontein appear to be quite untrue and were probably invented to justify the light-hearted way in which the natives were shot down. The affair cannot fail to arouse much resentment among the Basuto.... There is a strong feeling in the country that the Courts

in the Union cannot be depended on to do justice in cases in which black and white are concerned'. (18)

It seems then that feelings of 'tribal nationality', of race, and of workers' solidarity were all involved in the Jagersfontein 'riot'. Bunting protested in 1920: 'It is an insult to the trade union movement to bring in troops when any workers go on strike, as if they were unreasoning savages'. (19) There was a good deal that was eminently reasonable in the so-called tribal faction riot at Jagersfontein in 1914.

FOOTNOTES:

1. Edward Roux, *Time Longer Than Rope*, 1948, pp.110,133.
2. Evidence of T.E. Liefeldt, December 1913, National Archives, Maseru, file S3/5/17/4, 'Riot at Premier Mine'.
3. This account is based on reports and evidence given to the Magistrate's inquiry as recorded in file S3/5/17/4.
4. Deputy Inspector of Mines, Bloemfontein, to Government Mining Engineer, 24 January 1914, National Archives, Maseru, file S3/5/17/2, 'Jagersfontein Riots'.
5. Rose Innes to Acting Attorney General, Pretoria, 27 December 1913, file S3/5/17/4.
6. Deputy Inspector of Mines to Government Mining Engineer, 24 January 1914, file S3/5/17/2. Hereinafter wherever a source is given without specific file number it is drawn from this bulky file.
7. Evidence of Poul Debell, General Manager, 20 January 1914.

8. Evidence of John Heatley Jones and of James Davy, 16 January 1914.
9. Deputy Inspector of Mines to Government Mining Engineer, 24 January 1914.
10. Ibid.
11. Evidence of Steven Moutsoupi and of Ranta Matiba, 20 January 1914.
12. Evidence of Joe Letsie, 17 January 1914.
13. Evidence of Sepinare Phahlahla, 15 January 1914.
14. Evidence of Lintsa, 15 January 1914.
15. Evidence of Phahlahla, 15 January 1914.
16. Evidence of Khotso, 15 January 1914.
17. Paramount Chief Griffith to Resident Commission, 3 February 1914.
18. Resident Commissioner to Viscount Gladstone, 23 January 1914.

SUMMARY OF RECOMMENDATIONS

BY SALB EDITORIAL BOARD

TO

THE WIEHAHN COMMISSION

1. RIGHT TO ORGANISE:

- a) That Africans be included in the definition of 'employee' in the present I.C. Act;
- b) That the present dual system of labour relations be abolished by the repeal of the Bantu Relations Regulation Act while plant bargaining be retained but in such a form that it remain subordinate to negotiations between trade unions and employers;
- c) That registration be withheld from trade unions with racially exclusive constitutions and that the present restrictions on 'mixed unions' be removed;
- d) That a jurisdictional tribunal be established to deal with the registration of trade unions;
- e) That a labour Court be empowered to hear appeals on the non-recognition by employers of a trade union; and
- f) That the provisions of the Internal Security Act which enable the Minister of Justice, Police and Prisons to intervene in labour relations by banning trade unionists be removed from the Statute Book.

2. COLLECTIVE BARGAINING AND MINIMUM WAGE FIXING:

- a) That African workers be empowered to negotiate directly on an equal footing with employer representatives through industrial councils in the same way that other workers do;
- b) That tripartite wage councils consisting of employer and employee representatives and independent third parties should be provided for in those industries where worker and/or employer organisation is weak or non-existent and that the Wage Board constituted under the present Wage Act be abolished;
- c) That the right to call for investigation of an industry enjoyed by trade unions until 1937 should be reinstated under the new Wage Council systems;
- d) That farm workers, domestic workers, government and provincial employees and all mine workers be formally included in a new system of labour relations and minimum wage fixing;
- e) That Wage Councils place greater emphasis on the cost of living criterion than is the case at present;
- f) That limitations be placed on the wage differentials based on skill and region to be determined in future by Wage Councils.

3. SETTLEMENT OF INDUSTRIAL DISPUTES:

- a) That *all* workers be accorded the right to join trade unions;
- b) That the right to picket be established with a consequential amendment of the Riotous Assemblies Act;
- c) That the right to strike be accorded *on the same terms* to all workers;
- d) That the 30-day 'cooling off' period be abolished as superfluous;

- e) That the *secrecy* clause for a strike ballot be eliminated;
- f) That the employer's right to discharge an employee for refusing to carry out his contractual obligation to work when striking be removed;
- g) That the prohibition on strikes in 'essential services' be removed and that this question be left to the Labour Court.

4. SOCIAL SECURITY MEASURES:

- a) That the provisions of the Unemployment Insurance Act be progressively extended to include *all* workers; particularly the lowly-paid;
- b) That a progressive scale of contribution be introduced;
- c) That present provisions which oblige workers in the lower income brackets to accept work on farms or in domestic service before becoming entitled to unemployment benefits be eliminated;
- d) That 'suitable work' for the lower middle- and middle-income groups be more clearly defined and related to actual earnings before becoming unemployed;
- e) That the Unemployment Insurance Board be elevated to the status of a statutory commission with tripartite membership and that this commission be empowered to appoint its own functionaries who would be independent of both the Department of Labour and the Department of Bantu Administration and Development;
- f) That the governance of workmen's compensation be placed in the hands of a statutory commission with tripartite membership;
- g) That hospitals and clinics treating workers for industrial accidents and/or diseases or disabilities be more closely knit into the fabric of workmen's compensation;

5. RESERVATION OF OCCUPATIONS:

- a) That all formal reservation of occupations, in whatever statute contained, be abolished;
- b) That 'union shop' agreements be recognised but 'closed shop' agreements be prohibited;
- c) That a 'fair employment' statute be enacted and that an 'Affirmative Action' programme be instituted and enthusiastically pursued.

6. DEPARTMENT OF LABOUR:

- a) That the Department of Labour be accorded a greater proportion of state revenue than that accorded to it heretofore;
- b) That black (African, Asian and 'Coloured') officials be appointed at all levels in the Department;
- c) That the present inspectorates which the Department of Labour controls be considerably expanded;
- d) That a system of labour courts at the local level with a National Labour Court be established;
- e) That, *most importantly*, there be a *single* system of labour exchanges controlled by the Department of Labour (and by that Department *alone*) whose sole functions should be to introduce prospective workers and employers to each other;
- f) That Section 29 of the Bantu (Urban Areas) Act be amended to enable *all* Africans qualified to be in urban areas in terms of Section 10(1) of the Bantu (Urban Areas) Act to remain in those areas whether employed or not;
- g) That Section 13(1) (d) of the 1968 Bantu Labour Regulations be repealed to enable migrant workers to qualify for residence rights in urban areas;
- h) That the 1968 Bantu Labour Regulations be so amended that work-seekers be offered free choice of employment opportunities with the present restrictive powers of labour officers being removed;

- 1) That it be mandatory for a contract worker to be supplied with a copy of his contract signed by both parties and that on attestation the terms of the contract be clearly explained by labour officers.
7. PROTECTION AGAINST UNFAIR DISMISSAL:
- a) That Africans be afforded the same protection against victimisation for trade union activities as other employees with appropriate amendment of the Industrial Conciliation Act, the Wage Act, the Shops and Offices Act, the Apprenticeship Act and the Factories Act;
 - b) That provisions be made establishing the right to contest unfair dismissal before the Labour Court with suitable compensatory measures;

PROPOSAL FOR A LIAISON COMMITTEE

The following document was distributed to workers in a small manufacturing establishment in Pinetown, Natal earlier this year prior to establishing a Liaison Committee:

LIAISON COMMITTEE

We have decided to establish a Liaison Committee. This means that 5 people from the management will meet with 6 of your representatives every month, and we will discuss -

- 1) Matters concerning conditions of your employment.
- 2) Any complaints or suggestions which you may have.
- 3) Improvements and suggestions which we may have.

This is very important as we are not fully aware of the employee's needs, problems and ambitions. In the same way, the workers do not understand management problems. This Liaison Committee will act as a "bridge" to assist both parties in working together more effectively.

According to Bantu Custom, when a child has a problem, he does not consult his father directly. Instead, he speaks to his mother, who in turn discusses the child's problem with the father. Once a decision has been reached, she lets the child know what the decision is, and the reasons for it.

The Liaison Committee will act as the "mother" serving as a bridge between you the "child", and us, the "father". If you have any problems or suggestions, you will approach these committee members who will discuss it with us on your behalf. In the same way, if we have anything to tell you, it will be channelled through the Liaison Committee.

You will decide which of your people you would like to represent you by nominating a number of candidates and voting upon it. These representatives should have the following personal qualities.

They must have -

- 1) Your respect, trust and confidence.
- 2) They must not be afraid to speak up and discuss matters with us.
- 3) They must be dependable and reliable.

We suggest that the candidates must have been employed by us for at least 1 year, as only after a year will they know the people in the factory, and their problems, as well as how the factory works.

You will be given a card with your Company Number and the Firm's rubber stamp on it. On the other side of the card we want you to write the names and numbers of the people you would like to represent you for the next 12 months. If you cannot write please ask your foreman to help you.

COMPANY SECRETARY