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WIEHANN AND RIEKERT: NEW MECHANISM
FOR CONTROL AND OPPRESSION OF BLACK
LABOUR AND TRADE UNIONS IN SOUTH
AFRICA

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WIEHAHN AND RIEKERT: NEW MECHANISM FOR CONTROL AND
OPPRESSION OF BLACK LABOUR AND TRADE UNIONS.

" ... in 1948, the Nationalist Government appointed a Commission of enquiry, the Botha Commission, to investigate industrial relations in South Africa ... last week a second commission of enquiry, the Wiehahn Commission submitted its report ... the question obviously emerges as to what it is that makes the state investigate industrial relations in the 1940s and again in the 1970s ..."

(Richard de Villiers, 1979)

"Hegel remarks somewhere that all facts and personages of great importance occur as it were twice. He forgot to add: the first time as tragedy, the second as force."

Karl Marx: The Eighteenth Brumaire of Napoleon.

When in May 1979 the Riekert Report was tabled in Parliament, hot on the heels of the Wiehahn Commission Report, the reaction of white opposition, the Chamber of Commerce, and Anglo-American's Harry Oppenheimer was that it represented the death knell of apartheid and an end to racial discrimination. Lucy Mvubelo of the National Union of Clothing Workers, welcomed the Wiehahn report with the following words:

"We are jubilant at this development. We feel our dream has come true. Now we hope we are able to use the facilities of trade unionism and be able to prove our ability ... I regard it as a great victory for our struggle ..."

(Rand Daily Mail, 2 May 1979)

In June when the government white paper was published accepting all but a few of Riekert's recommendation, the Rand Daily Mail editorialised thus

"Theron, Wiehahn, Riekert, each name has symbolised a new hope of progress in the form of weighty recommendations proposed by the commission of enquiry after long and thorough study. In each case the hope has been squashed by government's refusal to accept many of the recommendations made. The latest backing away occurs with the White Paper on Riekert's Report ..."

This paper aims to show that contrary to the beliefs of the white opposition parties, the liberal press and big business, Wiehahn and Riekert recommendations are a far cry from the death knell of apartheid. In particular, this paper will argue that the appointment of the two commissions were a reaction to the economic and political crises of the 60s and 70s and thus the recommendations are nothing other than new mechanism of control and oppression of black labour and trade unions.

Indeed, as the Roux has appositely observed "... the cornerstone of separate development philosophy such as group areas Acts and Influx control have not only been left unachieved, but they have infact been strenthened ..."
(SALB, 5(4) 1979: 72). Therefore if implemented to the letter Wiehahn and Riekert have far serious consequences for the majority of the people of South Africa, and not progress as imagined by the editors of the Rand Daily Mail.

Background to Wiehahn and Riekert

Perhaps a convenient starting point to identify the background to Wiehahn and Riekert is to trace the origins and development of militant trade unionsm in the post world war 1 period. This falls in the 1930s, a period that has always been identified with the emergence of secondary industry and militant trade unionism.

Prior to the 30s, the predominance of mining and agricultural capital meant that a large stable black labour force had not emerged in the urban areas. Mining capital has traditionally relied on cheap migrant labour force, so was the agricultural capital. But the emergence of secondary industry brought fundamental changes; secondary industry demanded relatively cheap, semi-skilled and stabilised labour force. Hence the industrial expansion of the 30s and 40s was accompanied with a dramatic growth of the urban proletariat.

Secondly, this period also marked the final collapse of the pre-capitalist economies and their inability to subsidise to a great degree the production and reproduction of the migrant labour force and the pre-capitalist economy as a whole.¹ This disintegration of the productive capacity of the pre-capitalist economies led to a large scale African urban migration.

The combination of these factors accelerated the growth of urban proletariat. Movement from the reserves to the urban areas had been observed as early as the 20s, now, with industrial expansion in the 30s, the African population in the urban areas trebbled. Between 1933 and 1939, Luckhardt and Wall point out that approximately 400,000 Africans were added to the ranks of the workforce, the majority of these settled in the Transvaal (Luckhardt and Wall 1980: p.47).

The new conditions gave vent to working class organisation and activities on an unprecedented scale. Employment was visibly on the increase following the post depression boom of the 1930s. For example, employment increased from 192,420 in 1933 to 303,557 in 1936 (Simons and Simons: 1969:505). Thus the late 1930s and early 40s were sharply characterised by militant African Trade unionsm. Drawing from the experience of earlier struggles, the Communist Party set out to organise the African workers.² This period also marked the beginning of the close collaboration between the Communist Party and the African National Congress.

In August 1938, the Non-European Trade Union Coordinating Committee was formed under Gana Makabeni. And in 1941, NETUCC joined with Max Gordon's Joint Committee for African Trade Union (JCATU) to form the Council for Non-European Trade Unions (CNETU), CNETU was to champion militant African Trade Unionism on the Rand Carnabation for the next decade, working mainly among and strengthening African Mine Workers Union (AMWU).

By 1945, CNETU boasted of a membership of 158,000 distributed as follows: Johannesburg (50 unions : 80,000 members) Pretoria (15; 15,000); Bloemfontein (10: 50000); Kimberly 5:30000) East London 10: 15,0000); Port Elizabeth (19:30,0000); and Cape Town (10:10,000) representing iron, steel and engineering, mining, commercial and distributive trades, transport, building, laundry, timber, brick, cement, chemicals, explosives and tobacco.³

The year 1942 saw a number of strikes; in Natal 400 coal miners set fire to the company's building after their protests against poor working conditions went unheeded. In December, Johannesburg Municipal workers received a 60 percent wage increase but not before 2,000 Municipal employees had staged a one day strike. All in all, the decade of 1930 saw a total of 26,254 black strikers resulting in 71078 men days loss. Between 1940 and 1945, this number had increased to 52394 strikers accounting for the loss of 220205 man days (Luckhardt and Wall: 1980: 63-63).

Throughout the 1940s, evidence paint a very optimistic picture of the African working class offensive against the state and capital. From 1934, the number of unions both registered and unregistered had increased from 129 to 166 in 1939; the number of strikes had also increased from 12 in 1934 to 34 in 1937. Of the 5900 strikers in 1937 Simons observed that 4800 were Africans, Coloured and Indians (Simons & Simons: 1969:509-510).

Thus what distinguished the 1940s from the earlier period was that in the 40s, the state found itself confronted with a larger better organised and more politically conscious African working class. The militancy of the 40s found its best expression in the African Mine Workers Strike of 1946. Organized by AMWU and CNETU, and involving between 70000 to 100000 workers, the 1946 Mine Workers Strike brought the mining industry to a standstill for nearly one week, at the time it was the largest single African strike in Southern Labour history.⁴

The onslaught on the state and capital, manifested in militant African trade unionism and epitomised by the 1946 strike had serious repercussions for the whole social formation. For the state it signified a time to reorganise and reestablish its hegemony on the dominated classes more so for the majority of the Africans. The defeat of the strike after one week spelt a temporary defeat for trade union movement while at the same time helping to draw together a broad front of progressive trade unions throughout the country; thus in 1955 progressive trade unions came together to form South African Congress of Trade Unions SACTU.

The Botha Commission:

In 1948, the Nationalists came to power, an alliance of white working class, agricultural capital, sectors of industrial capital and white petty-bourgeoisie who felt threatened by the continued onslaught on the state and capital. Soon after they came to power, the Nationalists appointed Botha Commission to investigate industrial relations.⁵ There are striking similarities between the Botha Commission on the one hand and Wiehahn and Riekert 30 years later. The Botha Commission aimed to control the existing Trade Unions and as we shall see below, Riekert and Wiehahn have the same objectives.

Two views emerged from ^{evidence} presented to the Commission. On the one hand, the chamber of Industries, representative of secondary industry felt that state machinery ought to be established to cope with African Trade Unions. They acknowledged that African Trade Unions were fait accompli

and argued that some form of statutory recognition should be accorded them. This they argued would make control possible by making them (the African Trade Unions) comply with certain qualifications before they could exist as unions.

On the other hand, the chamber of mines voiced a strong opposition to recognition of African trade Unions. They argued that it was impossible to organise workers within the compounds and that union leaders were illiterate and irresponsible. The chamber of mines ^{position} reflected the interests of the mining industry as the contradictions between the two fractions of capital-mining and manufacturing.

The mining industry, due to the unique cost structure-low gold content and internationally controlled gold price, which prevented the industry from transferring increasing production costs to the consumers by way of increased prices - have traditionally been sensitive to high production costs. The industry had relied on migrant labour as a source of lowering production costs. The nature of the migrant labour system; the existence of the reserves which supplement the reproduction of the migrant labourer's family; provided the mining industry with the justification for paying subsistence wages i.e. the mining industry did not pay the full cost of production and reproduction of the direct producers.

The Chamber of Mines opposition to recognition of African trade unionism must therefore be understood within this background. It had nothing to do with the so called illiteracy or irresponsibility of African union leaders nor did it have anything to do with impossibility to organise within the compounds, for in 1946, AMWU had organised under those very difficult conditions. Put simply, the chamber of mines recognised the challenge to the cost structure that a recognised African union would engender.

At the same time there is reason to suspect that agricultural capital was also hostile to recognition of African Trade Unions. Throughout the 20s, the embryonic capitalist agriculture had been crying for a "sound labour policy".⁶ The situation was aggravated further in the 30s, the expansion of secondary

industry attracted vast numbers of Africans from the rural areas as a result white agriculture suffered serious losses of labour. It was clear then that recognition of African Trade Unions would would further exacerbate the labour situation in the agricultural sector.

As argued earlier, capital accumulation in secondary industry demanded semi-skilled but stabilised labour force. It is this that led the chamber of industries to demand for token recognition of African trade unionism. Thus the Botha Commission was faced with conflicting demands reflecting the contradictions of the different fractions of capital.

The Botha Commission tabled its report in 1951. It recommended the statutory recognition of African unions and proposed separate recognition and a limited right to strike. To this extent, the findings and recommendations of the commission augured well with the demand of the captains of secondary industry. The state, as Webster and Erwin have argued had two alternatives: the one was to settle the labour force in urban areas, allow certain rights such as controlled trade unions and improve productions in the reserves, the other was to stem the flow into the cities, control labour relations so as to minimise dissent, control its rate of direction and absorption into industry (Erwin and Webster 1978. 98). The state, by rejecting the Botha recommendations, opted for the 2nd alternative, suppression and control victory for mining and agricultural capital.⁷

Once more a barrage of draconian legislation passed through parliament: Suppression of Communism Act of 1950; The Native labour (settlement of Disputes) Act Notice of 1953 which among other measures banned all strikes or lockouts of African workers, outlawed sympathy strikes and established a separate industrial conciliation machinery for Africans; The Black Abolition of passes and coordination of Documents Act 1952; The industrial conciliation amendment act No. 28 of 1956 which in the main did not define Africans as employee thus effectively removing them from the ambit of trade union representation and entrenched the racial separation of union.

The significance of the post Botha legislations lies in the fact that they covered every aspect of African life, from control of Trade unions to tightening the mechanism of influx control system. Here therefore lay the ruling class response to the threat of the late 40s. The official thinking can best be captured in the words of the then minister of labour, Schoeman:

"... if we give them that incentive to organise and they should become well organized-and again bearing in mind that there are almost 1,000,000 native workers in industry and commerce today - they can use their trade unions as a political weapon and they can create chaos in South Africa at any time. I think that we would probably be committing race suicide if we gave them that incentive..."(quoted in Luckhardt and Wall:1980:110)

It is within this framework of ruling class response to the people's onslaught of the 40s and 50s that one can readily identify the emergence of Wiehahn and Riekert 30 years later. The state's attempt to recognise and reestablish its hegemony were to a large extent a temporary success. After the banning of the ANC and PAC in 1960 the ruling class were to enjoy a decade of "peace or stability" but to a large degree, this was a very temporary "stability". We must now turn to the 70s to understand the developments which ushered in Wiehahn and Riekert.

The Seventies: New Form of Struggles

In the seventies, once more the state was confronted with identical problems as those of 1940's - a larger, better organized and more politically conscious working class. Coming after the relative industrial "peace" of the 60s, it is important to identify forces which contributed to the upsurge in working class militancy.

Firstly, the "stability" that South Africa had enjoyed in the decade between 1960-1970 had attracted foreign capital inflow. This saw the expansion and centralisation of the economy and the emergence of state monopoly capitalism. These developments had revolutionary impact on the labour process, capitalist production process witnessed a restructuring as a result of higher organic composition of capital i.e. insertion of technology and mechanism of financial and commercial organisation appropriate to monopoly stage of capitalism. The inevitable result was, on the one hand, increasing demand for stabilised semi-skilled and skilled labour force, and on the other, an increasing marginalisation of a section of the labour force,⁸ i.e. a category of the labour force that the insertion of technology in the capitalist production process kept out of work permanently, while stabilising employment for the other sectors of black labour. A fertile ground for African trade union activities had once more presented itself.

Secondly, the seventies also witnessed a global recession; the oil crisis of 70s had an adverse effect on the economies of the major capitalist countries. Typical of South Africa's subordinate position on the world's imperialist chain, these economic pressures were felt throughout the structure of South African economy. One readily identifiable symptom of this was the increasing rate of unemployment. Towards the end of 1976, it was estimated that the level of African unemployment was 2.3 million or 22% of the labour force. By 1977, it was calculated that unemployment among Africans was increasing at the rate of 14,000 workers per month - 470 per day (South African Labour Bulletin, 4(4) 1978 p.1).

Third, alongwith the economic changes, the sub-continent, and South Africa in particular witnessed intensified political onslaught. The collapse of the Caetano regime in 1974 and the subsequent liberation of Mozambique, Angola, and Guinea Bissau marked a turning point, a qualitative shift in the balance of power in the sub-continent. Furthermore, throughout the 60s more so in the 1970s, the ANC and its sister organisation South African Congress of Trade Union (SACTU) had effectively mobilised international opinion against the apartheid regime.

These were manifested at various levels of international working class solidarity, a good example being the law suit by the American Mineworkers Union to stop the importation of South African coal, on the basis that it was mined under conditions of forced labour which forced South Africa to repeal the Masters and Servants Act. (see SALB, Vol. 5 No.1).

Throughout the mid 70s, several anti-South African lobbies emerged in the capitals of western world, prominent among these was the disinvestment lobby which demanded end of investments in South Africa. Enlightened representatives of capital reacted to disinvestment by arguing the case for more investment but demanding the elimination of unjust laws, discriminatory practices at work place and equal pay for equal work and trade union representation for Africans. They argued that disinvestment would only hurt Africans and to strengthen their argument, added the conventional liberal wisdom that the demands of modern economy would force South Africa government to drop its racist laws. Be that as it may, the EEC and Sullivan codes constituted a strong pressure on the S.A. State.

Finally, in 1976, six months after Pretoria had suffered a humiliating defeat from the Angola adventure, the 1976 student led urban uprising, and the massive stay aways that followed rocked the country. But more significantly, the uprisings of 1976 focussed international opinion on some of the more blatant inequalities in S.A. than ever before.

These developments define the conjuncture of the late 70s, a conjuncture that found expression in various militant activities on the part of the working class in South Africa. Thus by the mid 70s, trade union organisation among the blacks had once more gained prominence. Beginning with the strikes in Namibia at end of 1971, a spate of strike spread throughout South Africa culminating in the 1973 Durban strikes which at its height involved about 100,000 workers. Out of the post Durban strikes, emerged a number of progressive Trade Unions. Black Allied Workers (BAWU); split within BAWU brought the militant SAAWU on the trade union scene; the urban training project.

Trade Union Advisory Coordinating Council (TUACC) now FOSATU; and the Western Province Workers Advice Bureau (now WPGWU) between them, these groups once more spearheaded militant African Trade Unionism. (see SALB 5(2) 1979:6-7).

This background helps to situate Wiehahn and Riekert in their correct perspective. Thus, Wiehahn and Riekert Commission came at the end of a decade in which rapid economic and political changes in the sub-continent had created a larger, militant and less manageable working class. In the interest of capital accumulation, the state once more forced to attempt to reestablish its hegemony.

But to characterise Wiehahn and Riekert as mere reactions to economic changes in the 70s is to fail to understand the magnitude of the challenge that the South African social formation has undergone since the mid 70s. The recommendations of the two commissions as will see below, are attempts to do a number of things at the same time. At one level Wiehahn aims to control trade unions, at another level, Riekert aims to control black population, divide it, win over a section of it and give those sections a stake to defend in the system. Yet at another level still, the two commissions are attempts to win over international allies for South Africa, to reestablish confidence in Pretoria and give the impression that at long last, South African ruling class is moving away from apartheid. Thus, Wiehahn and Riekert is a multifaceted strategy through which the state hopes to reestablish its hegemony and preserve the social formation from disintegration. It is in the sense that Wiehahn and Riekert must be seen as the cornerstone of Botha's TOTAL STRATEGY which in the words of the ruling class is characterised as follows:-

"The comprehensive plan to utilise all the means available to a state according to an integrated pattern to achieve the national unity within framework of specific policies. A total national strategy is, therefore not confined particular sphere, but is applicable at all

functions of the state structure"

(Defence white paper, 1977.5)

SUMMARY OF WIEHAHN AND RIEKERT

Appointed by the minister of labour in 1977, as a Commission of Inquiry into the country's labour legislation, the Wiehahn Commission was instructed to make investigations into the Industrial Conciliation Act of 1956, the Black Labour Relations Regulations Act of 1953, The Wage Act of 1957, The Factories, Machinery and Building Work Act of 1941, the Registration of Employment Act of 1945 and other labour legislations passed in the late 40s and the 50s.

The investigations were to be made along the following lines:

- a) The adjustment of the existing system for regulation of labour relations in South Africa with the object of making it provide more effectively for the needs of our changing times;
- b) The adjustment if necessary, of the existing machinery for the protection and settlement of disputes which changing needs may require;
- c) The elimination of bottle-necks and other problems which at present being exposed within the entire sphere of labour;
- d) The methods and means by which a foundation for creation of sound labour relations may be laid for the future of South Africa.

(see Bonner & Webster, SALB, 5 (2579 pp 1.3)

In August 1977, the PM appointed yet another commission the Riekert Commission to deal with labour matters omitted from the terms of reference of the first Commission (Wiehahn). It was instructed to investigate into: the Development Trust and Land Act of 1936, The Black (Urban Areas) Consolidation Act of 1945, the Black (Abolition of Passes and Co-ordination of Documents) Act of 1952, the Black Labour Act of 1964,

The Group Areas Act of 1966, the Environment Planning Act of 1967, The Black Affairs Administration Act of 1971, the Black Employees In-service Act of 1976, the community Council Act of 1977 and "all other Acts excluding those administered by Departments of Labour and Mines as well as ordinances of provincial administrations and bye-laws of local authorities, in their direct relationship to economic aspect of utilisation of men power."

(Bonner and Webster, SALB 5(2) 1979 p. 1-3).

The complimentary nature of the two commissions should not be missed. Whereas Wiehahn dealt specifically with labour, Riekert covered all other aspect of legislation that affect the day to day life of black people that were not covered by Wiehahn. Between them therefore, they investigated the totality of legislation affecting black people in South Africa. The commissions tabled their findings in May, Wiehahn on May day and Riekert a few weeks later.

Recommendations:

The recommendation of the two commissions have been the subject of a wide debate. Here I will only limit myself to the salient features of these recommendations. Very broadly, the report of Wiehahn Commission ^{and} / subsequent legislation can be devided into three broad categories:⁹

- a) Recommendation that seek to divide the unions by determining the eligibility of particular groups of workers for union membership.
- b) Those that are concern with control and supervision of those unions that seek registration and
- c) situation facing unions which decide not to register.

On the surface, the Wiehahn adheres to the principle of freedom of association. The recommend that the racial make up of the unions be left to each individual union. "The question of elibibility for Trade Union membership in South Africa has always been a matter for the trade union to decide." (Saldru W.P.N.24 p.11), however, (paragraph 3.58.3) of the report states that

"The Unions would not have much incentive to enlist migrants rather on the contrary it must be remembered that it would be objective for unions to obtain registration as soon as possible, and that this could only be achieved once they had enlisted as members the required proportion of eligible workers. A union which sets itself the herculean task of perpetually having to enlist transient workers would do so in the knowledge that it could achieve representative charecter with immense difficulty"

Even though the Ministerial proclamation of September 26th 1979 allowed contract workers to be included in the definition of employee, Western Province General Workers Union (WPGWU) have argued very convincingly that since registration is left entirely in the hands of the registrar of Industrial Court (of which Wiehahn is the President) absence of clear criteria of registration especially in the light of warning in para. 3.58.3, the ministerial concession would mean that the unions would have to police their own activities with regard to representation and organisation of contract workers.

Control of the Unions is enshrined in the following paragraphs:

3.1572 The National Manpower Commission should be requested to keep the position regarding the election or appointment of persons to office under survellance and make accommodation if necessary.

3.157.3 Statutory provisions should be made for a system of provisional registration of trade unions and employers organisation.

3.157.4 Provision should be made on the staff of the department of labour for the appointment of financial inspectors to inspect and analyse the financial affairs of industrial councils, trade unions and their federations, employers' associations and their federations, works councils, works committees and regional bodies of the later with a view to guarding against 'undesirable practices.'

And for those unions which refuse to register, the following doses are prescribed:

3.158 No deduction of trade union membership fees should be allowed unless the individual employee has given written authorisation.

3.159. The deductions by employers' of any payment in favour of any unregistered employees' organisation should be prohibited, and that legally binding agreements between unregistered unions be prohibited.

However, the lynch pin of control lies within the provisions for registration. The Commission recommended that:

"A system of provisional and final registration should be established. Provisional registration would be necessary before organising activity could be permitted. This would give the unions some protection and impose on it some limitations and would confer limited negotiating and representative powers on the unions. Final registration would follow a period of time provided "certain requirements" were met ... The interests of organisation which qualified for registration ... should be protected by statutory requirements that registration would be prerequisite for legal validity and enforceability of agreements (emphasis mine) (para. 2.88 and 2.89)

and through registration, participation in the Industrial Court and Industrial Council. Furthermore, despite the ministerial

concession of September 26, 1979, the position of the Commission on migrant labour is very explicit:

"The question of trade union membership for migrants and commuters under South African Statute is a private matter. Commitment on the part of South African government to consult with self governing and independent states does not confer on these States the right to interfere in a relationship from which even South African government holds itself aloof ... Furthermore, there are differences of opinion among the leaders of the black states on the question of trade unions, and if the decision were left to them it is possible that some workers in South Africa would have trade unions rights and others would not" (para. 3.60.4)

There is no doubt therefore that through the Industrial Court and the Industrial Council, the state will be able to determine who constitutes the representative trade union and who therefore is the rightful and legitimate representative of the workers. Through these mechanisms, the state hopes to establish TUCSA type trade unions, controlled not by workers but by puppets of the state.

The existence of free, unfettered trade unions depends on two principles: the right of workers to join trade unions of their choice; and control by workers over every aspect of their union activities. It is this section that the thrust of Wiehahn's recommendations is directed at. Registration and incorporation into the industrial legislation system has grave consequences for independent unions; first registration ^{and} attendant controls will put the independent unions at the mercy of the registrar who has been given very wide powers; secondly it will remove the control of the unions from the workers and hand it over to bureaucrats who according to the amended industrial conciliation act 1980 will be forced to comply with the roles of the industrial court; and finally is likely to lead to the emergence of tame unions under the control of the state through the industrial court, and in this manner, the state hope to establish control over a large section of the african working class. This presupposes that all unions agree to register under the new dispensations.

At the Johannesburg summit of Nov. 3-4, 1979 concerned by FOSATU, the bulk of progressive unions agreed on a joint statement that their struggle was not for registration but for the maintenance of certain basic principles viz the right of all workers to unrestricted control of their unions and to join unions of their choice. It would appear that FOSATU has now engaged on certain of these principles and is prepared to register under certain conditions. FOSATU seems to argue that to stay unregistered, unions will die a natural death as they will be replaced by parallel unions with all the benefits of stop orders and industrial council representation.

(See Nicol, SALB (647) 1980:49).

This unprincipled stand of FOSATU obviously emerges from its workerist conception of trade unionism especially in conditions of S.A. It will be recalled that at its inaugural address, FOSATU's general secretary, Alex Erwin, attacked SACTU saying that "SACTU rather than advancing the workers' interest they subordinated themselves to their ANC masters, who did not only have workers interest at heart, and devoted their energies from factory organisation to political campaigns" (African Communist (No. 82/1980:40). More recently, at the height of the PEBCO-Ford confrontation, George Manase, national organiser of UAWU was reported by the Sunday Tribune as saying that "the union regarded this weeks (PEBCO's) strike as a political and its move to have union members reemployed was to keep politics out of the factory" Manase went on to accuse Thosamile Botha of PEBCO of trying to undermine the union (Sunday Tribune 25.11.79). UAWU is member of FOSATU and up to the day, these statements have not been denounced or repudiated.

In my opinion, it is the Western Province General Workers Union W.P.G.W.U. which has taken the clearest position on Wiehahn's dispensation. They have argued that they do not approve of the registration conditions proposed by the state and, until such time as the state agrees to accept the principles of freedom of association and workers control of the unions, they will continue to operate as unregistered

union. They further point out that the unions must bear in mind that the new dispensation cannot succeed without the active support of Trade Unions; that if all progressive Trade Unions refuse to cooperate, then the state will be forced to ban them thus banning the unions with the support of the advanced and organised workers of the country and of "our fellow workers all over the world." They state categorically that the state can only take this step if and only if the ranks of the working class remain divided thus underpinning the importance of unity at this crucial juncture.¹⁰

The position of WPGWU has since been vindicated by the New Labour Legislation Bill which was leaked to the press early in December last year. The proposals of the draft bill include among other things" giving the registrar powers to recommend the closing down of a registered union of federation if he thinks they have acted unreasonably; banning unions from operating in independent homelands, restricting further union association with political bodies and strike control on unregistered unions such as banning stop order facilities" (Financial Mail, Dec. 5, 1980 p.1162-1164).

Riekert

As mentioned earlier, Riekert Commission dealt with legislation pertaining to the system of control of blacks in general. It is within this context that the Commission's recommendation can be understood. Before examining the recommendations, a few words about the Bantu (Urban Areas) Consolidation Act of 1964 are appropriate.

Section 10 of this act stipulates that:

"No African may remain in any prescribed area (this includes any urban or peri-urban area outside the "homelands") for longer than 72 hours unless he/she can prove that he/she "qualifies" to be there under the following four basic sections:

Section 10 (1) (a) - people who have since birth resided continuously in the area.

Section 10(1) (b) - People who have worked continuously for one employer for 10 years; or have lawfully resided for 15 years in the area.

Section 10(1) (c) People who are dependents of (a) or (b): the wife, unmarried daughter or son under the age of 18, if they entered the area lawfully and live with their dependents.

It is this section (section 10 of consolidation Act of 1946) which has been instrumental in the control of black urban population since the 40's. The thrust of Riekert's recommendation is directed at this section, the objectives, if these recommendations are implemented to the letter, is to establish on the one hand a stable black urban based labour force, and on the other to relocate those excluded as migrants and the unemployed within the reserves. The following are some of the key recommendation of Riekert Commission that I propose to consider here:

- A national coordinating council for manpower matters (NCCM) should be established to furnish the minister of labour with advice on the administration of the employment and training act, and on policy matters arising therefrom, in addition to determining the training requirements and shortages of skilled manpower. All interested departments and national employers and employees organisation should be represented on the NCCM.
- The state should provide training for persons whose existing skills prevent them from competing effectively on the labour market and in fields where shortages are experienced or expected.
- Labour bureau should exercise strict control over the admission of contract workers and in such a way as to provide a positive incentive for employers to use local labour. Strict action should be taken against employers unlawfully employing workers.

- Section 10 1 (a) (b) and (c) qualifications should be transferable from one urban area to another, subject to approval of labour bureau and provided that approved housing and work are available. The Commission found that the provision of section 10 of the Black (Urban Areas) Consolidation Act restricted the regional mobility of workers and were not conducive to optimum use of manpower in the white area of South Africa."
- The Commission also found that employers were prejudiced against African workers with section 10 1(a) or (b) qualifications. Preference, they argued, had been given by many employers to contract workers (Section 10 (d) or those unlawfully in the area. It was felt that this category were less choosy about the work they were prepared to accept any wages.... 10

A number of conclusions stem from this brief summary:

Firstly section 10 blacks have now been granted mobility in the urban areas. This means that the lucky few who fall under section 10 (a), (b) or c will be able to seek employment in any of the South African cities, with the only qualification of availability of housing - this is bound to limit mobility in the initial stages.

Secondly Riekert has recommended training for those whose skills prevent them from competing effectively on the labour market" while at the same time labour bureaux have been urged to exercise strict control over the admission of contract workers. The meaning of this is very clear; industrial training, skilled and semi-skilled jobs will be readily available for urban blacks: thus, at one level it is hoped that the shortage of skilled and semi-skilled operatives will be alleviated, and at another level this labour force will now be mobile throughout the urban area. Thus improving the living standards of urban blacks and it is hoped that increasing they will become hostile to the forces of liberation. But this will only ^{be} possible at the expense of migrant workers who have to be kept in the homelands - a job that has been entrusted to the Labour Bureaux to exercise with a degree of judicial strictness.

It is in within this framework that the moratorium for registration of illegally employed blacks in the urban areas act 1979 can be understood. The moratorium was thus one way of exercising control. The workers were registered with links to respective homelands such that as soon as the contracts were over, they would be deported from "white South Africa."

Thirdly, Riekert has recommended heavy fines against employers using illegal labour. In the past, certain sectors of capital have relied on extra-cheap labour from the ranks of illegals i.e. those not qualified under section 10(1) a,b.or c. This category, as the report noted, were "less choosy about the work they were prepared to do, and more inclined to stick to one job and prepared to accept any level of wages because of lack of bargaining power. This has tended to increase unemployment among urban blacks as well as providing an escape route for contract worker. Now, this avenue is to be closed, and this category relocated to the "homelands."

Finally, the report also endorses the 99 years lease scheme, and provides a degree of local autonomy and other improvements such as electrification, sporting, higher salaries etc. These benefits, it is assumed will accrue to the "insides" - those qualified under section 10 the urban blacks. By improving the living standards of a minority of blacks, the state somehow naively believes that it will avert total onslaught from the majority of blacks in South Africa.

Riekert has been stretched to its logical conclusion by the publication of the Koornof Bills. Published during the last week of November 1980, the three Bills:- the local Government Bill, the Laws on Cooperation and Amendment Bill, and the Black community Development Bill, seek to streamline Riekert's recommendation and establish the legal basis for control over blacks. As Shreana Duncan of Black Shash argues ... the new Bill does not allow any further urbanisation to the place. The outsiders remain outside and the trend, which has been evident in the last two years and particularly

in the Riekert Commission Report that people who live in Homelands are to be excluded from participation in the central economy and from sharing in the benefits of economic growth ... she concludes that:

"As recommended by Riekert Commission, controls over black people are being removed from the streets to the places of employment and accomodation and these control will indeed be more efficient than they have ever been in the past ..." (Rand Daily Mail 05-11-80).

Very broadly, Riekert's is a bold strategy, an attempt to divide the ranks of the black population. For the minority, the urban blacks, Riekert proposes certain benefits aimed at the creation of an aristocrat of labour among the African working class, security and a stake to defend in the system. For the majority, the future holds no promises save endorsement of migrants, unemployed nor the unemployable out of "white South Africa" into the homelands which are already overcrowded and on the verge of disintergration.

Wiehahn, Riekert and Foreign Labour:

The tight control over black populations and relocation of populations recommended by Riekert and the new labour dispensation proposed by Wiehahn have grave consequences for labour exporting countries, more so for a country like Lesotho with a huge proportion of its working class situated in South Africa.

The thrust of Riekerts recommendation is to clear the urban areas of illegal blacks and resituate them in their "respective homelands." If the state has its way, only those qualified under section 10 will remain in the urban areas in the future. This policy is likely to stabilise employment for urban blacks but for the the majority of blacks who will be thrown into the Bantustans, the only avenues of employment will be as migrant labourers in the mines and the border industries. Already there are indications that the mining industry has over the last few years, inserted technology into the production process and subsequently began a process of ^{recruiting} cheap labour relocated in the homelands, there is likelihood that the mines will cut on supplies from exporting

countries. A recent report indicates that whereas in 1978 recruitment in Zululand was 6,000, last year, the mines recruited only 600. With such a high rate of cuts inside South Africa, supplier countries are likely to experience even more stringent cuts. As early as 1977, it was observed that the recruiters in Lesotho were no longer taking freshers but only a category that can be characterised as semi-skilled operatives. With the full impact of Wiehahn and Riekert, the prospects for countries like Lesotho are indeed very gloomy.

CONCLUSION

To conclude, I must emphasise that Wiehahn and Riekert herald no changes in South Africa. Far from reforms, these recommendations are best characterised as new mechanisms for control of black labour, black trade unions and a separation of black population which is hoped will stall the total onslaught on the whole social formation. However, the success of these recommendations will, in my opinion, depend on the following factors:

- (a) The emasculation of progressive trade unions
- (b) The improvement of production capacity in the "homelands" where the so called "superfluous", "illegals" etc are now being relocated.
- (b) The ability of the Pretoria regime to convince the outside world that real changes are taking place and thus forestall the isolation of South Africa internationally.

A quick glance at events inside South Africa over the last year or so indicates that the state is increasingly having a difficult time trying to regain control 1980 did go down in South Africa labour history as the year of the working class onslaught on capital and the state; and over the past nine months, events have indicated that it is the unregistered, "independent" unions who are new in the fore-front of the struggle for better living and working conditions, i.e. the struggle against Wiehahn and Riekert. Mention can be made here of the militant activities of SAAWU in the Eastern Cape and WPGWU in the Cape.

Ironically, Wiehahn's "responsible", registered unions are in the process of being thrown into the dustbin of history. A good case here is Municipal Workers Strike of July 1980. Joe Mavi's Johannesburg Municipal Workers Union, unregistered, had at least the support of 10,000 workers; Ngwenya's Black Municipal Workers Union, registered a day after the strike begun was readily identified with the state and dismissed by the workers as the tool of the oppression.

As for "homelands", study after study, has shown that their productive capacity has been severely undermined. Landsdowne Commission Report of 1936, showed that the reserve suffered from declining productivity and impoverishment, Fagan Commission of 1948 concluded that "reserve production is but a myth". 32 years later, recent studies have indicated that the so called homelands are but hollow economic cells. With increasing unemployment in the homelands, and the relocation policy that the state has embarked on aggressively, it is clear that the Bantustans can no longer sustain or support these large numbers. Somehow, these people will find their way back into the urban areas. The recent case of Nyanga, Langa "squatters" is a good case in point; a day after their "deportations" to Transkei, they were on their way back to the Cape in defiance of the mighty repressive apparatuses at the disposal of the state.

The international Community initially welcomed Wiehahn and Riekert with enthusiasm. But over the last year or so, doubts have started creeping in. With the intensified campaign of international solidarity movements, more so, the international onslaught that the ANC(SA) and SACTU have directed at South Africa. South Africa's aggressive and arrogant terrorism in the region; Pretoria will find it very difficult to convince the world that meaningful changes are indeed taking place in the country.

Thus, evidence does suggest that, the state, through Wiehahn and Riekert is unlikely to achieve the desired objectives; not in the 80s when South Africa is facing pressures from all directions. Trade unions, Students, Clergy and even sectors of the nationalists. Above all, the increasing guerilla activities, the intensity of which has now reached the cities has further stretched the resources of the state. It would seem that the ruling class in South Africa will increasingly find it difficult to regain control and hold the social formation together.

NOTES

1. It has been argued that the retention of reserves where Africans had an alternative source of income from the subsistence economy (pre-capitalist sector) provided the the capitalist (Mining Capital) the justification of paying mine workers subsistence wages - i.e. mining capital did not pay the full cost of production and reproduction of the direct producer and his family. The collapse of the pre-capitalist modes of production in the 30s therefore unleashed demands for full wages i.e. full cost of production and reproduction of the producer and his dependants. For full details of this argument see Wolpe 1972; O'Meara 1978, Webster 1978, Wolpe and Legassick 1976.
2. For the details of the Communist Party involvement in Trade Union movement prior to the 30s see Simons and Simons 1969; du Toit 1978.
3. Luckhardt and Wall warn that the accuracy of these figures has often been questioned, that as always with unregistered unions in S.Africa there is seldom reliable data to substantiate numerical unions. (Luckardt & Wall, 1980 p.61).
4. For further readings on the African Mine Workers strike of 1946, interested readers are referred to O'Meara,,1978.
5. For the summary of the Botha Commission recommendations, I have relied heavily on the following sources:

Work in Progress (WIP, Wits. Johannesburg.) Nos. 6,7 and 8 May 1979. See also South African Labour Bulletin vol. 4 pp. 1-9 and pp. 15-48.
6. Labour shortages in the early years of white capitalist agriculture, the conflicts and confrontations between agriculture and mining capital are best captured in Morris 1971. See also Davies et al 1976.

7. Davies et al argue that the dominant capitalist class is itself divided into different fractions, that they share a common interest in the maintenance of the relations of exploitation in general but that simultaneously they have contradictory interests corresponding to their particular place in the relation of exploitation. The broad conflicts between mining, agricultural and manufacturing capital can be understood within this theoretical framework. However, a victory of mining and agricultural capital as manifested in the Botha report of 1951 does not necessarily mean that they had identical interests with respects to relations of exploitation. In fact agricultural and mining capital were locked in long feuds before agricultural capital could stand on its own feet.

(See Davies et al 1976:pp. 4-20;Morris 1972).

8. The concept marginalisation or marginalised pole of economy was first coined by a Latin American marxist Quijano Obregon. Quijano argued that the expanded reproduction of capital has a tendency to produce a relative surplus population^{which} is different from an industrial reserve army because increasing organic composition of capital and the insertion of technology into the capitalist process of production does away with competitive capitalist sector, i.e. the non-monopoly stage of capitalism. Thus, the marginalised sector is increasingly excluded from the capitalist production process. For this category of labour force, Quijano argues that the only avenues for employment is the marginalised pole of the economy. (See Quijano 1974) For a critique of marginalisation see Wolpe and Lagassick 1976.

9. For the summary of the commission's recommendations, I have relied heavily on the following sources:
South African Labour and Development Research Unit (SALDRU) Working Paper no. 24; South African Labour Bulletin 5(4) 1979

10. For further details on this point, see Western Province General Workers Union memorandum in South African Labour Bulletin 5(4) 1979 pp. 114-134.

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