

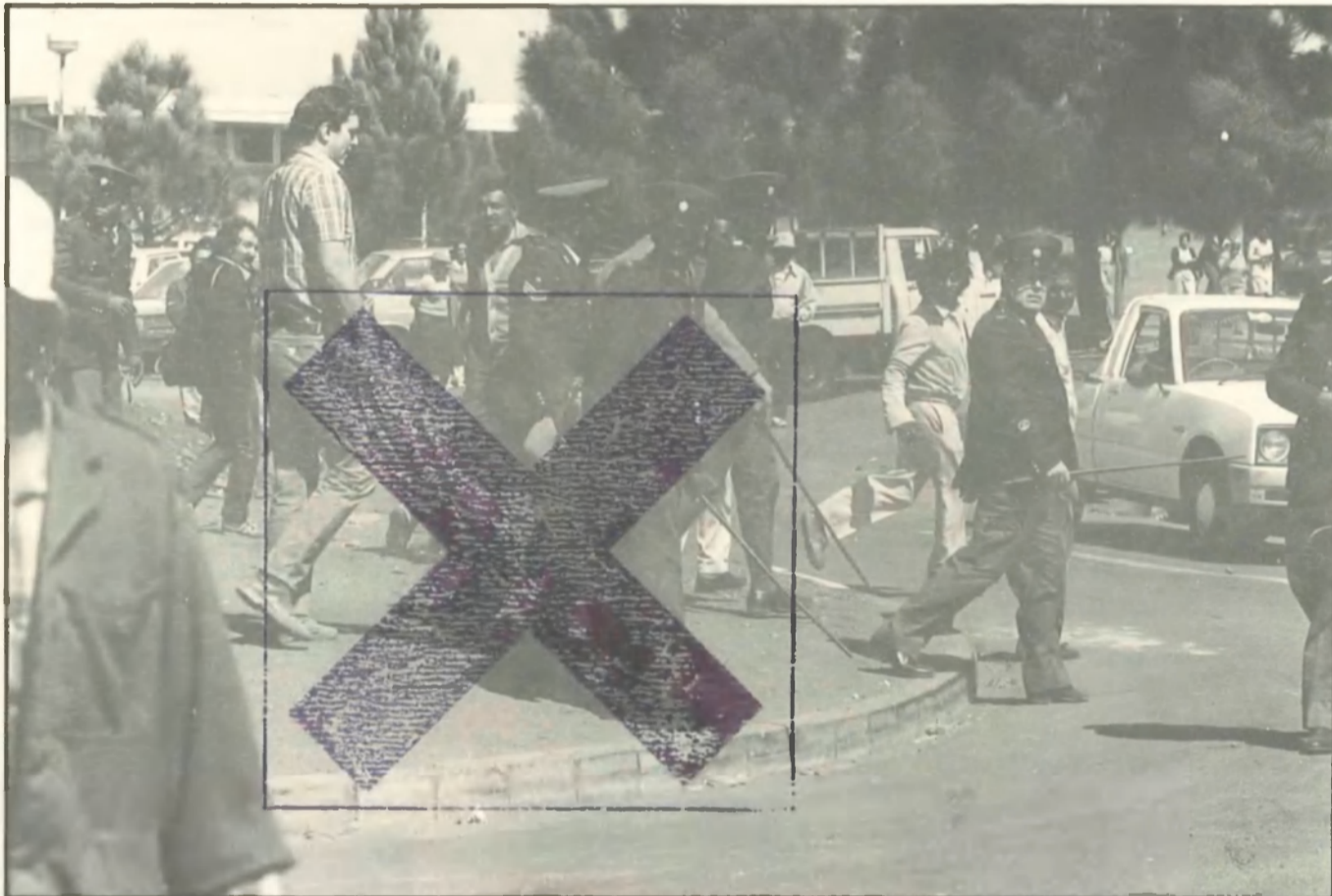
POLITICAL

M O N I T O R

INDICATOR
S O U T H A F R I C A

VOL.2 No3
O C T O B E R 1 9 8 4

INSTITUTE
OF
DEVELOPMENT
STUDIES
LIBRARY



Widespread unrest and police/military intervention have heralded the inauguration of the government's new constitutional dispensation.

- 1** *Reform and Rejection*
- 5** *Aspects of Political Consciousness among African Workers*
- 7** *Few Votes of Confidence in the Quest for Legitimacy*
- 12** *Notes on the Launching of a New Constitution*
- 14** *The Seven Deadly Fallacies and the Sins of Adam*



We're as important to the man in the street as we are to the men in Diagonal Street.

Being one of the top performers on the stock exchange means a better standard of living for our shareholders.

But being involved in the country's economic development means the creation of more wealth and an improved standard of living for every South African.

It's an involvement that has seen us establish coal mines, stainless steel works, cement, glass and other factories to effectively utilise the country's vast resources, to generate more exports, create more jobs, and contribute significantly to the nation's growth.

Involvement means responsibility — in education and training, in helping to establish more businesses, and playing a meaningful role in the community — ensuring not only the country's future, but yours too.

BARLOW RAND 

Mining, cement, steel, engineering, electronics, building supplies, earthmoving equipment, motor vehicles, household appliances, food, packaging and textiles.

GREY PHILLIPS HUNTON MUNDEL & BLAIR 1974-23

POLITICAL UNREST AND AFRICAN RIGHTS: Part One Reform and Rejection

Professor Lawrence Schlemmer

Election boycotts, school boycotts, township and industrial unrest, and police/military intervention have heralded the inauguration of the government's new constitutional dispensation. This chain of events has been widely interpreted as signifying popular rejection of the limited reforms on offer. Professor Schlemmer analyses the factors which are contributing to this period of social ferment and identifies the exclusion of the African community from the new constitutional framework as the central issue.

In this context, African constitutional development has become a major priority for the government. Schlemmer outlines certain key areas of predictable controversy where a replay of past mistakes and illusions should be avoided. In the next issue of Indicator SA a more detailed analysis of future political forms for African representation will be presented.

A Period of Ferment

The past weeks have seen a fairly massive upheaval in South African political life. The elections for the new coloured and Indian Houses of Parliament met with a fairly convincing boycott by voters in urban areas, which resulted in polls almost as low as those in the African local government elections of November 1983 and significantly lower than those recorded for the old advisory Coloured Persons Representative Council (see accompanying data base by Graham Howe).

Over the same period an African school boycott which had started in Atteridgeville in Pretoria spread to other centres and is presently continuing with more than 220 000 pupils not attending classes. The school boycotts and the elections were followed by a rash of township youth unrest in the Vaal Triangle townships, the Witwatersrand, the Eastern Cape, parts of the Free State and Pretoria. Deaths have occurred as a result of both police action and attacks by the demonstrators in the Vaal Triangle on African Town Councillors.

Preceding these events and continuing along with them, notwithstanding a common stand against the elections, there has been sporadic conflict between Inkatha and community movements in Durban townships which has led to deaths and to petrol bombings of supporters' houses on both sides. Isolated instances of petrol bombings have also occurred on the Witwatersrand, aimed at Africans presumably seen to be cooperating with the system. These attacks appear to be a new feature in the general unrest.

Factors in the Ferment

It would be wrong to identify any one single cause as decisive in all these events. Socio-political behaviour is inevitably complex and the following must be considered as contributing factors:

The Recession

It is probably no accident that the disturbances of the late fifties and early sixties, of 1976 and 1977 and the current unrest have occurred during periods of economic downturn, after phases of employment growth or real increases in black incomes. The main actors in the recent unrest, as with 1976, are teenagers and young adults, most of them probably unemployed. The scope of school-leaver unemployment in its effects on quality of life and morale must be seen as an important factor contributing to youth dissatisfaction. The inability of parents to supply or increase pocket-money to their restless children is another linked factor probably contributory to the incidence of looting during disturbances. More broadly, the recent sharp increases in the number of

Aside from student and election boycotts, the attacks on individuals who cooperate with the system is a new feature of general township disturbances

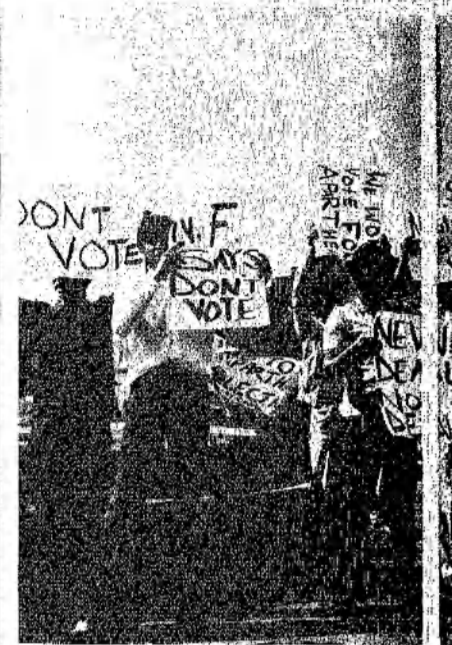
Earlier periods of general political unrest have coincided with economic downturns after growth phases in black incomes



Cape Times



Cape Times



Political tension, confrontation between pro- and anti-election groups and police intervention prior to the coloured and Indian elections presaged the violence which has characterised the post-election period. From left to right: A pre-election Labour Party meeting in Ravensmead becomes a venue for violence as anti-election demonstrators attempt to gain forced entry, while party whips reserve the right of admission to the meeting; a placard demonstration in Lenasia on August 28, the day of the Indian elections; urges a stayaway from the polls; students of Tembisa voice educational demands which are linked to directly political issues; police confront protestors on August 28 - the scene is captured by a cameraman as a dustbin lid is used as a projectile and placards are abandoned in the mêlée.

An overstressed school system with decreasing pass rates weakens the one avenue for African pupil advancement and progress

successful school leavers coupled with the recession probably cuts away all confidence in the system among township youth, producing deepened alienation.

The Malfunctioning African Educational System

African youth set great store by education as a route to progress, as many studies have shown. The African school system is increasingly overstressed by growing numbers of pupils relative to facilities and qualified teachers and hence pass rates have been dropping dramatically. This, quite understandably, has weakened the one strand of hope for advancement and progress among African schoolgoing youth.

Social Deviance in the Townships

The townships over decades have become notorious for murders, assaults, rapes and theft. As many as 25 murders can occur over one weekend in Soweto alone, for example. Any disturbance at which there is some opportunity for looting is immediately joined by large numbers of 'deviant' youths who would encourage or carry on the disturbance on the basis of motivations which are not necessarily political. In the early current unrest in Sebokeng, for example, 45 shops were destroyed and looted at Evaton, while the ostensible cause of the unrest was rent increases.

Rent and Transportation Grievances

As the example above and earlier examples in the Eastern Cape township of Mdantsane and the Natal townships of Lamontville, Chesterville and Sobantu indicate, rent or busfare increases can provide a spark to ignite the unrest. In Sharpeville most recently, but also in the other places mentioned there is involvement by adult householders whose family budgets are hardpressed by inflation and wage freezes at the present time. The adults seldom actively participate in the violent unrest, however. Whilst it is difficult to imagine youth being directly angered by costs their parents have to bear, presumably they see it as further evidence of a hostile and exploitative system.

Political Rights

Political protest is the most important issue in the recent and ongoing social ferment. The article by Monica Bot (Urban Monitor) makes it clear that the school boycotts are fundamentally motivated as protests over African rights.

The Minister of Education, Dr Gerrit Viljoen, has just announced two concessions to African pupils — the lifting of the mature age restriction and the introduction of elected representatives for pupils and machinery for the communication of grievances. An expected reaction was expressed by Kabelo Legane of Azasm (the Azanian Students Movement), when he said that the boycott would continue because 'Boycotts are the only way the pupils can show their anger at the whole system' (STR, 14/10/84; p4). Earlier comments by students involved in Cosas (Congress for South African Students) imply a similar standpoint.

The boycotts and the unrest therefore both appear to be part of a broader socio-political response to recent economic and political trends. A specific political factor which combines with the socio-economic alienation is the recent incomplete reform of granting a form of political rights to some and not others. Numerous writers on civil unrest have emphasised the critical significance of policies which create relative deprivation by widening gaps between groups; see particularly the work by Ted Gurr.¹ Most specifically the exclusion of Africans from the new constitution can be regarded as a destabilising factor.

The lack of political rights for Africans at the central level also has the following implications at a time of social and political unrest:



Gill De Vlieg/Afrapix



Gill De Vlieg/Afrapix



C Nunn/Afrapix

● *Defective crisis management.*

In the words of Professor Mike Hough of the Institute of Strategic Studies at the University of Pretoria, the lack of credibility of the available elected leadership at local level as manifest in low percentage polls in township elections, leaves the system without a basis for crisis management (Rpt, 14/10/84). There are no African leaders who can either mediate in the conflict or counteract the mobilisation for confrontation.

● *Security action becomes illegitimate.*

The lack of any rights of Africans legitimises almost any form of protest as perceived by those opposed to the government here and abroad. By the same token, any security action by the government to clamp down on unrest is automatically, and very understandably defined as the illegitimate suppression of movements aimed at freedom and democracy. The unrest, in the context of African rightlessness, forces the government to take on the role of the 'oppressor'. Given the steady build-up of anti-apartheid pressure abroad, seen particularly in the recent successes of the disinvestment campaign in the USA, security action by the South African government in the context of African rightlessness is very costly.

● *The limits of unrest are uncertain.*

In South Africa, given the labour surplus economy and high African population growth leading to disproportionately high numbers of African youths entering the labour market, the presence of unemployed and/or alienated youth who feel marginal in the system is well-nigh permanent. Group social and economic inequality and the inevitability of radical movements also makes the politicisation of this youthful segment a certainty for the future. South Africa will face youth unrest as a permanent cyclical phenomenon from now on. Professor Theo Hanf refers to this as the inevitability of protracted low level conflict (see last issue of Indicator SA).

Many countries experience protracted youth dissidence. It has been characteristic of countries like the USA and Germany for periods of several years in the late sixties and early seventies. In South Africa, however, the absence of channels for the expression of political opinions and needs among Africans, means that no one ever knows whether or not the youth represent the majority of working adults. Hence a youth riot in South Africa is easily seen as evidence of revolutionary instability, whereas this was never the perception in the USA or Germany even during the worst unrest. Whether or not the youth unrest in South Africa affects the core stability of the economy and society will depend more and more on whether the African working class can become effectively integrated into a system of rights and responsibilities as citizens.

African Political Rights — The Prospects

Given these considerations the rational response of the state must be to close its credibility gap by extending a form of rights to Africans. This has been on the agenda for some time since a special Cabinet Committee was established in 1983 to investigate the constitutional position of Africans outside the African states. It has subcommittees on which homeland Africans and government officials serve. Recently the Cabinet Committee has called for evidence, approaching certain business organisations with a request for inputs. The State President, speaking in August at the Free State Congress of the National Party in his last address as Prime Minister, said that 'We shall have to make the greatest possible effort to find a solution to the political rights of blacks (those outside the independent homelands) — not only for the sake of our children but . . . for the sake of justice . . .' In October, at the Transvaal Congress of the National Party, both Mr Chris Heunis and Dr Gerrit Viljoen re-emphasised this objective, the

Africans who man the township councils are not credible leaders able to mediate in the conflict. The system lacks a sound basis for crisis management

The lack of African rights means that the government clamp-down on unrest is interpreted abroad as suppressing democratic movements

Youth unrest will lead to societal instability unless the African working class is effectively integrated into a system of rights and responsibilities as citizens

In proposing forms of African rights, the government should heed the lessons of the coloured and Indian elections

Further proposals will provoke more unrest unless they are implemented without delay and include certain features

Africans must participate in planning common urban and homeland citizen rights within a non-ethnic dispensation

A dispensation which excludes Africans in non-independent homelands will meet crippling opposition

latter Minister referring to Africans as 'one of the country's greatest benefits'.

These intentions do not necessarily mean, however, that African constitutional development will bring greater stability. As with the coloured and Indian elections in the short run, the government proposals when they appear may actually stimulate more unrest. Given the lessons of the African local authority elections, the abortive Black Council suggested as a partner body to the President's Council some years ago and the more recent events, government proposals for African rights will create resistance unless certain features are avoided, as suggested below.

What to Avoid in African Constitutional Development

The government has clearly no intention of running any risk of relinquishing power to an African majority. The best that can be hoped for in the foreseeable future is that legislative and executive power will be shared on some basis which gives whites overriding influence or a veto. Dr Alan Boesak, one of the most influential patrons of the UDF (United Democratic Front), on a recent tour abroad made it clear that the UDF would not accept any extensions to the present constitution or 'second best' political rights for Africans, but wanted a 'new constitution' (STr Herald, 14/10/84). Thus the stage is set for an almighty controversy when the government finally announces its plans, and it is all the more necessary that the following be considered:

- *Common citizenship.*

A clear assurance on African citizenship of South Africa is essential to win initial cooperation from all influential African leaders, including the more influential homeland leaders.

- *A non 'ethnic' dispensation.*

A fourth chamber for Africans or any special council for Africans will simply goad all anti-apartheid groups, both radical and moderate, into renewed resistance. Some form of incorporation into a joint body at parliamentary or cabinet level dealing with general affairs is essential.

- *African participation in planning the new dispensation.*

The present patterns whereby homeland Africans are consulted by the Cabinet Committee is totally inadequate and guarantees rejection of the outcome. A commission or high level committee including African leaders and politically non-partisan experts should be the major instrument of planning the proposals for submission to the cabinet.

- *The impossibility of dividing homeland and non-homeland Africans.*

The granting of rights and privileges only to non-homeland Africans will effectively prevent the dispensation being supported by Chief Buthelezi and Inkatha, the African organisation with the largest registered membership in the country. Inkatha has a substantial proportion of its support in the common area and a significant minority are non-Zulu. A dispensation for Africans which excludes those in non-independent homelands will meet crippling opposition from the start. It will also increase the incentive to urbanise, which is the last thing the government wants.

- *The need to avoid raising expectations over a protracted period of delay and speculation.*

Eighteen months before the coloured and Indian elections, when the present constitution was not yet clear to the general public, various opinion polls² showed that 40 to 50 percent of the potential urban electorate were prepared to participate in the new system as they understood it. Expectations were raised. As more and more detail became available in the months which followed, the coloured and Indian voters became more and more critical and/or uncertain of the substance of the proposed political reforms. The same might be expected to occur among African people. An interim measure is required which can be implemented without delay while detailed constitutional planning proceeds, guided by interim representatives of the African communities.

These are exacting requirements in a political system such as South Africa's but they are possible, however, and essential. Detailed suggestions will be given in the next issue of Indicator SA, along with an analysis of constitutional possibilities. It is very necessary that at this relatively early stage the mistakes of the immediate past be avoided. *IPWA*

FOOTNOTES

¹ T Gurr. *Why Men Rebel*, Princeton University Press, 1970.

² Inter alia, a *Sunday Times* Poll among 350 urban coloureds and Indians, 15/8/82 and a *Human Sciences Research Council* Survey among 1870 urban coloureds and Indians, results of which were released on 11/3/1983.

NEWSPAPER KEY

Rpt — Report
STr — Sunday Tribune

Aspects of Political Consciousness among African Workers: 1981 to 1984

Separating the 'extra-political' from the 'pragmatic economic' activities of workers shapes up as a difficult task in the South African context, where most issues become politicised somewhere along the line. And though a radicalised political consciousness might find expression in the wider community, black workers do not necessarily approach issues at the workplace in the same terms or with the same demands.

Professor Schlemmer draws on three seminal surveys conducted over different periods of time and traces the recent evolution of the political attitudes of African industrial workers. In selectively utilising the findings of Hanf's Bergstraesser Institute survey of 1977, the Buthelezi Commission survey of 1981 and the Indicator SA/CASS Disinvestment survey of 1984, he concludes that the African workforce is more politically confident and outspoken, and their level of generalised political discontent remains as high as the peak reached in the early eighties.

The past year has seen a re-emergence of black protest and unrest in South Africa. The establishment of the UDF (United Democratic Front) and the National Forum has provided a platform and a voice for black political grievances, reminiscent of the heyday of the black consciousness movement in the middle to later 1970's. The recent eruption of school boycotts and township youth unrest on a large scale is almost like a replay of the events following June 1976.

The constitutional reforms for coloured and Indian people have highlighted the exclusion of African people from any role in central decisionmaking. At a time like this one would expect a stimulation of political consciousness among Africans, particularly since the economy is also in the throes of a serious recession. Wage increases over the past 12 months have been well below the performance of the early eighties and the persistence of double-digit inflation has further eroded the living levels of the poor.

Against this background it is interesting to assess comparative survey findings on rank and file African political consciousness over time. In 1981 this author undertook very comprehensive political surveys for the Buthelezi Commission both in the PWV (Pretoria-Witwatersrand-Vereeniging) and Durban-Pinetown areas. These surveys included substantial proportions of male industrial workers. In April to June of this year another survey was undertaken as an Indicator SA project (Schlemmer, 1984), this time only among African male industrial workers. Although the two surveys were undertaken for different purposes, certain general items on political consciousness were common to both studies.

The sampling method used — a quota-controlled sample to ensure representation of different ages and skill levels with random interview contact points — was identical in both the 1981 and the 1984 surveys. In the Transvaal the same team of experienced African market research interviewers was used for both surveys. In Natal the market research interviewers undertook the 1981 survey while the 1984 interviewing was done by a team of salaried African interviewers employed by Indicator SA and CASS. Although only a few items are quoted in this brief analysis, the questions selected all correlated highly with other political probes and appear to be valid reflections of political feelings.

General Dissatisfaction

African industrial workers were questioned about how they felt about 'life in South Africa'. They were

presented with five faces with different expressions linked to five statements which were carefully read out to them. The following are the proportions in 1981 and 1984 who were 'unhappy' or 'angry and impatient':

FEELINGS ABOUT LIFE IN SOUTH AFRICA

	1981		1984	
	PWV (n228)	DBN (n262)	PWV (n351)	DBN (n100)
Sample size				
'Unhappy'	25%	32%	15%	38%
'Angry and Impatient'	52%	39%	50%	33%
Total Unhappy or Angry and Impatient	77%	71%	65%	71%

The trend seems to be for general life dissatisfaction in the PWV area to have abated slightly over the past three years, although the proportion of African workers who feel angry and impatient has tended to remain constant. In the Durban-Pinetown area, where there is less extreme anger than in the Transvaal but more unhappiness, the general trend is constant, but extreme anger seems to have abated somewhat.

These findings are surprising in view of the deep economic recession; some 60 percent of the respondents in both Natal and Transvaal said in response to another question that their circumstances were deteriorating. The answers above would seem to suggest that generalised political discontent reached a very high level in the early 1980's and has since remained fairly constant. Comparisons with an earlier study conducted by Hanf and others of the Bergstraesser Institute in 1977 (same sample design and the same interviewer teams), shows that the really dramatic growth in African political discontent occurred in the late seventies (Hanf et al, 1982). In 1977 'anger and impatience' was expressed by only roughly one third of respondents on the Witwatersrand-Pretoria area, compared with over 50 percent in 1981.

Political Consciousness

In the 1981 and 1984 surveys, respondents were asked what benefit would be 'most valuable for an African person like you'. The options given included education, training for job advancement, membership of a trade union as well as certain political resources. The proportions choosing the 'political' and 'non-political' options are given below:

POLITICAL ATTITUDES

RESOURCE MOST VALUABLE FOR AN AFRICAN PERSON LIKE RESPONDENT

	1981		1984	
	PWV	DBN	PWV	DBN
POLITICAL				
A vote with whites	19%	18%	19%	17%
Strong political organisation	2%	—	3%	1%
Powerful black leader	14%	13%	11%	13%
Total Political	35%	31%	34%	31%
NON-POLITICAL				
Better job	36%	33%	38%	22%
Higher education	27%	32%	18%	34%
Strong trade union	2%	3%	10%	11%

These results suggest that the proportion of African workers who accorded a priority to political resources in 1981 (roughly one third) may have declined somewhat in the Transvaal, although the differences are too small to represent any significant shift. The results for the Durban area appear constant. There has been a growth of recognition at the benefits of trade unions, but this is still at a surprisingly low level.

A somewhat contradictory finding emerges from another probe. The respondents were asked to agree or disagree with the following statement: *'It is best for African people to be careful in politics and not get into trouble and lose what they have'*. People who disagreed with the statement can be taken to favour strong political action, although violence is not necessarily implied:

REJECTION OF POLITICAL CAUTION

	1981		1984	
	PWV	DBN	PWV	DBN
Disagree that African people should be careful in politics	45%	34%	64%	32%

The Durban results are roughly constant over the three year comparison. The results for the Transvaal reflect a very marked increase in willingness to be at least outspoken on political issues. The findings may not necessarily reflect increased militancy but they do reflect increased political confidence. In the 1977 study (Hanf et al, *ibid*), the Transvaal results showed that no more than one third of respondents was willing to disagree with the statement.

There probably is an awareness of a great deal more open action in African politics today than was the case in 1981. This is reflected in the findings on one item relating to the ANC (African National Congress), which was not asked in the Transvaal in 1981. A comparison is available for Natal:

'If the ANC were to come in secretly asking people to help it and work with it what would happen':

	DURBAN ONLY	
	1981	1984
● Most people would try to help it	11%	19%
● Not most but a large number of people would try to help it	38%	37%
● Only a few people would try to help it	51%	42%

These comparisons for the Durban area show an increase in a general perception of the social acceptability of the ANC. In the Transvaal sample in 1984, 65 percent felt that most or a large number of people would help the ANC, compared with 56 percent in Natal.

Counter-Politicisation

There is a great deal of attention given in the media to the problems of independent Africa. This applies particularly to Mozambique and Zimbabwe. Not only are the economic problems emphasised but also strife between political factions. In the 1977 study (Hanf et al, *ibid*), African respondents were asked to agree or disagree with the following statement: *'Whites are strict but they are honest and fair - we would not be happier under our own people'*. Some 62 percent of the 1977 respondents disagreed with the statement. In the 1981/84 comparisons the results are as follows:

APPRECIATION OF THE SUPERIOR BENEFITS OF AFRICAN RULE

'Whites strict . . . but Africans would not be happier under own people'

	1981		1984	
	PWV	DBN	PWV	DBN
Agree	35%	28%	46%	66%
Disagree	65%	72%	54%	34%

The result above is surprising in the light of the other findings which have shown at least a static level of politicisation but in some instances a greater political confidence among African workers in 1984. One cannot be sure of the interpretation of this finding and further research is required, but it could be that the manifest problems in the black-ruled states of Southern Africa as communicated in the media have produced hesitancy about black rule.

Assessment

The findings above and others not included in this brief Trendline suggest that the wave of increased political consciousness of the late seventies may have reached a plateau in recent years, but at a very high level of felt political deprivation. What has changed is that the increased visibility of various extra parliamentary opposition groupings as well as sabotage by the external mission of the ANC has produced more readiness to express political viewpoints and to protest the need for reform. At the same time, however, the media treatment of Southern African affairs may have eroded political consciousness somewhat by undermining faith in black rule.

Broadly, however, these results suggest that the mounting restlessness among township youth may not be characteristic of the older generation of working class Africans. At the same time one should consider that the unrest in the townships might have a politicising effect even on the older generation, as seems to have been the case after 1976. The pattern reflected in the latest survey may therefore change in the months ahead. Further research exploring these trends will be undertaken as soon as possible.

BIBLIOGRAPHY

- The Bulhelezi Commission. *The requirements for Stability and Development in KwaZulu and Natal*. H & H Publications (Pty) Ltd, Durban, 1982.
- Hanf et al. *South Africa: the Prospects for Peaceful Change*. London, Rex Collings/Cape Town, David Philip, 1982.
- Schlommer. *Black Worker Attitudes: Political Options, Capitalism and Investment in South Africa: Issue Focus, Indicator Project SA*. September 1984.

FEW VOTES OF CONFIDENCE IN THE QUEST FOR LEGITIMACY

A Comparative Data Base on Electoral Responses

By Indicator SA Researcher Graham Howe

Legitimacy is a central feature of the western democratic state. Incumbent governments possess legitimacy in the eyes of the ruled by virtue of historical constitution and precedent, unfettered participation and representation in regular elections, rotating party rule and general societal consensus, in diverse combination. The practical implications of these crucial legitimating factors are that without this enigmatic democratic 'character', an isolated government must rely on unsanctioned force to maintain rule, while its excluded opponents turn to alternative avenues of political expression.

The past twelve months in South Africa have witnessed a renewed cycle of traumatic civil unrest, intimately related to the extension of unequal political representation to the coloured and Indian minorities, in the form of new ethnically segregated parliamentary chambers. The comparative data base on the election poll which follows demonstrates that the minimal electoral response to the new constitution has not engendered more representative government and that the ruling party's quest for greater legitimacy has been unsuccessful. Out of the total number of potential (rather than registered) adult voters, a mere 19.3 percent of coloureds and 17.9 percent of Indians cast a vote, compared to the huge 76 percent majority of whites who participated in the constitutional referendum.

The controversial careers of the advisory Coloured Persons Representative Council (CPRC) and its counterpart, the South African Indian Council (SAIC) provide examples of segregated political institutions which eventually foundered due to a combination of political impotence, unrepresentativeness and popular rejection. In 1969, 50 percent of potential coloured voters participated in the first CPRC elections, though the fact that the Labour Party went in on a 'boycott' ticket probably accounted for the high poll. In the first SAIC elections in 1981, a mere 10 percent of registered voters cast votes.

It is in urban African communities that the strongest opposition to existing township authorities and the government's political initiatives has occurred. In the Vaal Triangle, the crisis of legitimacy facing the town councils (the renamed community councils) elected on an average 10 percent poll in November 1983 has had explosive consequences. In early September 1984, residents belonging to opposition civic associations rejected rent increases imposed to finance these new local authorities and ensuing riots brought death and destruction to the volatile townships, which continues into the present.

In the absence of legitimate political forms negotiated from a starting point of consensus, there are few real channels of communication. It is left to the police and para-military forces to impose an authority which lacks the majority consensus of the governed. Tragically, the long awaited democratisation of the South African government recedes into the future as stones are cast instead of votes and bullets deride the ballot box.

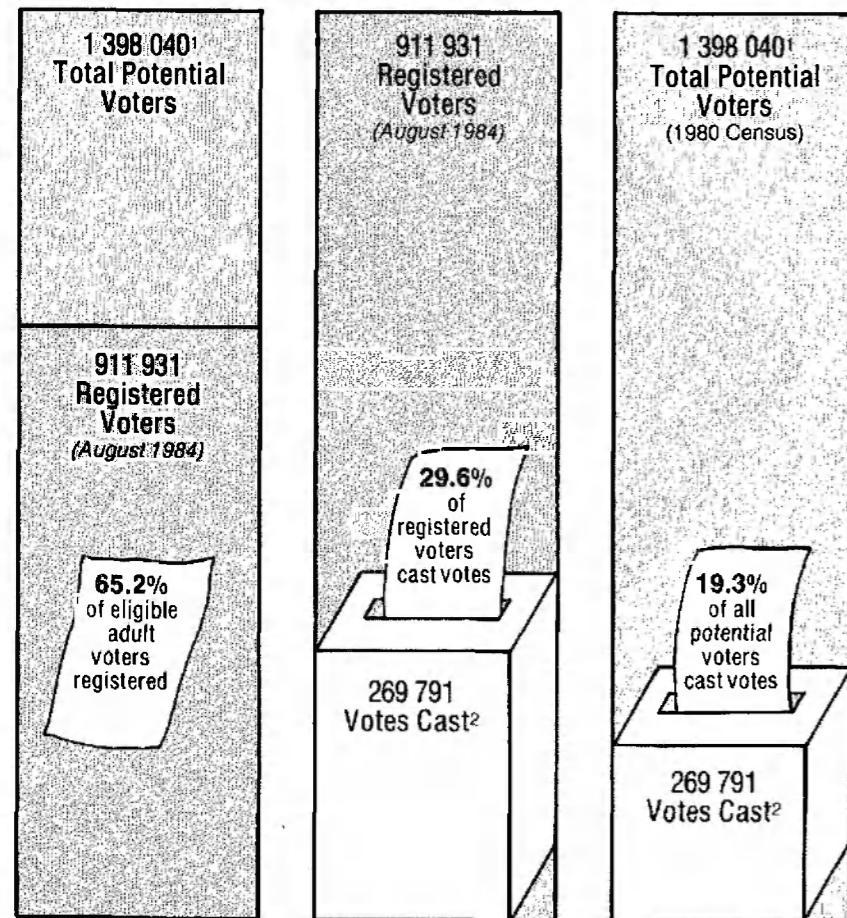
'How Representative Can Unrepresentative Be?'

The August Elections for the Coloured and Indian Parliaments

Table 1 ● COMPARATIVE ADULT POPULATION, VOTER REGISTRATION AND ELECTION POLL STATISTICS ●

Table 1(1)

THE HOUSE OF REPRESENTATIVES (COLOURED) ELECTIONS, 22 AUGUST 1984



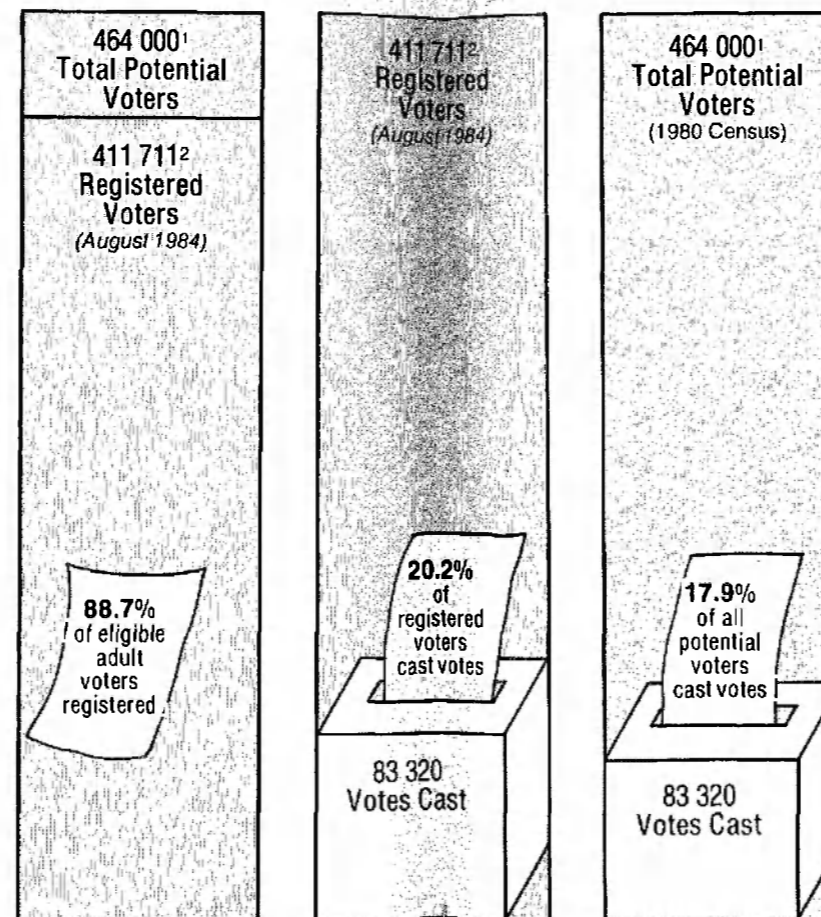
While 29.6% of registered votes cast votes for the House of Representatives, this figure drops to 19.3% of all potential voters, as only 65.2% of all eligible adults registered to vote

FOOTNOTES

- Other research estimates conclude that the total pool of potential coloured voters is actually 12 percent higher than the 1980 census figure, ie a further 167 765 people (E Patel, August 1984). If this finding is accurate, then only 58.3 percent (and not 65.2 percent) of eligible coloured adults registered in the first place and only 17.2 percent of all potential voters (and not 19.3 percent) cast their vote
- A minor statistical variable which should be mentioned here is the fact that four Labour Party candidates were elected unopposed in the Eastern and Southern Free State, Genacendal and Priel rural constituencies. Otherwise, these 'untested votes' might have marginally boosted the overall percentage poll.

Table 1(2)

THE HOUSE OF DELEGATES (INDIAN) ELECTIONS, 28 AUGUST 1984



While 20.2% of registered voters cast votes for the House of Delegates, this figure drops to 17.9% of all potential voters, as only 88.7% of eligible adults registered to vote

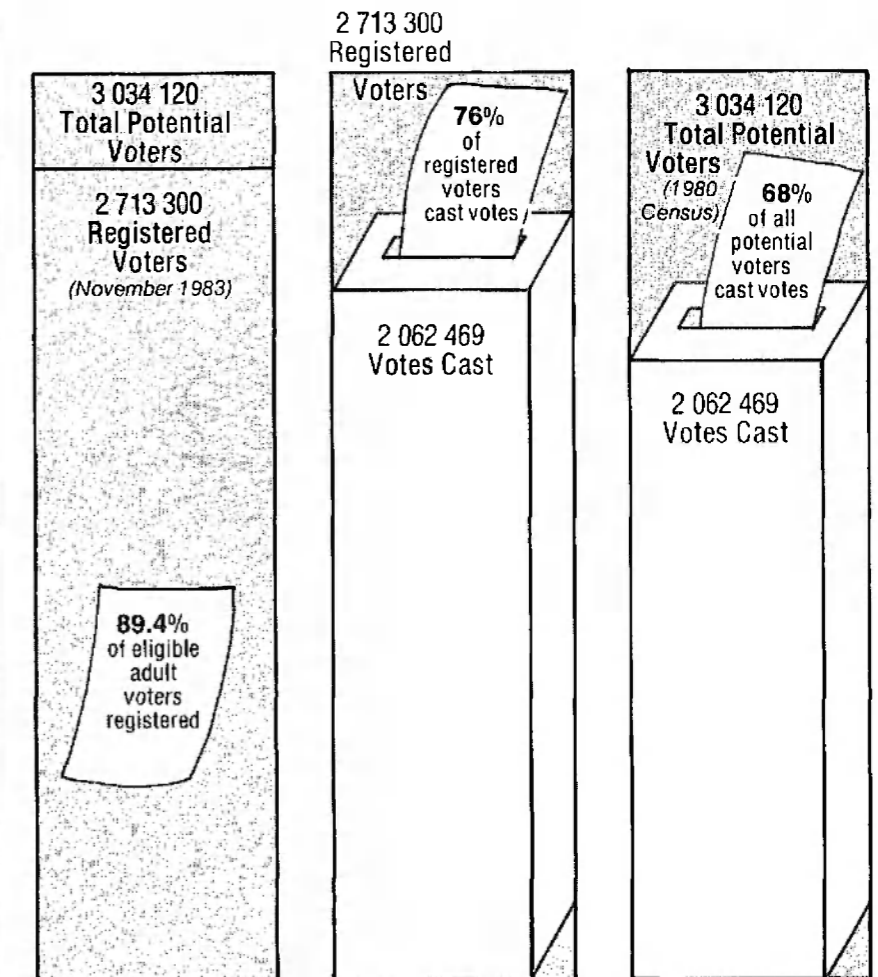
FOOTNOTES

- The Department of Internal Affairs stated that the official number of Indian people on the population register (330 038) excluded a backlog of up to 200 000 people still to be granted their identity books (RDM 18 May 1984). This additional group would bring the total pool of potential adult voters to about 536 415. On the basis of this higher estimate, only 76.8 percent (and not 88.7 percent) of eligible Indian people registered to vote (Post Natal 5/8 September 1984).

- In the media, several political commentators claimed that the official number of registered voters would effectively be reduced by 10 percent or more, as a consequence of duplications, changed addresses and deaths on the outdated South African Indian Council voters' roll (1981) used in the current elections (RDM, ibid). Based on a corrected voters' roll numbering 370 540 people then, only 15.5 percent (and not 17.9 percent) of all 536 415 potential voters (see preceding footnote) registered and actually voted

Table 1(3)

THE TRI-CAMERAL CONSTITUTION (WHITE) REFERENDUM, 2 NOVEMBER 1983.



In response to the question, 'Are you in favour of the implementation of the Republic of South Africa Constitution Act, 1983, as approved by parliament?'

- 1 360 223, 65.95 percent of registered white voters, or 44.8 percent of all potential voters, votes YES
- 691 577, 33.53 percent of registered white voters, or 23 percent of all potential voters, voted NO
- The YES vote majority was 668 646.

SOURCE

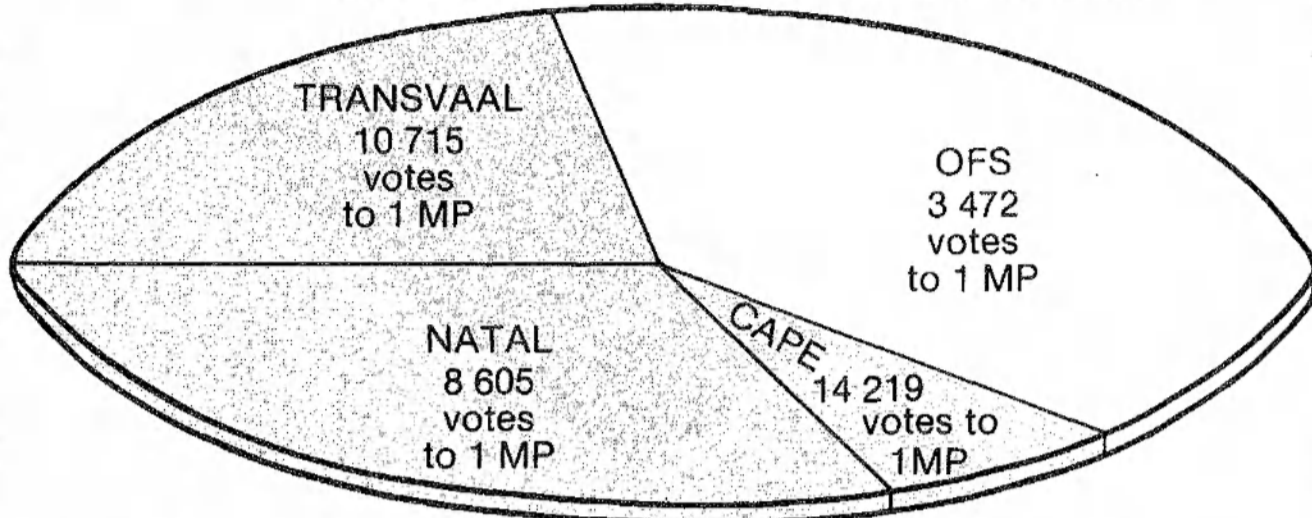
1980 Census Figures released by Central Statistical Services (CSS), Pretoria.
 Voter Figures released by the Department of Internal Affairs.
 Indicator SA Press Clippings.
 The South African Institute of Race Relations (SAIRR): Annual Survey of Race Relations 1983
 Voter Registration Study by E Patel of the Southern Africa and Labour Development Research Unit (SALDRU), UCT, August 1984.

POLITICAL REPRESENTATION

POLITICAL REPRESENTATION

Table 2 ● **PROVINCIAL DELIMITATION**

Table 2(1) **Seats for the House of Representatives: Average No of Voters per Constituency**
Each segment depicts the comparative value of 1 vote cast in each province



Coloured Population and Constituencies by Province

Province	Population	%	Constituencies	%
Cape	2 222 120	85.6	60	75
Transvaal	226 520	8.7	10	12.5
Natal	90 180	3.5	5	6.3
Orange Free State	55 560	2.2	5	6.3
TOTAL	2 594 380¹			

FOOTNOTE

¹ The most recent national estimate of the total coloured population, released by CSS in June 1984, is 2 798 000 people, an increase of 203 620 over the 1980 census figure.

Did you know that?

- Because of the disproportionate average size of constituencies from province to province, an individual vote cast in the Orange Free State is worth 4.1 times more than an equivalent vote cast in the Cape
- Alternatively, an individual vote cast in Natal is worth proportionally 1.7 times more than an equivalent vote cast in the Cape
- Also, although 40 percent of the total coloured population live in the Western Cape, only 20 out of the 80 constituencies for the House of Representatives are located there
- The remaining 40 parliamentary seats in the Cape are located in rural areas, thus reflecting a strong overall bias and unequal 'weighting' of votes in constituency delimitation.

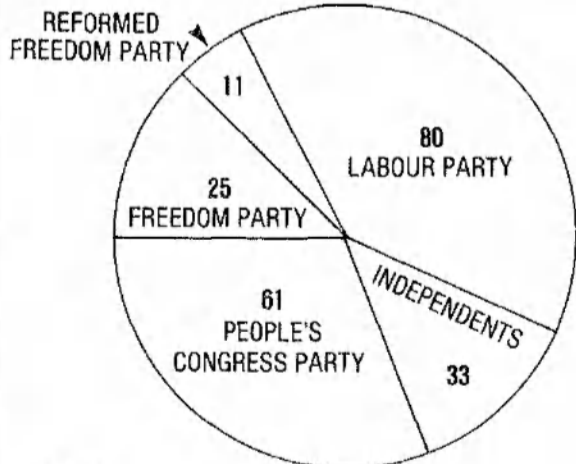
Table 3

● **BREAKDOWN OF PARTY AND INDEPENDENT**

(Each of the Houses indirectly elects three additional members, while

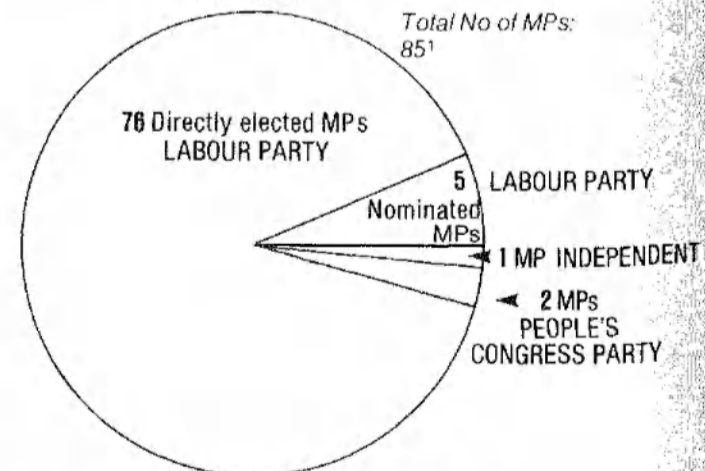
Election Candidates for the House of Representatives

BEFORE



Elected and Nominated MPs in the House of Representatives

AFTER



FOOTNOTES

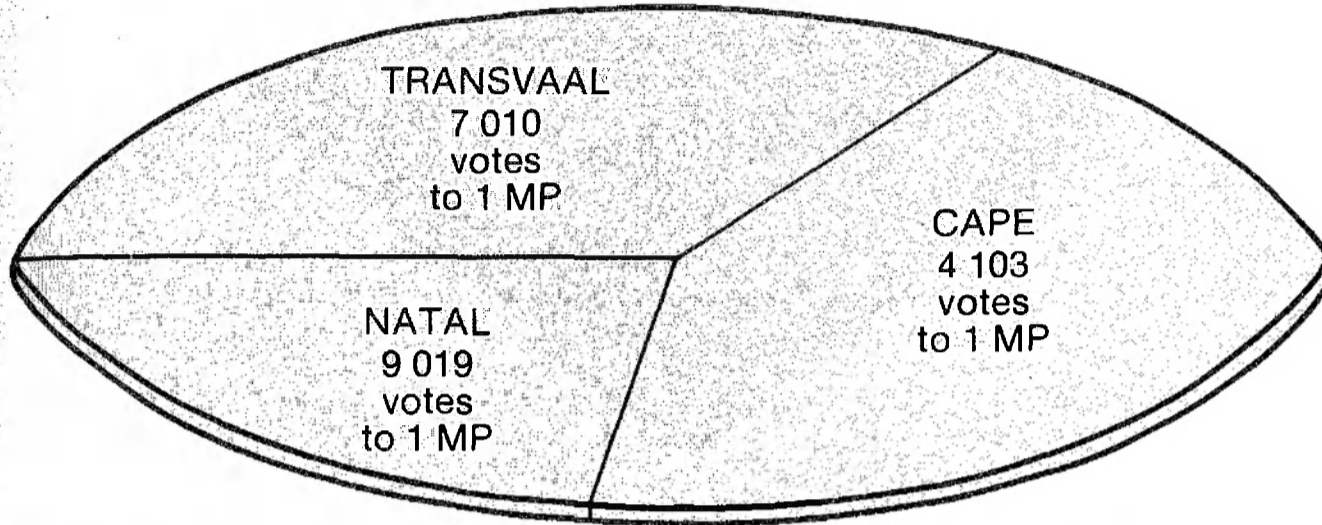
¹ A by-election will be held in the Bosmont constituency (Transvaal), as Freedom Party leader Mr Arthur Booysen and his Labour Party opponent, Mr Dodds Nieuwenhoudt tied the seat in an unusual result, with 834 votes each.

² Although an extraordinary number of Independent candidates (76 in all) stood for election to the House of Delegates, only four were elected, with many others losing their deposits of R400 each.

³ Four Indian members of the Labour Party stood for election as Independents in

OF CONSTITUENCIES, May 1984 ●

Table 2(2) **Seats for the House of Delegates: Average No of Voters per Constituency**
(Each segment depicts the comparative value of 1 vote cast in each province)



Indian Population and Constituencies by Province

Province	Population	%	Constituencies	%
Natal	664 360	82.2	29	72.5
Transvaal	112 160	13.9	8	20.0
Cape	31 420	3.9	3	7.5
Orange Free State	—	—	—	—
TOTAL	807 940¹		40	

FOOTNOTE

¹ The equivalent, latest national estimate of the total Indian population is 875 409, representing an increase of 67 469

SOURCE

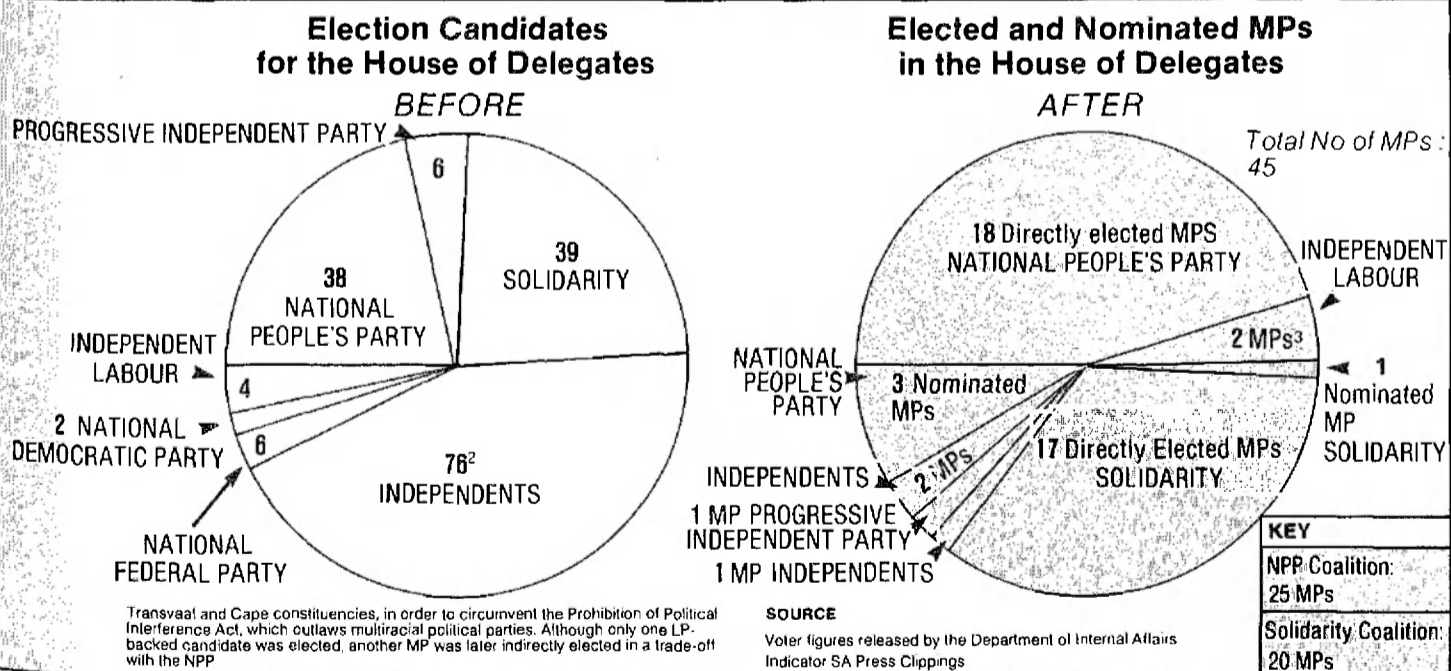
The Minister of Internal Affairs, Hansard 24 April 1984, Question: Col 974.
Special Constituency Delimitation Committee, Department of Internal Affairs, 30 May 1984.
Population figures released by Central Statistical Services
SAIRR Annual Survey, ibid
Indicator SA Press Clippings

Did you know that?

- Because of the disproportionate average size of constituencies from province to province, an individual vote cast in the Cape is worth 2.2 times more than an equivalent vote cast in Natal
- Although potential adult Indian voters number 45 000 in the densely populated suburb of Lenasia, only 3 parliamentary seats were located there. This amounts to an average of 15 000 voters per constituency and is more than double the official constituency size in the province
- There are no Free State constituencies for the House of Delegates, as under Chapter XXXIII of the Free State Law book (1854-1891), as retained by the Pre-Union-Statute Laws Revision Act of 1979, Indian people may still not stay in the province for more than 72 hours (though they may apply for 90 day permits). In late January 1984, the Strydom Committee on Group Areas et al recommended to parliament that the Free State ban, as well as Act No 33 of 1927 banning Indians from the northern districts of Natal, should be retained.

CANDIDATES DURING CAMPAIGN AND POST-ELECTION ●

(the State President nominates a further two members to each House)



Notes on the Launching of a New Constitution

From a recent seminar presentation by Professor S P Cilliers of the Department of Sociology, University of Stellenbosch

Opinions still differ widely as to the historical significance, legitimacy, practical viability and overall prospects for success of the complex and many-headed political creature which in September emerged from the depths of the National Party's constitutional laboratory to take its first tentative steps in the harsh daylight glare of public scrutiny. In the following analysis, derived from seminar notes by one of South Africa's most seasoned and reputable sociologists, a brief, synoptic assessment of major problems and developments surrounding the new constitution is presented.

The government has bought time to resolve operational aspects of the new constitution by scheduling the next elections for 1989

The current recession limits the government's capacity to demonstrate the material advantages of political participation to the coloured and Indian communities

As the State President retains his position as NP leader, he must operate within the broad limits of policy laid down by the party caucus

The failure to provide for African representation at the central level is obviously a major factor mitigating against the acceptability of the new constitutional dispensation. Statements by the State President and other Ministers have shown that the government is aware of how crucial this issue is. Some form of political representation for urban Africans is under consideration, but as Professor Schlemmer points out in his *Diagnosis*, the problem will be further compounded unless homeland as well as non-homeland Africans are given some form of representation in the central government.

- The majority parties who now have to serve jointly both in the cabinet and in cabinet committees have fundamentally different and opposing ideas about the nature of the societal order to be achieved and protected. One may therefore expect severe strains, particularly after the first three to four years, when the prospect of new elections starts to loom ahead. It should be noted, however, that the government has bought time for itself in making provision for a long period before the next general election, scheduled for 1989.

- While it is true that in particular the NP (Nationalist Party) stands to lose most if the system collapses, this also applies in particular to the majority parties of the coloureds and Indians, since they are irrevocably identified with the system. Thus, if severe failure occurs, that is if majority parties cannot collectively achieve meaningful real and symbolic successes or if major conflicts emerge, the opposition parties in the three houses stand to lose least. But, equally, should successes be achieved, opposition parties, in particular the PFP (Progressive Federal Party), will experience a loss of credibility.

- The present economic crisis will place

severe strains on the material capacities of the government to show to the coloured and Indian communities the benefits of their participation. (See Professor Nattrass' *Diagnosis* in the *Economic Monitor*).

- Considerable debate and controversy can be expected around the issue of local government, which has not been finally structured in the new constitution.

- The issues of influx control and the crisis in African education, allied as they are to the constitutional future of non-homeland Africans and the widespread rejection of structures perceived as separate and inferior, are absolutely crucial and demand immediate attention.

The New Executive and Government

- The extraordinary powers of the State President are only now becoming apparent. The fact that he retains his political link with and power base in the NP means that he will thus retain his position as leading party politician, operating within the broad limits of policy as determined by the NP caucus, and increasing the powers of this group.

- There is no sign in the new cabinet of any deliberate effort to pander to right-wing elements. To the contrary, all the new appointments are of relatively verligte politicians. Cases in point are:

- The appointment of Dr G Viljoen as Minister of the amalgamated Department of Co-operation and Development and Training, and of Mr F W de Klerk to the new Ministry of Home Affairs and National Education, both portfolios closely associated with the administration of African affairs;

- Minister Chris Heunis' retention of the key Constitutional Development and Planning portfolio, underscoring the very great



There seemed to be little relationship between voter support and a mandate for political 'representation' in the trichamber elections. As cartoonist Dave Anderson reflects, winning candidates entered parliament regardless of their scores at the 'polls'.

Acknowledgment Rand Daily Mail

THE NEW CONSTITUTION

importance attached to the issue of the political future of Africans;

□ The replacement of former Deputy Minister Dr Morrison by the relatively verligte Mr S J de Beer as Deputy Minister of Co-operation and Education, also indicating the possibility of a more flexible approach to African rights.

- It is also significant that the chairmen of the three Ministers' Councils have been appointed as full members of the main cabinet. The cabinet is no longer 'all-white' and even though the Reverend Allan Hendrickse and Mr Amichand Rajbansi are ministers without portfolio, it cannot be said that no power sharing has occurred.
- It is noteworthy that the State President has clearly stated that he will be specifically concerned with leadership on the issue of African affairs, with the citizen status of non-homeland Africans receiving top priority.
- The new President's Council, a mixed bag of party stalwarts who could not be fitted in elsewhere and of 'independents' (ie individuals from academic and other extra-parliamentary sources), may not be expected, judging by its composition, to be the initiator of reform policy.
- The standing select committees from all three houses still have to be elected for each of the various portfolios. This is seen to be a critical element of the consensus-seeking mechanism of the new system of government. It is too soon to judge this new basis of

policy formulation, as the budget and the legislative programme will provide its first real test.

The Bureaucracy

• The allocation of state officials to the various 'general affairs' and 'own affairs' state departments will be of critical importance to the new system. There are indications that these appointments might be a source of serious discontent with the new system. Agencies which have to negotiate with the public sector like the Urban Foundation, for example, will have to keep in mind that the bureaucracy will not necessarily respond fully to the new initiatives.

In Summary

The new governmental structure and forms are extremely complex, containing elements which are both encouraging and discouraging as far as further reform is concerned. There are also bound to be consequences which cannot be assessed at this point, as the constitution has only just hurdled the preliminary technical stage of inception and manning. No dramatic developments should be expected soon, but in three to four years time parliamentary politics might become more dynamic, through practice and experience of the constitution in operation and through pressure to 'deliver the goods' during a period of pending re-election. UPCA

Only verligte MPs have been appointed to the new cabinet and there are no signs of pandering to right-wing elements at executive level

The allocation of co-operative officials to the 'general' and 'own' affairs state departments is crucial, as the bureaucracy might not respond to reform initiatives

THE SEVEN DEADLY FALLACIES AND THE SINS OF ADAM

By Roger Southall, Senior Research Fellow at the Institute for
International Development and Co-operation,
University of Ottawa, Canada

'The old is dying but the new cannot be born; in this interregnum there arises
a great diversity of morbid symptoms' Antonio Gramsci: *Prison Notebooks*.

Used by Nadine Gordimer as the epigraph to her novel *July's People*.

Since Nadine Gordimer's address to the New York Institute for the Humanities in October 1982, later published in the 'New York Review', the idea of 'Living in the Interregnum' has captured the imagination of writers and academics with an interest in South African society and politics. Is South Africa, as Gordimer argues, suspended between a dying social order and revolutionary transformation, or is this interpretation itself merely the reflection of a revolutionary ideal?

In her lecture, Gordimer describes herself as living in 'the last years of the colonial era in Africa', in 'a society whirling, stamping, swaying with the force of revolutionary change'. As a participating observer of 'the dying white order' she looks ahead to 'the order struggling to be born', in which 'whites of former South Africa will have to redefine themselves in a new collective life within new structures . . . vastly different from that built to the specifications of white power and privilege'.

Gordimer argues that the writer, gifted with 'faculties of supraobservation and hyperperception not known to others' is able to speak from 'the depths of being' whence 'the most important intuition of revolutionary faith comes: the people know what to do, before the leaders'.

Writing in *Indicator SA* Vol 1 No 3, political sociologist Heribert Adam takes it upon himself to 'subject Gordimer's conceptual baggage to a critical search', as though he were a customs official at the gate of Ideology. Paying scant attention to the actual subject of Gordimer's lecture — the deeply felt and highly personalised experience of a conscientised white writer in South Africa — Adam delves beneath the surface to expose what he believes to be 'seven basic fallacies that underlie Gordimer's lecture and render much of her analysis false and ineffectual in seeking alternatives for South Africa'.

Very briefly, these are:

- The colonial fallacy — that the present period represents the last years of the colonial era in Africa;
- The revolutionary fallacy — that South Africa is on the verge of socio-economic transformation;
- The terror fallacy — that Pretoria can afford to use arbitrary terror to enforce its policies;
- The capitalist fallacy — that apartheid is a pact of capitalism and racism sponsored by the West, and that the majority of blacks associate capitalism with political terror;
- The racist fallacy — that a unitary South Africa is the only recipe for social justice;
- The literary fallacy — that writers are able to speak for 'the people'.

Adam's argument appears to hinge upon the counterrevolutionary potential of the modern industrial state, and a denial that 'the people', South Africa's voteless majority, are capable of a unified revolutionary mobilisation. He disputes Gordimer's 'populist dream' of a collective political consciousness beyond the reach of state radio and television or 'consumerism and soccer consciousness'. Adam concludes that, if the writer becomes 'mesmerised' by the vision of an 'ideal' society, 'then reality becomes a mere reflection of the romance within the dream'.

In this article Roger Southall, a political sociologist with an interest in revolutionary and counterrevolutionary forces in South Africa, takes issue with Adam. He identifies what he calls Adam's 'own deadly sin of viewing South Africa from the rulers down, and not from the ruled up'. He acknowledges that Adam provides 'a powerful corrective to leftist simplicities', but concludes that all Adam can offer in their place is 'a soporific acceptance of restructured domination', with change dependent on 'white flexibility' and 'the unlikely prospect' of greater militancy from Inkatha.

If Heribert Adam did not exist, we should probably have to invent him. No other academic writer on contemporary South Africa compels us more to examine our assumptions, divest our analyses of moralistic interventions and distinguish hope from reality. A determined devil's advocate, he challenges us constantly to think the unthinkable: apartheid, instead of being confounded by its own internal contradictions, is rather a modernising authoritarian system whose key characteristic is its adaptability under stress. He denies us the luxury of believing that history favours a righteous cause.

Historical Pessimist

Yet Adam, humanist though he is, has little to tell us about the oppressed. He is a historical pessimist who is deeply reluctant to push society's boat out into uncharted seas, for his are not liberal so much as deeply conservative beliefs which view civilisation as the painful, and above all fragile, construct of myriad men, with all their faults, over interminable years. He is so profoundly dubious of men's creative political capacities that he prefers to limit the damage that they can do rather than to strive for a new and better order. He is guided by no vision of a new society, and regards the romantic, the dreamer, as an unlikely harbinger of a fairer polity: to be labelled Utopian is in Adam's lexicon to receive the harshest indictment. Lurking behind his analysis is a philosophy not so much that power corrupts, but that men are unequal to it; however good they be, the men who rule over others possess fatal flaws which will inevitably out and damn society. He can be no other but an advocate of limited government.

Survival Calculations

For Adam, the modern industrial state is a Leviathan too powerful to be overthrown. The democratic left has been a 'historic failure' everywhere, and for the oppressed in South Africa he offers little comfort but that historically theirs is not the worst oppression: better black under Botha's Republic than Jew under Hitler's Reich. Complacent about repression in South Africa he is not, yet he is full of gloomy foreboding about radical ways of transforming it: change need not be for the better, for history is open ended, and whilst offering the prospect of conscious improvement may equally foreshadow greater barbarisms to come. Admitting in his most optimistic moments that South Africa may yet prove to contain the seeds and economic-developmental preconditions for the first successful socialist society in Africa, such a fruition is anyway lost in the mists of time. For today, he prefers the promise of a gradual transition (albeit prodded) from a race-ordered to a class-based society, as the pragmatic survival calculations of the white dominators urge them uncertainly forward towards a more equitable accommodation with at least some of the racial groups which they have subordinated.

The Fallacies

Adam's dismay at Nadine Gordimer's depiction of 'Living in the Interregnum' is

then, not surprising. Whilst a 'powerful statement' from South Africa's foremost creative writer, Gordimer's lecture is shot through with 'seven basic fallacies'. In brief, Gordimer depicts South Africa as a colonial society on the verge of a forthcoming revolution which will be made by the victims of a systematic terror, this latter conducted ruthlessly in the interests of capitalism by obdurate racists. This inaccurate sociological rendering of contemporary South Africa commits her to political fallacy, notably the elevation of a unitary constitution to a sacred principle. Likewise, Adam assails the assumption that sensitive writers possess superior analytical qualities (the literary fallacy), citing Gordimer's espousal of the people as the source of political wisdom to prove his point.

Adam's Deadly Sin

I do not seek to 'defend' Gordimer, for her pen is an inestimably more powerful weapon than mine. Yet I do venture to propose that, illuminating and challenging as ever though his contrary image is, the thrust of Adam's critique is blunted by his own deadly sin of viewing South Africa from the rulers down, and not from the ruled up.

The Colonial Ghost

Gordimer's initial proposition is that the sun is finally setting over colonialism, which has found its ultimate expression in South Africa. But for Adam, 'whilst South Africa originated as a colony, it evolved into a sovereign military-industrial complex long ago'. In these post-Nkomati days, it would be all too easy to concur that the nationalist tide, which swept colonialism away elsewhere in Africa, will be allowed to swallow up Namibia but will then crash in vain against the banks of the Limpopo. Yet such an extreme reaction to crude domino theory overlooks the continuing strengths of the colonial analogy.

To be sure, the mode and extent of white settlement, as well as the level of industrial development, has made South Africa unique upon the continent, a fact which is recognised by the acceptance by most blacks of whites as their fellow countrymen. Yet colonial-type relations continue to exist or are perceived to exist between the races, and it is the constitutionalisation of this which denies South Africa's rulers their domestic and international legitimacy. Accordingly, until a settlement which accords formal equality to all in a shared polity is achieved, the colonial ghost will never be exorcised. Likewise, it is the bantustan ideologues who misuse the colonial analogy. Hence the unitary principle is correctly elevated, precisely because *de facto* acceptance of the homelands is transmogrified by so many power-sharing schemes into white protective federalism.

Capitalism and Racism

Gordimer's assertion of apartheid as a pact of capitalism and racism provokes from Adam a response that capitalism 'has been largely excluded from political power since 1948'. True enough, so long as we ignore the rapacious profit rates accruing to investment, the massive inflows of international capital,

Apartheid, instead of being confounded by its own internal contradictions, is rather a modernising authoritarian system whose key characteristic is adaptability under stress

For Adam, the modern industrial state is a Leviathan too powerful to be overthrown

The pragmatic survival calculations of the white dominators urge them uncertainly forward towards a more equitable accommodation

Until a settlement which accords formal equality to all in a shared polity is achieved, the colonial ghost will never be exorcised

Profit-makers may be colour-blind, but surely, only when it suits them

It is the anti-colonial struggle elsewhere in Africa which will remain the point of reference for South Africa's subjugated majority

The total politicising experience undergone by all the colonised cannot be tranquillised by 'consumerism or soccer consciousness'

Counter-revolution must be distinguished from effective reform which might extinguish the revolutionary spirit

Amin's savageries and the chaos of Africa cannot be invoked to convince South Africa's oppressed to be content with their lot

the development of an Afrikaner bourgeoisie via its immediate control of the state and, above all, the shared if differential enjoyment by all capitalists of a cheap and subjugated black labour force. Profit-makers may be colour-blind, but surely, only when it suits them.

Total Politicisation

None the less, even if South Africa is an advanced capitalist state and no longer a legal colony, it shares many common experiences with other former colonies of white settlement. The successful assault by liberation forces upon settler colonialism in predominantly agricultural Zimbabwe does not necessarily foreshadow a similar victory by the ANC against a much stronger, industrialised foe in South Africa. Even so, it is the anti-colonial struggle elsewhere in Africa, notably the armed triumphs of FRELIMO and ZANU/ZAPU which will remain the point of reference for South Africa's subordinated majority, amongst whom social divisions are diminished by a nationalist consciousness. Gordimer's quotation from a young African woman, 'I break the law because I am alive', expresses a total politicising experience undergone by all the colonised which cannot be tranquillised by 'consumerism or soccer consciousness'.

No Tsarist Pushover

Adam has always provided a powerful corrective to leftist simplicities which inappropriately view revolution as an uncomplicated seizure of power, or a militant mass strike before which industrialists and politicians capitulate. South Africa is not a Tsarist pushover, and we must heed predictions that white power possesses untold scope for counterrevolutionary tendencies. Yet counterrevolution must be distinguished from effective reform which might successfully extinguish the revolutionary spirit. Precisely because the African (petty-) bourgeoisie lacks capital and is inhibited from accumulating it, it needs to capture the state; because it is tiny, it needs to ally with the more populous, powerful subordinated classes. Therein lies the kernel of at least a *nationalist* revolution.

Gentle Revolutionaries

Adam argues that a revolutionary project will raise costs to a level for which neither dominators nor dominated will have any appetite. Everyone has too much to lose in an all out violent confrontation. Likewise, he depicts the South Africans as too gentle revolutionaries. Led by clergymen within, they have no stomach for a fight to the finish with whites, armed to the teeth, upon whom they are economically dependent. Not for them, in the ultimate analysis, the class and/or armed struggle, however harsh their rhetoric. Even the ANC, Pretoria's devil incarnate, is constrained from random terror by its residual Christian, not communist, moral values. Eschewing the television image of bleeding victims, it opts instead for a principled appeal to the oppressors.

Assault from Below

Perhaps, indeed, it will be judged one of apartheid's greater crimes that the ANC will

necessarily, inevitably develop a greater hardness about it. Yet revolutionary commitment does not determine a revolutionary end. We should not lightly dismiss Adam's warnings of a new barbarism to come — yet he cannot on that score expect revolutionaries to be paralysed by his predictions of a bloody, fruitless stalemate. What sort of liberation movement is it which admits defeat in advance? And political-military stalemate, achieved even at enormous cost, might itself prove preferable for many who might otherwise be shunted off to oblivion in the homelands. This is no plea for the delights of war, rather an assertion that any continuous, perpetual and internationally legitimated assault from below and without will be able to draw upon resources which an eventually war-weary state may not be able to contain.

Violent Evolution

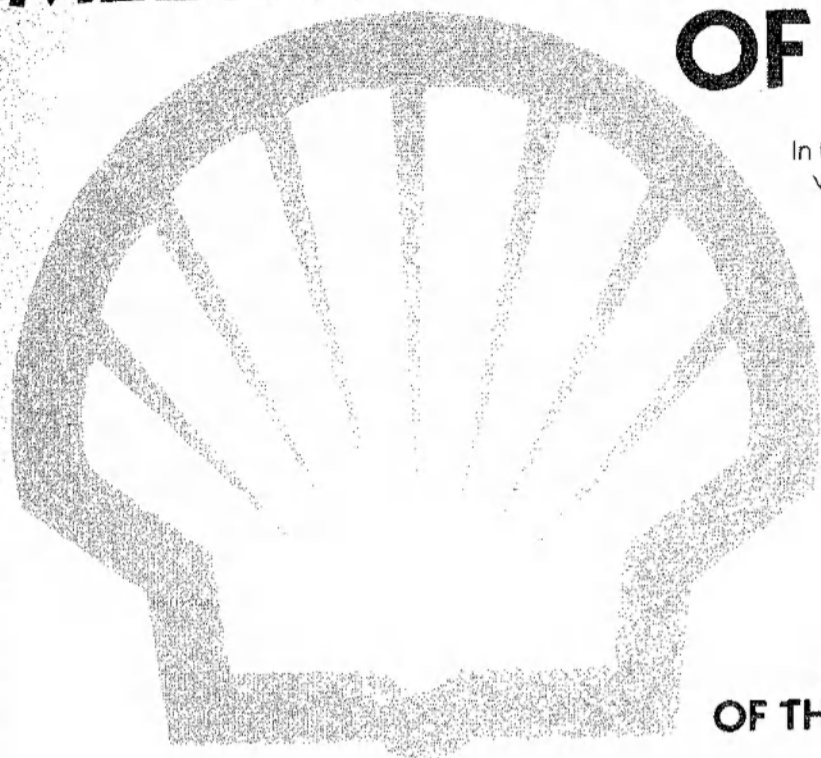
A revolution in South Africa will not be, could not be, the result of a neat, decisive lunge at Pretoria's jugular. Adam himself foresees 'messy, unprincipled compromises or symbolic participation in constant flux, according to manifold pressures and exigencies'. Yet this is to confuse process with outcome. If the end result is 'merely' a transition from white minority to black majority rule, we may well be allowed more than a play with words ('violent evolution?'), for such a 'limited' result would inevitably require a 'restructuring of basic social institutions'. Even if capitalism does survive, notes Gordimer, there will be a 'vast difference', something which Adam underestimates in common with so many of his leftist adversaries, even though he invests capitalism in South Africa with such a remarkable scope for reform. Nor is his distinction between capitalism and racism convincing for their victims, except in so far as it suggests a potentiality for the elimination of the colonial component in a democracy with welfare pretensions.

Comparative Sin

Crucially, Adam does not sense as Gordimer does that blacks in South Africa have little patience for the study of comparative sin: choice for blacks, between fascism, Stalinism and apartheid, 'cannot be distanced into any kind of objectivity', even if the death of malnourished children in the bantustans is a regretted side effect of official policy. The colonial analogy intrudes again: Amin's savageries and the chaos of Africa cannot be invoked to convince South Africa's oppressed to be content with their lot, Pretoria's outraged cry of 'double standards!' notwithstanding. Rather, 'tormented by the ideal', Gordimer sees the struggle as not for communism ('fascism with a human face') but for socialist democracy, recreating the left 'in accordance with what it was meant to be'.

The literary fallacy, if that it be, is at the very least 'whirling, stamping, surging' with the force of hope, willing history to happen. What Adam offers in return is only a soporific acceptance of restructured domination, reliant for improvement on white flexibility and the unlikely prospect of Inkatha's greater militancy to come. *INDA*

MEETING THE CHALLENGE OF CHANGE



In the sign language of the road our highly-visible Emblem stands for moving power and product excellence. But there is another, a far less obtrusive face of Shell. One that is focussed on tomorrow's world, seeking out the problems and finding viable solutions. That is why Shell are actively involved in developing natural resources like coal and metals. Researching innovative oil and chemical products. Encouraging the development of human resources with bursaries and scholarships. Working to make tomorrow a good day for South Africa and its peoples.

**A QUESTION
OF THE RIGHT ATTITUDE** 

SWIFT ADVERTISING (PTY) LTD 3771



Indicator Project South Africa

NOW AVAILABLE:

BLACK WORKER ATTITUDES

*Political Options, Capitalism and
Investment in South Africa*

by Professor Lawrence Schlemmer

Available free of charge to subscribers to INDICATOR SOUTH AFRICA.
Non-subscribers please send R15-00 to Indicator Project South Africa,
Centre for Applied Social Sciences, University of Natal,
King George V Avenue, Durban 4001

ECONOMIC

M O N I T O R

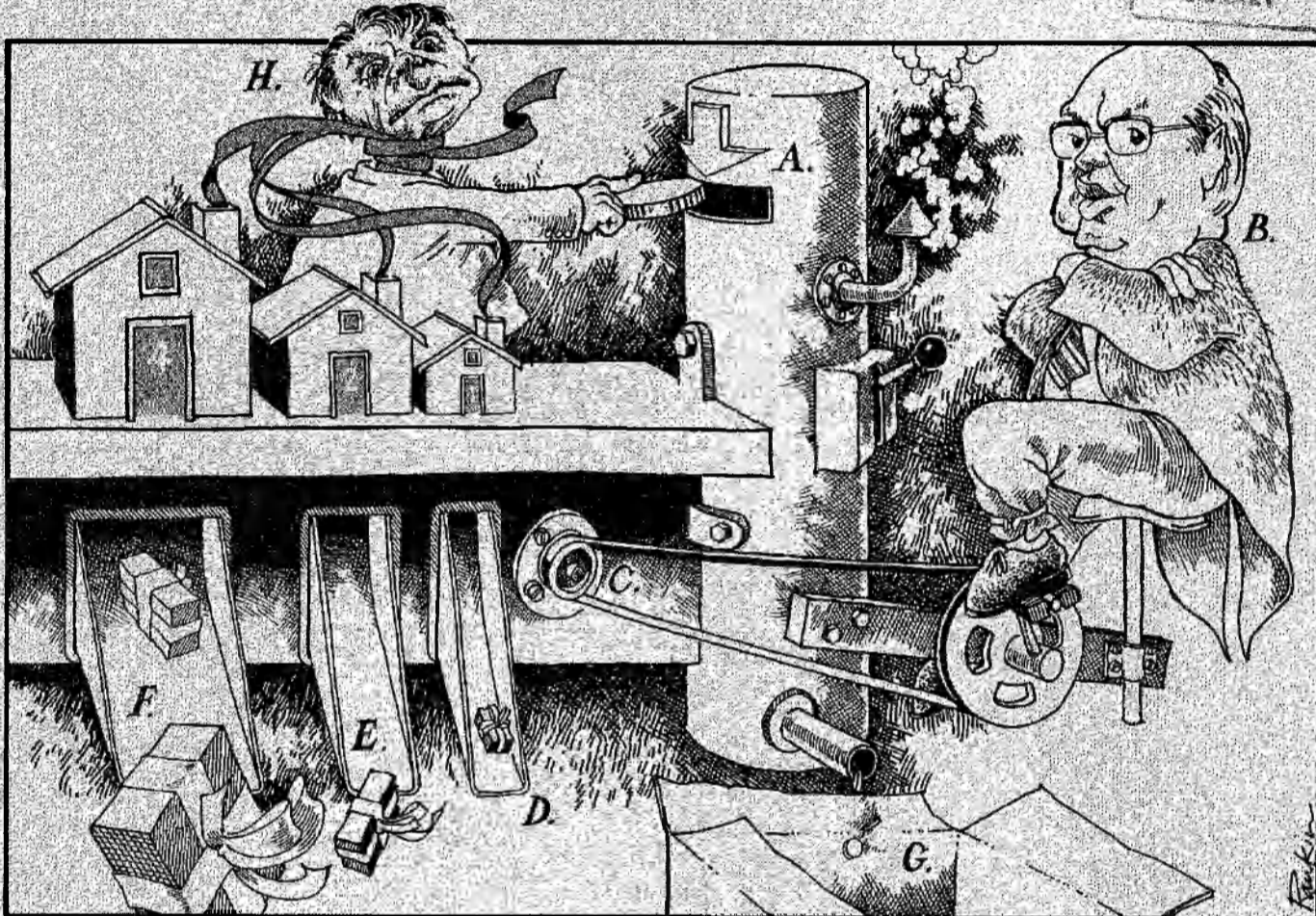
INDICATOR

VOL. 2 NO. 3

SOUTH AFRICA

OCTOBER 1984

INSTITUTE
OF
DEVELOPMENT
STUDIES
LIBRARY



Key: 'Inland Revenue is fed into slot (A); Executive President (B) operates allocation of resources under mechanism (C) which feeds goodies to groups (D) Indian, (E) coloured, (F) white; overflow spills into homelands box (G); man in street (H) is strangled by remorseless red tape and taxation from three parliaments. Jeff Rankin takes a bemused look at the new constitutional dispensation.'

- 1 *Economic Aspects of the New Constitution*
- 5 *Selected Economic Indicators*
- 8 *Economic Outlook*
- 10 *Ideology, Statistics and Homeland Incomes*
- 11 *Income Distribution and Poverty in the Homelands*
- 13 *A Critical Review of Simkins' Estimates*



 **BARCLAYS**

The Bank

BARCLAYS NATIONAL BANK LIMITED • REGISTERED COMMERCIAL BANK



THE AGENCY 1827



Anna Starcke Associates

The Econo-political consultant
to decision makers in industry, mining,
finance, government—
and development organisations

PO Box 87094 Houghton 2041 Johannesburg South Africa Telephone (011) 646-9370

SOCIAL CHANGE & THE ECONOMY

Economic Aspects of the New Constitution

By Professor Jill Natrass,
Head of the Development Studies Unit
at the University of Natal

Although the new constitution fails to enfranchise the majority of South Africans, it nevertheless changes the colour of the face of the South African parliament. New interest groupings are now to be involved in policy making on a wide front and it is inevitable that the new dispensation will have some widespread economic ramifications. Professor Natrass identifies those areas of policy making and resource allocation in which the impact of the new dispensation will be most immediately felt, and those in which change has been effectively prohibited by constitutional design.

She argues that the new constitution not only excludes Africans from participation in the central political system, but actively weakens their position in terms of bargaining for the allocation of resources. She points out that, despite the distinction between 'own' and 'general' affairs, the newly enfranchised groups will remain severely constrained in the amount of control they have over resource allocation in such crucial areas as education and health.

As far as the currently sensitive issue of state expenditure is concerned, Natrass warns that no mechanism is evident through which a tight parliamentary control over government expenditure may be maintained. It appears that the separate Houses will have very little real control over the financial aspects of their 'own affairs', and that the watchdog role of parliament will be reduced to the bare minimum in the field of public finance.

Added to this, the inevitable mushrooming of bureaucracy in triplicate, and the possible weakening of the financial position of the governments of the homeland states, indicate that the long term economic effects of the new constitution, unless tightly controlled, might conspire to further undermine the interest of South Africa's African population, and threaten the stability of the country as a whole.

Although people tend to separate economics and politics, this separation is a false one. The political system impacts on the economic system in two ways: firstly, through the economic policy measures that are passed through parliament, and secondly, through the allocation of resources to the public sector which is done through the budget. The advent of the new constitution will affect both these aspects but, because there are a number of penalties attached to a failure to pass the budget, the effects of the new dispensation on these two interfaces will be different. Somewhat anomalously in view of the direct needs of the coloured and Indian communities, it seems that sectional interests, particularly those based on race, will actually be more strongly voiced in the areas of policy making than they will be in the field of resource allocation.

The Constitution and Economic Policy Making

Because political power can be used either to counteract or to reinforce economic power, the field of economic policy making is an important area through which the political system can influence the existing economic structures. Left to itself — unaffected by the political system — the economic structure would represent the immediate outcome of an ongoing struggle between the different economic interest groups in the community alone. Policy making through the political system enables government to temper the impact of these economic interests.

The political system impacts on the economic system through economic policy measures and resource allocations to the public sector

Policy making through the political system enables government to temper the impact of economic interests

The extent to which the new political interest groups can alter the power balance between existing economic interest groups determines the ultimate economic effects of the new constitution

The three communities who now have the vote are urbanised and mostly employed outside agriculture and so will have substantial common interests in these areas

Consequently the ultimate economic effects of the new constitution through the field of economic policy making will largely be determined by the extent to which the new political interest groups are able to forge links with the existing economic interest groups and by so doing alter the present balance of power between these latter groupings.

The foundations underlying the economic interest groups with whom these links must be made are usually one or more of the following:

- the distribution of income — the interests of the wealthy vs those of the middle class or the interests of the poor vis-a-vis those of the other groups
- geographic divisions — the interests of the north vs those of the Cape
- political divisions — the interests of the homelands vis-a-vis each other and/or those of the rest of South Africa, and
- economic sectors — the interests of agriculture vis-a-vis mining or manufacturing and those of the very large corporations vis-a-vis their smaller rivals.

The economic outcome of the activities of these groupings will be determined by the nature of the interest groups actually present in the economy, their relative strengths, the alliances they make and the extent to which their actions are limited by any political constraints.

Prior to the introduction of the new constitution, economic policy making power lay solely in the hands of the whites. This means that any present links that may exist between the economic and political institutions will most certainly be based on the major economic and political interests of the white community. The outcome of the domination of white interests in the field of economic policy making in recent years has been the introduction of policies that favour:

- the wealthy and the middle classes
- the urban areas
- the mining, manufacturing and construction industries
- big business
- commercial agriculture.

Whether or not enfranchisement of the coloured and Indian groups will change the situation substantially will depend upon the degree to which their political and economic interests actually differ from those of the whites and the extent to which they are able to bring their newly gained political power to bear on economic policy making.

Table 1 shows the major economic characteristics of the three enfranchised groups that are likely to underlie any political alliances that are made, and those of the African group. Whites in general are wealthier and better educated than the coloureds and Indians and are less exposed to the possibilities of unemployment. All three communities are urbanised to a significantly greater degree than the Africans and enjoy better access to jobs in the modern sector of the economy. Whilst the white group is significantly better off in income terms than the other three groups, the data does suggest that there may also be differences between these groups based on relative living standards, particularly between the newly enfranchised Indians and coloureds and the still excluded Africans. The income data on Africans does however conceal a growing income division within this group between the urban and rural communities. Urban African communities have, on average, income and education levels similar to those shown in the table for coloureds.

What does the data suggest in relation to changes in the trends of economic policy making? It appears that in general the three communities who now have the vote are urbanised and employed outside agriculture and so will have substantial common interests in these areas. There are also differences in respect of income levels,

Group	Average Income Per Head Rands	Median Level of Adult Education	Percentage Living in Urban Areas	Percentage Employed in Agriculture	Percentage Unemployed and Unspecified
White	4 026	12 years	89	5	2
Coloured	709	6 years	77	16	9
Indian	1 615	6 years	91	3	6
African	362	3 years	38	20	13

educational standards, and the extent of unemployment experienced.

In policy making moves it seems likely that the three groups will adopt a common strategy in relation to policy measures favouring the urban areas and the development of the non agricultural sectors of the economy. However, in the areas affecting education, job creation and income distribution, an alliance of coloured and Indian interests against those of the whites seems the most likely outcome.

To the extent that such an alliance is successful, one must expect that policy making in the new parliament will shift towards strategies to encourage higher average incomes and better access to employment opportunities for coloureds and Indians. This will probably mean political pressure for the introduction of policies designed to:

- foster economic growth as a priority
- encourage job creation outside agriculture
- improve the access of the Indian and coloured communities to the modern economy in general
- advance members of these groups to the higher rungs of the job ladder.

In the longer run pressure in these areas will lead to a reallocation of both private and public sector funding to areas such as the development of coloured and Indian housing, education and health care, the development of small business, the improvement of the physical environment in coloured and Indian areas and to the repeal of legislation limiting the freedom of access of these communities to the economic resources of South Africa.

The Unknown Area

The unknown area in relation to policy making remains that of policies relating to Africans. The new constitution not only excludes Africans from participation in the central political system but also by improving the relative political access of the Indian and coloured groups, actively weakens their bargaining position.

In any field in which the newly enfranchised groups are in competition with the African group for limited resources, it seems inevitable that it is the Africans who will lose out. However, to the extent that African interests coincide with those of the coloured and Indian communities in conflict with those of whites, the new constitutional arrangement could lead to an improvement in the economic lot of the African community.

To be realistic, however, one must accept that in a world in which resources are limited, the Africans are more likely to lose out than they are to gain from the new dispensation. The exception may be those African urban communities that are not at present part of the homeland structure, such as those living in the African towns of Soweto, Llanga and Atteridgeville. Since the urban African communities have an economic profile almost identical to that of the coloured community, there is likely to be a significant overlap of interests between these two groups which may operate to the benefit of the former.

The new constitution separates issues into 'own' and 'general affairs', the former being subject solely to the jurisdiction of the particular race group concerned whilst measures relating to the latter have to be passed by all three Houses. Economic policy making itself is designated to be a general affair, however in terms of Schedule 1 of the Act setting up the new constitution, certain aspects of economic policy making are listed as 'own affairs'. It seems almost certain in view of this overlap that the interface between areas designated as 'own affairs' and 'general affairs' will be the root of a lot of problems in the economic field.

For example, education is scheduled as an 'own affair', subject however to the proviso that the various decisionmaking groups give way to any requirements relating to the norms and standards for the financing of running and capital costs of education or to the salaries and employment conditions in the education profession. Similarly, health matters too, whilst they are classified as an 'own affair' are subject to the overriding control of the general health laws.

This means that in a number of highly sensitive areas such as education, whilst the Indian and coloured communities have nominal control over their own affairs, they in fact still lack the most important element in that control, namely the power to decide how much should be spent and on what.

At the other end of the spectrum, there are a number of areas in the field of economic policy which are classified as 'own affairs', which are areas in which a common strategy is absolutely crucial; water and agriculture being the prime examples. Another example could be the provision of assistance for flood or drought relief, as these too are classified as 'own affairs'. However, since natural disasters tend to be geographic rather than race specific, it is clear that the ends of social justice would be far better served if a common approach to the relief provided in respect of any such disasters was taken, rather than a race specific approach.

An alliance of coloured and Indian interests against those of whites in the areas affecting education, job creation and income distribution seems most likely

Improved political access of Indians and coloureds actively weakens the bargaining position of Africans, except in fields where their interests coincide

The interface between areas designated as 'own affairs' and 'general affairs' will be the root of a lot of problems in the economic field

Indians and coloureds still lack the most important element of control over certain 'own affairs', namely the power to decide how much should be spent overall

The most worrying aspects of the new constitution are the implied increase in government spending and the decrease in the degree of parliamentary control over it.

Under the new political dispensation any House that fails to pass the budget renders itself liable for dissolution or, alternatively, for the reconstitution of its Council of Ministers.

The increase in the amount of red tape in the economy has alarming implications for indirect costs in the form of wasted time and productive resources.

The higher profile of the Indian and coloured communities must not be reflected in an increased transfer of real resources to the detriment of the African community.

The New Constitution and the Budget

Probably the most immediately worrying aspects of the economic impact of the new constitution relate directly to the budget and are concerned with the apparent increases in government spending that are implicit in the new deal and the decreases in the degree of parliamentary control over it.

In terms of the new political dispensation there does not seem to be any mechanism that can ensure the maintenance of tight parliamentary control over government expenditure. Within the existing single chamber system the budget was prepared by the administration and then approved by a majority vote in the House of Assembly — giving the latter the final say on public spending. Under the new three chamber system, the budgets for 'general' and the three 'own affairs' will presumably still be prepared by the relevant administrative arms of the government. However, although on the face of it the budget will still have to be approved by the various parliamentary houses, the system has in fact been set up in such a way as to virtually ensure that it will be passed by parliament regardless of its contents.

Under the new Act, if any one (or more) of the Houses fail to pass the budget (or indeed should reject any bill dealing with the appropriation of state revenue), it renders itself liable for dissolution or alternatively for the reconstitution of its Council of Ministers. Clearly the possibility of having to fight for re-election at best and the prospect of facing unemployment at worst, are high premiums to expect any politician to pay for the privilege of recording a negative vote on finance! In such circumstances it seems inevitable that the watchdog role of parliament will be reduced to the bare minimum in the field of public finance.

Furthermore, in respect of the budgetting procedures, there appears to be an anomaly. The new Act specified that finance in relation to 'own affairs' is itself an 'own affair' insofar as the following financial matters are concerned: the estimates of revenue and expenditure; the appropriation of money for the purposes of such estimates (subject to the provision of general laws covering the appropriations); levies authorised by general law; donations; and the control over the collection and utilisation of revenue. However, the levying of taxes and the raising of loans are specifically excluded from the list of 'own affairs' and consequently here again it appears that in practice the Houses will have very little real control over the financial aspects of their 'own affairs'.

Finally, the introduction of three Houses of Parliament inevitably means the creation of three systems of bureaucracy and, whilst in many instances such as in the fields of education and internal affairs these systems already exist, it does nevertheless seem that the staffing implication of the new system is an increase in the number of bureaucrats. Consequently, it is inevitable that the administrative costs of the new political system will be greater than those of the present system. Not only will the direct bureaucratic costs rise but it also seems virtually certain that the increase in the administration will significantly increase the amount of red tape in the economy. This has alarming implications for indirect costs in the form of wasted time and productive resources — to say nothing of those due to frustration.

What of the African Communities?

A worrying aspect of the new constitution is the relative growth in the political significance of the Indian and the coloured communities vis-a-vis the African groups. If this is reflected in an increased transfer of real resources to the Indian and coloured communities, it is quite possible that the African groups, particularly the governments of the 'independent' and homeland states, could find themselves in an even more stressed financial situation than they are at present. Lacking a direct political voice, these groups are dependent upon the good offices of the Departments of Co-operation and Development (in respect of the self-governing homelands) and Foreign Affairs (in respect of the 'independent' homelands) for their share of the public sector's resources.

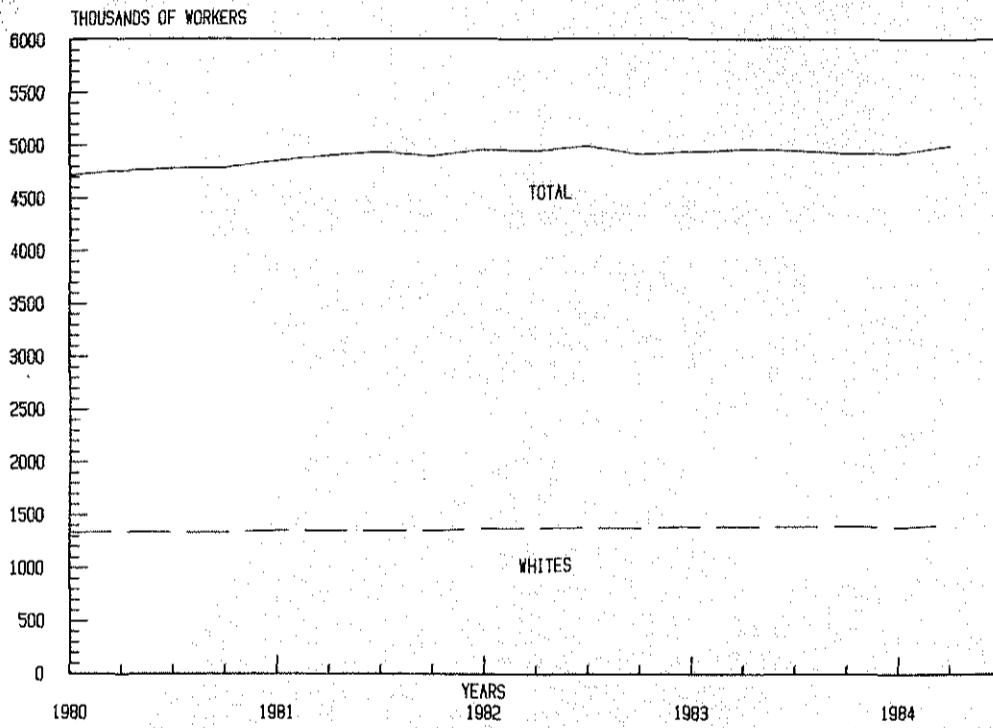
Because the budgets of the homelands are included in the votes of Co-operation and Development and Foreign Affairs and are not presented separately, they are not the subject of extensive public debate. Consequently, they represent an area in which significant cuts could be made in public expenditure, without generating a major public outcry. However, these are also the poorest regions of South Africa and are the regions most in need of additional social and physical infrastructure. Consequently the social costs of any cuts in the funding provided to the African communities would be extremely high, and it is essential that all three arms of the central government resist any temptations in this direction.

Any attempts to take the easy short term route of transferring resources from the African groups to the now higher profile coloured and Indian communities can only have disastrous long term social and economic effects. Indeed the long term interests of all South Africans will be best served by increasing the share of public resources directed to the homelands in particular and the African communities in general. **UPSA**

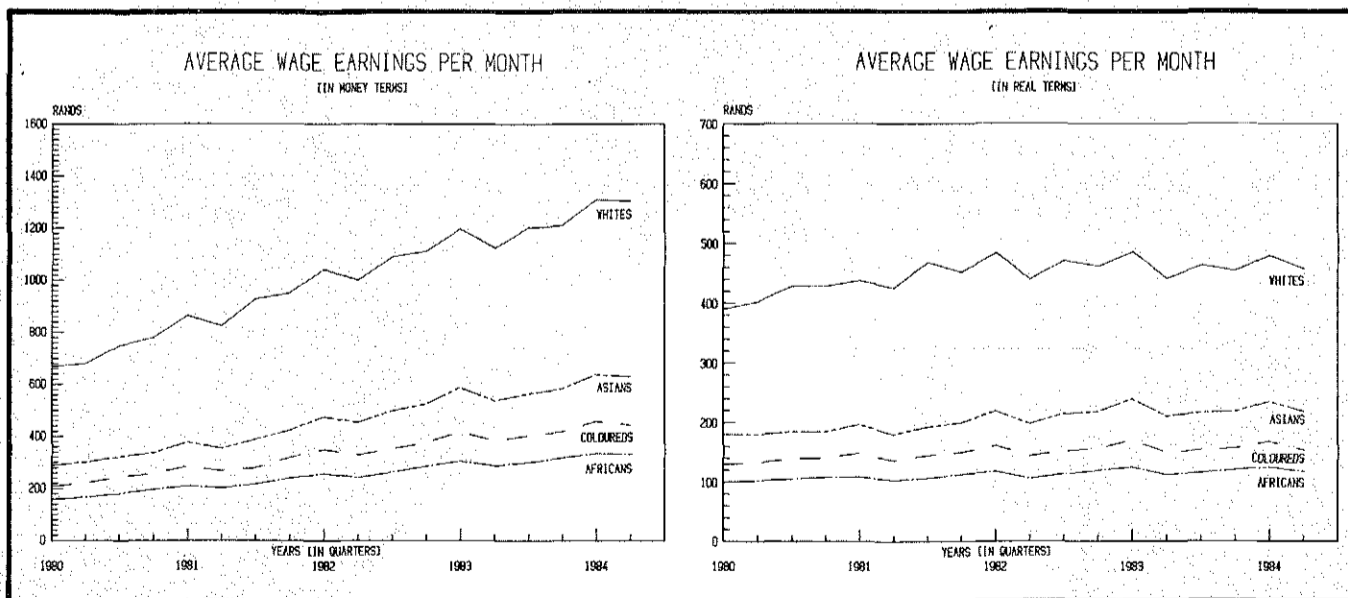
		S	E	L	E	C	T	E	D		
		E	C	O	N	O	M	I	C		
		I	N	D	I	C	A	T	O	R	S

EMPLOYMENT

(EXC. AGRICULTURE & DOMESTIC SERVICE)



There has been a sharp decrease in the real value of wages for all groups

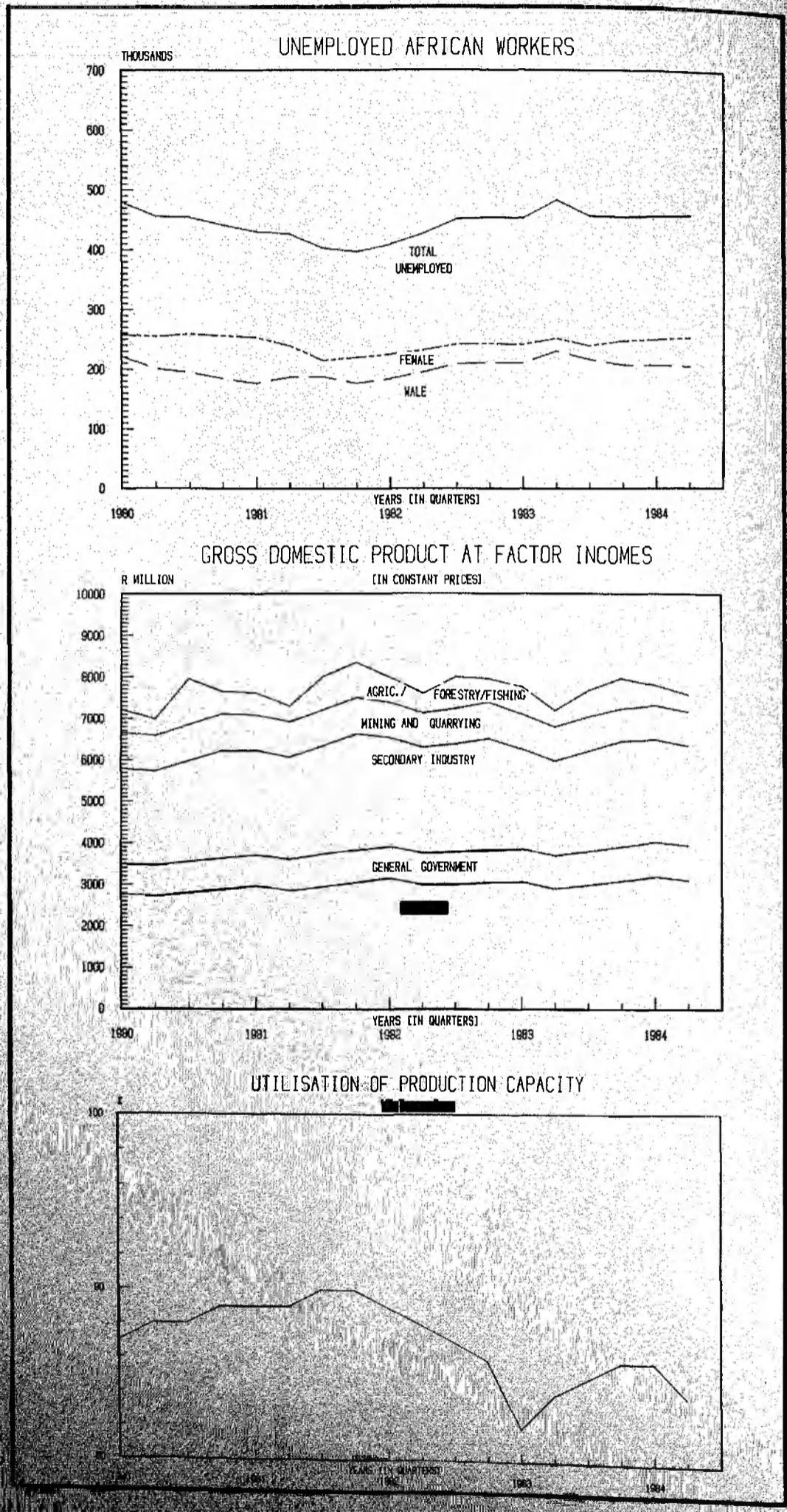


ECONOMIC TRENDS

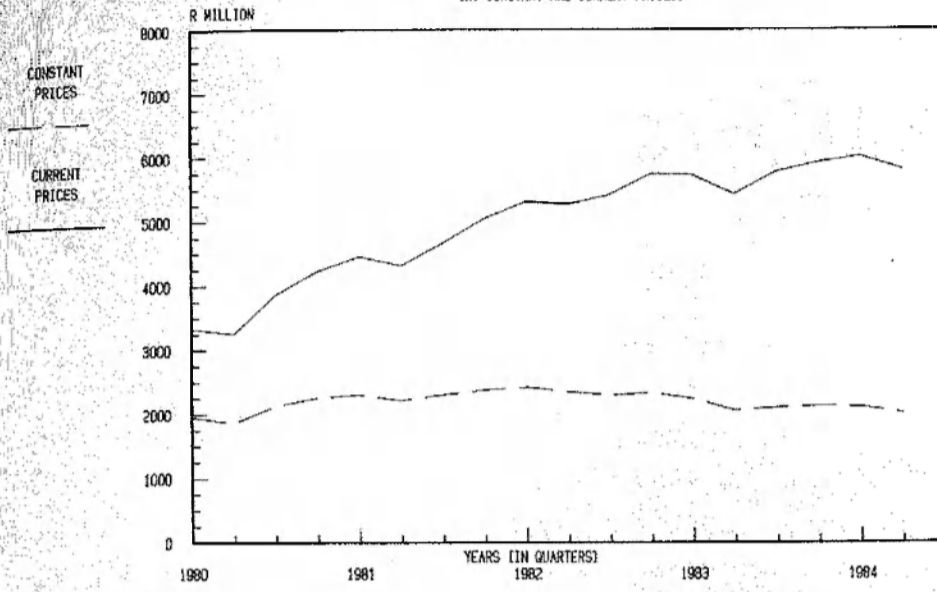
African unemployment remains high even when conservatively measured

Real values of output have fallen in all sectors of the economy

Production capacity utilisation

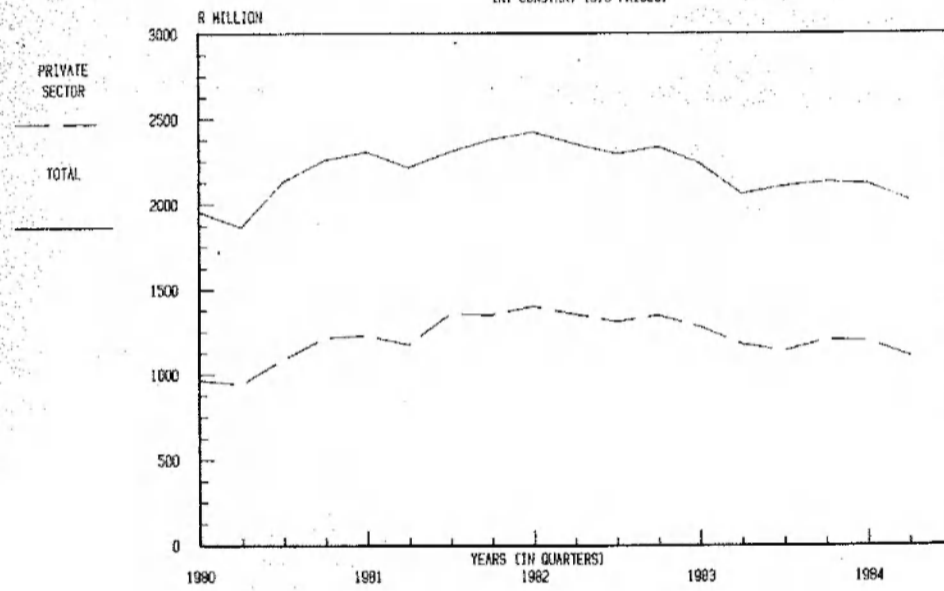


GROSS DOMESTIC CAPITAL FORMATION
(AT CONSTANT AND CURRENT PRICES)



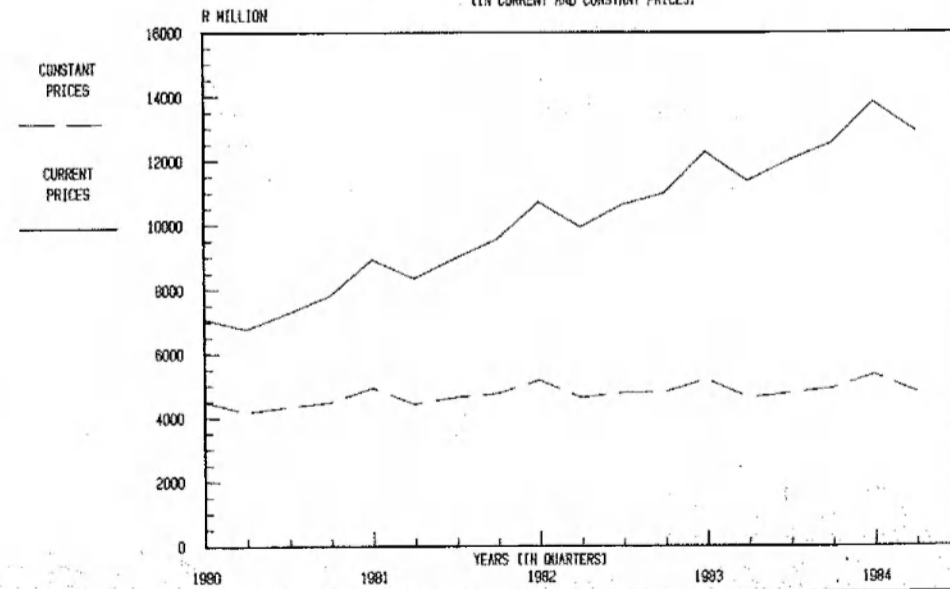
Investment levels have declined

GROSS DOMESTIC CAPITAL FORMATION
(AT CONSTANT 1975 PRICES)



Both public and private sector investment has declined

PRIVATE CONSUMPTION EXPENDITURE
(IN CURRENT AND CONSTANT PRICES)



Private consumption expenditure has also fallen sharply

ECONOMIC TRENDS

Natal University economists
Dr Merle Holden and Dr Mike McGrath
analyse current trends in the economy

THE ECONOMY

RETROSPECT

In the second quarter of 1984 the recovery in merchandise exports continued, as did the acceleration in the inflation rate

Despite the decline in net gold output, the current account on the balance of payments improved

Stricter monetary and fiscal measures adopted to curtail the rand's depreciation and curb inflation will also delay economic recovery and raise unemployment

By the middle of this year the South African economy had entered a contractionary phase in the business cycle yet again. The percentage increase in real gross domestic product declined in both the first and the second quarters of 1984, and in all probability will notch up negative rates of increase for the third quarter, as shown in the table. Furthermore, real gross domestic expenditure, which had risen in the first quarter of 1984, declined in the second quarter despite increases in both private and government consumption expenditures. The anticipated increases in GST from July led consumers to accelerate their purchases in the second quarter of 1984, while the strong upward trend in government expenditure continued. However, marked inventory depletion and a sharp decline in real fixed investment contributed to the overall decline in gross domestic expenditure.

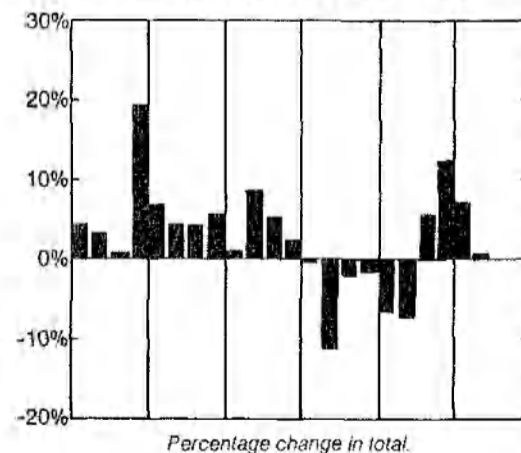
The recovery in merchandise exports continued through to the second quarter of 1984, contributing to maintaining the level of GDP in the face of a declining dollar price of gold, and negative net agricultural exports. The Reserve Bank notes that as this 'export recovery was started from a very low base, and was restricted to a few categories its influence on economic growth will remain fairly limited' (SA Reserve Bank Quarterly Bulletin, September 1984). It has also been noted by other commentators that the present recovery in the US is based on high technology which requires little in the way of raw materials (Financial Mail, 12/10/84, p39). Thus growth in South Africa's traditional exports to the US has not been as favourable as expected. The depreciation of the rand has, however, contributed to higher rand export prices, as well as larger export volumes. The value of imports on the other hand, after increasing substantially in the first quarter of 1984, declined in the second quarter.

The rate of inflation continued to accelerate into the second quarter of 1984. By July consumer prices were 12.4 percent higher than they had been a year before. The Reserve Bank attributes this to the depreciation of the rand, the drought, the rise in consumption expenditure, higher nominal

salaries and wages, and administered price increases. Mention should be made also of the role of the decelerating rate of growth of the money supply in the first half of this year. Unfortunately in July there was a renewed acceleration in money supply growth, mainly caused by an increase in bank credit.

The current account on the balance of payments improved during the second quarter of 1984, as the annualised deficit declined from R2.8 billion in the first quarter to R1.4 billion in the second quarter. The increase in exports and decreasing imports contributed to this improvement, despite the decline in net gold output as a result of the lower gold price. It is interesting to note that the capital account of the balance of payments changed from a net outflow in the first quarter to a net inflow in the second quarter, leading to an increase in the net gold and other reserves. The exchange rate reflected these changes in that the effective exchange rate only declined by 3.1 percent in the second quarter. In July the price of gold dropped by \$30 to \$347 an ounce, and the dollar strengthened against the rand by 18.6 percent. The rand also depreciated against the other major currencies in the range of 14 to 16 percent, so that the effective exchange rate of the rand decreased by 16 percent.

REAL GROSS DOMESTIC PRODUCT AT FACTOR COST



In August of this year stricter monetary and fiscal measures were adopted to curtail the depreciation of the rand and curb inflation. The Reserve Bank raised its rediscount rate by three percentage points, causing the prime overdraft rate to rise from 22 to 25 percent. Hire purchase regulations were tightened, and government undertook to slow the increase of public sector spending. These

measures, combined with the improvement in the balance of payments and the increased gold price, led to a 5.5 percent rise in the effective exchange rate of the rand. Since then the external value of the rand has, however, once again declined. These measures will also have the effect of delaying economic recovery and raising the unemployment rate even further.

PROSPECT

The timing of the recovery from the present recession will depend on the growth of investment and consumption expenditures, on the state of the balance of payments and the exchange rate, on interest rates and on the speed by which the rate of inflation can be reduced.

Some insight into the prospects for an export led recovery can be gained from forecasts of growth in the world demand for imports. The International Monetary Fund reports that the volume of world trade remained sluggish in 1983, rising by only two percent. During 1983, however, the imports of the industrialised countries rose by 11-12 percent, with the impetus coming mainly from the large increases in the imports of the US and Canada (World Economic Outlook 1984, p6). The growth in imports is, however, expected to decline in the industrialised nations as inventories reach desired levels and as their projected growth of demand slows in 1985. The prospects of a major export led recovery for South Africa would thus appear remote, especially since the growth in the US has been in high technology areas which as argued above do not use the raw materials which the South African economy has traditionally exported to the US. The current account of the South African balance of payments is expected to swing back into a small surplus in the fourth quarter of this year, but an export stimulated recovery in the economy does not appear likely in the next year.

Nor does there seem any good economic reason to expect a dramatic recovery in the level of the gold price within the next year. The behaviour of the gold price is highly dependent on movements in US interest rates. The US monetary authorities slowed the growth of the money supply in the second half of 1983, and for 1984 have set tentative targets of reductions of one-half of a percentage point in the growth of the broadly defined money supply (M2 and M3) and a one percent reduction in M1. The effects of these reductions will be to prevent a fall in nominal interest rates in the US. Barclays goes as far as suggesting that there may be an increase in US interest rates in the month following the presidential elections in November, which could depress the gold price even further (Barclays Business Brief, September 1984).

The burden of the downward adjustment which has taken place in the South African economy in the last year has been placed on monetary policy, and this is likely to continue. Indeed the 'savings' of R650 million which have resulted from cost cutting in the public sector has simply reduced the amount by which expenditures will exceed the initial estimates for the 1984/85 fiscal year. Reductions in the real level of government expenditures, given the demand for services and the power of white public sector employees, seem very unlikely to occur in the next few years. The result is that monetary policy will have to bear the burden of contractionary macroeconomic policies, with the consequence that interest rates will remain at high levels for the next year at least.

The September 1984 Barclays Business Brief gives some interesting insights into the effects of monetary policy on economic growth and inflation. The experience of both the US and Britain was that an initial tightening of monetary policy and the resulting rise in interest rates first reduced the rate of economic growth, and only affected the rate of inflation with a long lag. Three years of low or negative growth rates in those economies were to elapse before high interest rates brought inflation under control, and in the early phases the inflation rate escalated.

If the experience of the industrialised nations is repeated in South Africa and if the monetary authorities in South Africa are serious in their intentions to combat inflation, then the South African economy seems inevitably doomed to at least a year, and probably longer, of high interest rates and monetary restraint. Given the level of real interest rates there would appear to be little prospect in the short term of an increase in the rate of investment, or of a revival in the flagging level of consumption expenditures, and inevitably the level of unemployment will deepen.

The disparity between the inflation rate in South Africa and the industrialised economies has made deflationary economic policies inevitable if an ever depreciating rand is to be avoided, with its own inflationary consequences for the South African economy.

The prospects of a major export led recovery appear remote, and a dramatic recovery in the gold price also seems unlikely

Because monetary policy will have to bear the burden of contractionary macroeconomic policies, interest rates will remain high

The South African economy seems inevitably doomed to at least a year of high interest rates and monetary restraints

Home to Home

Research Politicised

Ideology, statistics & the computation of homeland incomes

'Armoede in hierdie land het te maak met apartheid, met wit hebsug en swart politieke magteloosheid.'

Dr Alan Boesak at the Carnegie Conference into Poverty and Development, quoted by Mr D P A Schutte, parliament, April 27 1984

'No, sir, poverty and unemployment are complex questions and it is simply naive to ascribe them to a policy which is being implemented in this country.' Mr D P A Schutte, parliament, April 27 1984

The first phase of the Second Carnegie Inquiry into Poverty and Development in Southern Africa culminated in a major conference at the University of Cape Town in April this year. A massive weight of research and documentation was presented, but one paper in particular, presented by UCT statistician Charles Simkins, became the focus of ideological controversy. Simkins' presentation of 'improved' income levels in the homelands drew strong debate at the conference, while both in parliament and on SABC TV his findings appear to have been interpreted as a vindication of the government's homeland policy.

In parliament the Carnegie Conference in general, and the Simkins paper in particular, became the subject of a speech by the then Prime Minister, Mr P W Botha. Mr Botha said that he found it 'remarkable' that a Carnegie investigation into poverty should take place in South Africa, 'when the great continent of Africa is dying of hunger, when people are wasting away in their millions and starving little children lack the basic food to keep body and soul together.'

Mr Botha went on to describe how the government's policies of regional development and industrial decentralisation were 'specifically geared to promoting the prosperity of the people of our subcontinent irrespective of borders', but admitted that, due to local and international economic conditions and 'natural disasters', the government was 'nowhere near success as regards achieving its objectives satisfactorily' with regard to the 'economic upliftment' of the African population and the alleviation of poverty.

Mr Botha then referred specifically to 'the unfortunate incident' during the conference when delegates had questioned the statistics and interpretation presented by Simkins, which he understood to indicate 'widespread and substantial improvements in the incomes of the majority of the inhabitants of the national states since 1960.'

The second, contradictory, argument presented by Simkins: that there has been a rise in the proportion of households receiving no income from the sources analysed, and that the circumstances of the least fortunate segment of the population have in large part deteriorated, was not referred to by Mr Botha.

Mr Botha concluded his speech by expressing his disappointment that 'an occasion which could really have been used to carry out an in-depth search for answers to our real problems in South Africa and in the rest of this poverty-stricken continent, to a large part degenerated, due to political overtones and ideological prejudices, into a denigration of South Africa's political system'.

That Simkins' figures, acknowledgedly 'provisional' and derived from a technique of simulation rather than concrete historical economic data, could have become the centre of a controversy about the effects of the government's homeland policy is in itself an indicator of some significance. First, it illustrates how research data, in becoming politicised, may be wrenched from their academic context and become ciphers in an ideological debate. More important, it also indicates that the highly sensitive and crucial issue of homeland incomes is one in which 'a paucity of relevant empirical analysis', to quote Simkins, is apparent. No reference was made in parliament to official figures or estimates against which Simkins' findings could be compared. Finally, if as McGrath suggests, Simkins' findings are not only provisional, but may be shown to be based on assumptions which may, on purely academic grounds, be seriously questioned, the high profile given to these findings is a matter of some concern.

What has been Happening to Income Distribution & Poverty in the Homelands?

A shortened version of a Carnegie Conference Paper with the same title

By Charles Simkins, lecturer in the Department of Economics, University of Cape Town

In the absence of sufficient 'relevant empirical analysis', statistician Charles Simkins has used 'a demographic simulation model augmented by some simplified economic assumptions' to propose 'a provisional account' of poverty and income distribution in the homelands since 1960.

Simkins interprets his findings to present a 'contradictory picture': that while there has been 'widespread and real substantial improvement in incomes since 1960, and particularly since 1970, for the majority of homeland residents', there has also been 'a rise in the proportion of households receiving no income from the sources analysed.'

The improvements measured in homeland incomes are largely due, according to Simkins, to a rapid increase in real African earnings throughout the country since the early 1970's, benefitting the homelands through a substantial increase in money remitted from white South Africa by migrant workers, money earned in white South Africa by commuters, money earned by workers employed in industrial and urban growth points and in government service in the homelands, and in pensions and disability grants transferred from the South African state.

The increase in poverty among the poorest section of the homeland populations has been caused by rising unemployment, particularly since the mid-1970's; forced removals and immigration to the homelands from white rural areas; and a substantial increase in the proportion of homeland residents without rights to arable land.

Great attention has been focussed on the positive aspects of Simkins' contradictory picture, but its negative aspects have received less attention. There appears to have been a tendency to view Simkins' findings as a vindication of the government's homeland policy, as seems indicated by Mr P W Botha's parliament speech (see page 10). Simkins' critics to the left have apparently drawn similar conclusions, leading to what McGrath terms 'open hostility' to his paper. However, the sense that Simkins' paper represents a vindication of the government's policies recedes when the cautionary and contradictory elements of his findings are considered. In large part, the increases in homeland incomes are derived from money earned in and remitted from white South Africa, while the increase in poverty among the poorest section of the homeland populations is attributed by Simkins to factors arising from the implementation of government policies. There is no indication in Simkins' paper that the growth of 'independent' economies in the homelands has made any substantial contribution to the improvement in homeland incomes.

The evolution of income distribution and poverty in the homelands has been a matter for much speculation and conjecture. And rightly, for at stake is nothing less than an evaluation of how well or badly the South African economic system functions (under a series of political constraints) and hence, conservative complacency and reaction excluded, the relative merits (at least in some respects) of a reformist or revolutionary approach to the country's future. The homelands have a particular importance because firstly, now over half the African population of South Africa lives in them and secondly, taken as a whole people are considerably poorer in the homelands and particularly in the homeland rural areas than in the cities and towns

(though the extent of poverty of African people in rural areas outside the homelands is also great). The American philosopher John Rawls has accustomed us to the notion of evaluating the performance of an economic system by considering the progress of its least well-off members and so it is to the homelands that our attention is drawn.

The interest of the topic is matched only by the paucity of relevant empirical analysis. What makes judgements about income distribution and poverty difficult is that processes are taking place which one would expect to work in opposite directions. On the one hand, there has been rising unemployment, particularly since the mid-1970s, a substantial part of which has been

The performance of an economic system may be evaluated by considering the progress of its least well-off members

A substantial part of unemployment in South Africa has been exported to the homelands

The rapid increase in real African earnings since the early 1970's has benefitted the homelands

On the one hand there has been substantial improvement in incomes since 1960 for the majority of homeland residents

On the other hand there has been a rise in the proportion of households receiving no income for the sources analysed

exported to the homelands. Also there has been substantial immigration, much of it forced, as a result of evictions from farms outside the homelands and resettlement. It is clear that a much higher proportion of the homelands population was without rights to arable or grazing land in 1980 than had been the case in 1960. All these factors could be expected to make for greater poverty.

On the other hand, there has been a rapid increase in real African earnings throughout the country since the early 1970s. These benefit the homelands via earnings within the homelands, commuter earnings and migrant remittances. There has also been a growth in homeland wage employment as a result of the creation and expansion of homeland administration as well as the rapid growth in commuter employment. Some of the latter, to be sure, is a result of incorporation of metropolitan townships into the homelands, but by no means all of it. There has been a rapid real growth in the value of transfers from the state, notably of old age and disability pensions. These factors tend to reduce poverty.

Using a demographic simulation model described elsewhere (Simkins, 1984), augmented by some simplified economic assumptions, I have been able to propose a provisional account of income distribution and poverty in the homelands since 1960. Only the four main sources of household income there are considered, ie

- transfer payments (old age pensions, disability grants, grants to the blind)
- remittances, from husbands to wives, from unmarried sons and daughters to parents and from parents in support of children left with kin
- subsistence agricultural production
- earnings of people employed in the homelands or as 'commuters' close to homeland boundaries.

All other sources of income such as informal sector production, gifts, transfers of a kind not mentioned or remittances of kind not mentioned, are ignored.

The simplifying assumptions are that all persons getting a given type of income get the same income (with differentiation by type of transfer payment and remittance and by place of employment, sex and sector in the case of earnings) and that there is no correlation between individual chances of receiving income from various sources.

Sufficient information then exists to generate on the computer data from which a Lorenz curve can be drawn. Households are ranked by income per adult equivalent (an adult counting for one, a child under 15 for one-half and a person over the age of 65 as two-thirds) and cumulative income is plotted on the vertical axis against cumulative adult equivalents on the horizontal axis. In 1980, it was found that the Gini coefficient for this distribution was 0.38 with 81 percent of adult equivalents receiving an income below that corresponding to the urban MLL (Minimum Living Level). This distribution can be compared with one obtained by amalgamating four surveys carried out by the Bureau of Market Research in the homelands around 1980. There households rather than adult equivalents were considered; the Gini

coefficient was 0.44 with 80 percent of adult equivalents receiving an income less than the MLL. This constitutes a reasonable indication that the method is not yielding too inaccurate a result — the somewhat lower Gini coefficient from the computer simulation reminds us that some inequality has been assumed away by the first simplifying assumption.

One now turns to examine changes between 1960 and 1980. The tables show the growth in real income experienced by homelands at various percentile positions in the distribution, the proportion of households (weighted by adult-equivalent) receiving no income of the sort described above and the proportion of households receiving less than the MLL.

● Percentage Growth in Real Income ●			
Percentile	1960-70	1970-80	
20	17	44	
30	29	77	
40	34	85	
60	45	90	
80	49	91	
1960 1970 1980			
Percentage households receiving no income	5	8	13
Percentage receiving less than the MLL	99	98	81

The tables present the expected contradictory picture. On the one hand, there has been widespread and real substantial improvement in incomes since 1960, and particularly since 1970, for the majority of homeland residents. This is mirrored in the estimate that whereas almost no homeland families achieved the MLL in 1960, nearly 20 percent did so in 1980. If homeland per capita incomes continue to increase one can expect this figure to rise fairly rapidly in the future. If there is a 2 percent pa (per annum) real rise between now and the year 2000 and the shape of the distribution remains as in 1980, the proportion of households below the MLL will fall to 60 percent; if there is a 3 percent pa rise it will fall to 48 percent and if there is a 4 percent pa rise it will fall to 39 percent. A per capita rate of growth of just under 3 percent pa will suffice to make absolute poverty measured by a metropolitan yardstick a minority phenomenon by the year 2000.

On the other hand, there has been a rise in the proportion of households receiving no income from the sources analysed. This rise can be attributed to a combination of increasing landlessness, with a declining proportion of the homelands population working in agriculture, and increasing unemployment. In addition, it appears from the table that the household at the twentieth percentile, although experiencing a real increase in income, is not experiencing the same rate of increase as its more fortunate counterparts.

A convenient way of summarising the findings is as follows:

(i) *Below the 5th percentile.* These households were destitute in 1960 and remained so in 1980.

(ii) *From the 5th to the 15th percentile.* These households have suffered a deterioration in absolute terms since 1960 because of increasing landlessness and unemployment.

(iii) *From the 15th to the 30th percentile.* These households have experienced an improvement in absolute terms since 1960, but their position has deteriorated relative to the median household.

(iv) *Above the 30th percentile.* These households have experienced just over a doubling of their 1960 per capita incomes in the twenty years between 1960 and 1980. Most of this improvement took place between 1970 and 1980.

Two final observations:

- The interpretation of these results must be influenced by the provisional character and by the recollection that there has been both massive immigration into the homelands over the 20 years under consideration, as well as

addition of originally metropolitan townships to homeland territory. Immigrants from white rural areas may well be disproportionately represented among the poorest homeland families as they are often both landless and without skills to aid them in modern job seeking. The addition of the townships, on the other hand, will have resulted in gains at the upper end of the distribution.

- I have argued elsewhere (Simkins, 1983) that the welfare of homeland residents would be increased if influx control were abolished. However impressive the positive aspects of the tables are, they are a record of what has happened rather than what might have happened if policies had been different. If more rapid progress against poverty is desired than has been indicated in the projections above, freer movement of people will be an essential component in a strategy designed to achieve this goal. JWA

The welfare of homeland residents would be increased if influx control were abolished

BIBLIOGRAPHY

C Simkins, 'What has been happening to Income Distribution and Poverty in the Homelands?' Published as *Carnegie Conference Paper 7* by SALDRU (the Southern Africa Labour and Development Research Unit) at the University of Cape Town, 1984.
C Simkins, *Four Essays on the past, present and future distribution of the Black population of South Africa*, SALDRU, Cape Town, 1989.

Data Critique

The Assumptions of Simkins

A Critical Review of Simkins' Estimates of Poverty and Income Distribution in the Homelands

By Dr Mike McGrath, Senior Lecturer in the Department of Economics, University of Natal, Durban

The preceding article by Charles Simkins is based, argues Mike McGrath, on a number of economic assumptions upon which the validity of his computations of homeland income distributions depend. McGrath isolates and examines these assumptions, raising methodological and interpretative problems. He identifies certain key areas in Simkins' method where alternative possible assumptions, arguably equally valid, might have had a different impact on Simkins' findings. In particular, he argues that Simkins' assumptions about the distribution and interdependence of commuter incomes, migrant remittances and homeland agricultural output raise serious questions. He concludes that Simkins' study would have gained in credibility if he had analysed the sensitivity of his results by choosing plausible extremes within each assumption and testing these for consistency. If such an exercise in sensitivity analysis had been evident as part of Simkins' methodology, residual doubts about its efficacy as a method of establishing a reliable data base may have fallen away.

The debate presented here is of an academic nature, and concerned with methodological issues; nevertheless it draws critical attention to a possibility which has fairly major implications for the study of social and economic conditions in South Africa: that we still do not know what has been happening to income distribution and poverty in the homelands.

This review examines whether Simkins' findings are analytically robust

That Simkins describes his findings as 'provisional' does not mean that 'finalised' results will be attainable

The income survey data which exist for the 1960s and 1970s is inadequate

Simkins' findings are based on hypothetical distributions which may not be empirically verified

Simkins has been somewhat negligent in describing his sources of data and revealing the origins of his assumptions

The paper which Simkins has presented in this issue is a shortened version of what is by now a well-travelled conference paper, referred to here as the Carnegie paper.¹ The findings of the Carnegie paper met with scepticism, even open hostility among academics, although they were enthusiastically received by the state. This review attempts to pinpoint the areas of contention, and examines whether Simkins' findings are analytically robust.

Aims and Methodology

The purpose of Simkins' paper is an evaluation of 'the progress of the least well-off members' of the economy, the homelands, as an indicator of 'how well or badly the South African economy functions (under a series of political constraints)'. Simkins regards the proportion of the homeland population in poverty, and the growth of the real incomes of specified percentile classes of income recipients, as the components in terms of which economic welfare may be judged. No analysis is made of the average growth rates of real per capita incomes in the homelands.

Using a technique of simulation to construct a distribution of homeland incomes for 1980, Simkins then simulates distributions for 1970 and 1960. Estimates of poverty and of percentile incomes are made from the simulated distributions.

Simkins describes his findings as 'provisional'. This should not be interpreted to mean that 'finalised' results will be attainable at some stage. The income survey data which exists for the 1960s and 1970s is inadequate for making estimates of the actual distribution of homeland incomes, and even in 1980, income survey data was available for only four homelands, although this data may probably be regarded as representative of all the homelands. The reader must continually be aware, when reading Simkins' paper, that its results are based on hypothetical distributions of both households and their incomes. While at best they may capture a trend, there is no conclusive empirical means of testing their validity. An appraisal of the results of his simulations must therefore fall back on an analysis of the 'simplified economic assumptions' on which his 'provisional account' is based.

In shortening the paper for Indicator, Simkins has omitted his explication of these assumptions. As they are essential for this appraisal, recourse has been made to the Carnegie version of the paper. Unfortunately, even in that paper Simkins is cryptic when describing his procedures, and has been somewhat negligent, or often telegraphic beyond comprehension, when describing his sources of data and revealing the origins of his assumptions. This is unfortunate, as the validity of his predictions lies wholly in the validity of his assumptions.

The Assumptions

The most important assumptions which can be distilled from the Carnegie paper are listed below. Assumptions are stated in italics, and comment follows after each.

● *The file of homeland households generated earlier by Simkins is adequate as an input in his simulations.*

The procedures which he followed are not discussed in either paper, but let us accept that these simulated distributions will not be the source of major biases.

● *Children under 15 are equivalent to one-half of an adult-equivalent consumption unit, whereas adults over 65 years count as two-thirds.*

These ratios are stated without any acknowledgement of their sources. They are used to convert the simulated distributions of household incomes into distributions of adult-equivalent incomes per household.² While standardisation is necessary to compare meaningfully the incomes of households of different sizes, the extent of poverty measured will inevitably be determined to some extent by the adult-equivalent scales which have been chosen. The trend in the distribution of incomes would, however, not be affected.

● *All males, or females, getting a given type of income get the same income.*

It is easy to give examples based on survey data which reveal the dubious nature of this assumption. For example, BMR (the Bureau of Market Research) reports annual incomes for male earners in Pietermaritzburg in 1976, which ranged from an average of R930 for unskilled construction workers, to R4 138 for a professional in social and personal services.³ Undoubtedly there is wide variation in agricultural output per plot across homelands, as well as in the earnings of commuters, migrants and homeland public sector employees. BMR survey data exists on the distribution of urban incomes for years close to 1960, 1970 and 1980, and this data could have been used to generate alternative assumptions about the distribution of commuter earnings which may possibly have been more appropriate, BMR data also shows that remittances vary considerably across areas. For example, in 1977 average cash remittances received in Venda varied between R161 in Sibasa to R227 in Dzanani.⁴

For Simkins to have relaxed his assumption that all persons getting a given type of income receive the same income would have unquestionably required a great deal of work, but it would have added greatly to the credibility of his results. In each simulated distribution it might have widened inequality, working to increase the proportion of the simulated distribution in poverty.

In the case of the distributions of commuter incomes, inequality increased between the 1960s and 1980.⁵ Over the same years migrant incomes (and possibly remittances) may also have become distributed over a wider range, because of expanding job opportunities for those migrants who were able to enter the urban labour market. One might reasonably suggest that these changes should have been incorporated into Simkins' simulations. It could be argued that these changes might have had the effect of widening inequality in the 1980 income distribution, and may have depressed the income growth which he reports for the middle ranges of the homeland income distribution from 1960.

- *There is no correlation between individual chances of receiving income from various sources.*

It is also easy to find survey evidence which brings this assumption into doubt. For example, according to BMR, the average level of remittances is negatively correlated with average wages in three magisterial districts in Venda for 1977,⁶ and a similar relationship holds for three of four magisterial districts in Kangwane.⁷ This is not a surprising result, as household incomes are usually the result of a series of interdependent choices. The need to seek employment as a migrant, and the proportion of earnings remitted, may well be related to wage levels and employment opportunities near the potential migrant's home, and on the agricultural output of the household. If these forms of income are negatively related the actual distributions will be more equal than has been simulated.

- *Conditions as regards transfer payments in the homelands bore the same relationship to conditions in South Africa in 1960 and 1970 as they did in 1980.*

In the last decade homeland governments have taken over the administration of pensions, and there have been reports of an inability of some of these governments to pay all who made claims. If the proportion of eligibles receiving benefits in the homelands has fallen, then the Simkins results will understate the levels of income in earlier years, and overestimate the rate of growth of incomes. Here, once more, one might suggest that careful research should have been devoted to substantiate the assumption.

Simkins regards the proportion of people receiving pensions as shown for 1970 (in his unspecified source of data) to be too low, and instead manufactures a number from the average of the 1960 and 1980 observations. The 1960 and 1970 data appears to be drawn from the official South African Statistics,⁸ and the reader is surely owed some explanation for his summary rejection of the published data from the same source for 1970.

- *An implicit assumption is that migrants earn the same average wages as non-migrants.*

Looking at recent years, this assumption is also falsifiable, as 'urban insiders' have gained ascendancy in access to jobs. Again one finds oneself asking for a more carefully researched assumption, as in this case it affects both his estimated remittances, and the relative levels of commuter incomes. This assumption could well have resulted in an overstatement of growth in incomes of households in the non-metropolitan regions of the homelands, thereby understating the extent of poverty.

- *Remittances for 1960, 1970 and 1980 flowed in the proportions of:*

- Spouse to spouse : 35 percent of earnings with probability 0.75.*
- Unmarried children to parents : 20 percent of earnings with probability 0.5.*
- Parents to children lodged with kin in the homelands : 15 percent of earnings with probability 0.75.*

Simkins also assumed that if the remitter were female, remittances would be reduced by one-third and if the remitter were in rural areas

outside the homelands the remittances would be reduced by one-half.

No attempt is made to justify these critical assumptions at all, and no indication is given about where they originated. One is tempted to ask why Simkins did not experiment with other probabilities, such as remittances as a constant 20 percent of migrant incomes with a probability of 1.

- *The 1980 Census estimates of men and women involved in subsistence agriculture is assumed to be underestimated by 100 percent, and the number of women by 50 percent.*

No justification for this assumption is given in the Carnegie paper, save for the rather bland statement that: 'The numbers given by the 1980 Population Census are very much lower than the 1960 and 1970 estimates and imply a huge increase in per capita agricultural production in the subsistence sector, for which there is no corroborating evidence. The 1980 figures for the number of men involved has therefore been doubled and the number of women increased by 50 percent.'⁹

- *Simkins assumes for commuters that:*
 - Male commuters in non-community and personal service sectors earn 90 percent of the average wage outside of agriculture and domestic service.*
 - Non-commuters earn half of the commuter wage.*
 - Workers in the community and personal service sectors earn two-thirds of their counterparts in the other sectors.*
 - Female workers earn two-thirds of the male wage.*
 - The proportion of commuters to non-commuters in the 1960 population was the same for 1970.*
 - The proportions of commuters were the same for men and women, and for service and non-service workers.*

As in the case of many of the other assumptions, no sources are quoted.

Umlazi was excised into KwaZulu between 1960 and 1970. In 1970 it constituted the largest urban area in the homelands. The proportion of commuters in the homelands must therefore have increased between 1960 and 1970, and this would understate the growth of incomes in Simkins' simulations for these years, and would also understate the extent of poverty in homeland rural areas in 1960.

By Simkins' estimates, 71 percent of commuters in 1970 were males. However, a footnote to the BENS0 table from which his 1970 total of commuters was derived, states that males represented approximately 80 percent of the total.¹⁰ In terms of his other assumptions, this would have understated commuter incomes in 1970, and will overstate the growth of incomes above the 30th percentile over the 1970s.

Testing his Results

He compares his simulated income distribution for 1980 with an estimate of the homeland distribution made from BMR data, and claims from his examination of these cumulative distributions that their 'correspondence is quite good'. A Chi-squared test however, shows that they are

There have been reports of an inability by homeland governments to pay out all pension claims

In recent years 'urban insiders' have gained ascendancy over migrants in access to jobs

One is tempted to ask why Simkins did not experiment with other probabilities in his calculation of remittances

The excision of Umlazi into KwaZulu must have increased the proportion of commuters in the homelands between 1960 and 1970

The use of an urban MLL to estimate poverty ignores differences between urban and rural areas

Relative living costs (particularly commuting costs) could have changed because of removals and relocations

Simkins provides no estimates of the effects of resettlement and the redrawing of metropolitan boundaries

In the mid-1970s the incomes of African households in the metropolitan regions were more than twice those of the homelands

significantly different at the 95 percent confidence level.¹¹ Support for his 1980 findings does not therefore seem to come from the BMR's homeland data.

The Estimation of Poverty

Simkins uses an urban MLL to estimate the proportion of households in poverty. This is a very unsatisfactory approach, for it ignores differences in consumption patterns and living costs between regions and between urban and rural areas. In 1975 the MLL in Durban for an average-sized African household was R1 134 per annum, or R206 per capita.¹² The BMR's MLL for rural areas in 1975 would have been approximately R880 per annum, or under R150 per capita.¹³ Simkins' failure to take account of regional variations in the MLL will exaggerate the extent of poverty in all years, but the trend may not be affected.

My own estimates of poverty, based on an estimate of the distribution of incomes of African multiple households in 1975, using an urban and a rural MLL, shows that approximately 62 percent of African households in the homeland states (excluding the overlapping segments of the homeland states) were in poverty. In this distribution household incomes in urban areas outside the metropolitan regions are included, and if these incomes were excluded the incidence of poverty in the remaining rural areas of the homeland states would be increased. In the same year approximately 30 percent of African multiple households in urban areas fell below the MLL for African multiple households in Durban.¹⁴

Incomes are inflated from 1960 and 1970 to constant 1980 prices, based on the South African consumer price index. Some caution should have been taken here too, for relative living costs (particularly commuting costs) could have changed because of relocations and removals necessitating the use of appropriate price indexes. How much of the income growth of Simkins' urban and rural incomes has occurred because of state necessitated increases in household expenditures? The Carnegie paper does not contain any discussion of these problems.

Other Variables

In the Carnegie paper Simkins draws attention at several places to the potential effects of resettlement and the redrawing of metropolitan boundaries on the distribution of incomes, but he provides no estimate of the effects of these changes. This is a severe limitation of his results. One might ask how much these removals have contributed to the worsening plight of homeland households in the lowest decile of his hypothetical distributions.

On the other hand the addition of urban metropolitan areas to the homelands is bound to have increased the relative incomes of the upper deciles of the homeland populations, for in the mid-1970s the incomes of households in the metropolitan regions was more than twice the incomes of the homelands, after excluding the overlapping segments of the metropolitan regions. Again the reader might ask: how large an effect

have the incorporations had on the distribution and level of homeland incomes?

Simkins also fails to account for earnings from informal activities outside of agriculture. Non-market production in the homelands for 1977, excluding agriculture, has been estimated at approximately R82 million.¹⁵ This was 80 percent of the value of pensions paid in the homelands in that year, and an amount equal to 11 percent of the value of marketed production of the homelands. This is a substantial amount of income to ignore, especially if it was earned largely by low income households.

Concluding Remarks

Simkins' use of the technique of simulation is innovative, but he should have taken great care in selecting and explaining his assumptions, for by his own admission, he is dealing with a highly sensitive topic.

Simkins' assumptions about the distribution and interdependence of commuter incomes, migrant remittances and of homeland agricultural output all raise quite serious uncertainties. In total these incomes account for almost 77 percent of homeland personal incomes for 1977.¹⁶ It is not clear whether changing these assumptions would reinforce the trends adduced by Simkins. Uncertainties also lie in the way he has measured poverty, and in the use of the consumer price index as an income.

Ideally Simkins should have chosen two sets of assumptions about his variables, grouping together those assumptions which represented plausible extremes, and allowing for changing probabilities through time where these were warranted. The findings of simulated distributions based on these high and low assumptions would have enabled him to appraise the sensitivity of his results. If the trends were unchanged the results would have gained in credibility.

Without any sensitivity analysis of Simkins' results, and with the numerous unanswered questions which arise from his assumptions, we must conclude that as yet we do not know what has happened to poverty and income distribution in the homelands.

FOOTNOTES

- 1 It was presented to the Carnegie Conference on Poverty in Southern Africa in April 1984, and the Economic History Society Conference in July 1984.
- The longer paper is published as C Simkins, What has been happening to income distribution and poverty in the homelands?, *Carnegie Conference Paper No 7*, 1984.
- 2 Two alternative distributions could be produced, either a distribution of the adult equivalent income of households by number of persons per household, or by the number of adult equivalent units. Each of these distributions would be likely to show a different pattern of inequality, although the trend through time and the level of poverty might not be affected.
- 3 BMR *Income and Expenditure Patterns of Urban Black Households in Pietermaritzburg*, Report No 50.12, 1976, Table 12m.
- 4 BMR *Income and Expenditure Patterns of Black Households in Venda*, Report No 64, 1978, Table 3.1.
- 5 M McGrath, *The Determinants of Poverty: A Theoretical Analysis*, *Carnegie Conference Paper No 269*, 1984, p26-27.
- 6 BMR Report No 64 *op cit*, Table 3.1.
- 7 BMR *Income and Expenditure Patterns of Black Households in Kangwane*, 1978, Research Report No 82, 1980, Table C1.
- 8 *South African Statistics 1980*, Table 6.2.
- 9 Simkins *op cit*, p7.
- 10 BENSQ, *Black Development in South Africa*, 1976, p47.
- 11 $\chi^2 = 20.69$ for 6 degrees of freedom.
- 12 Estimated for a household of 5.5 members from: Bureau of Market Research, *The Minimum and Supplemental Living Levels of Non-Whites Living in the Main and other Selected Urban Areas of the Republic of South Africa*, February 1975, Research Report No 44, 1975, p5.
- 13 Estimated from: Bureau of Market Research, *The Minimum and Humane Living Levels of Blacks in Black Homelands, White Rural and Border Areas*, February 1974, Research Report No 42, 1974, p5. The 1974 figures are escalated by the increase in the consumer price index from 1974 to 1975.
- 14 McGrath *op cit*, p6.
- 15 Estimated from BENSQ, *Statistical Survey of Black Development 1980*, Table 4b.
- 16 *Ibid* Tables 48, 52 and 103, assuming depreciation is 10 percent of GDP, and that migrants remit 20 percent of their incomes.

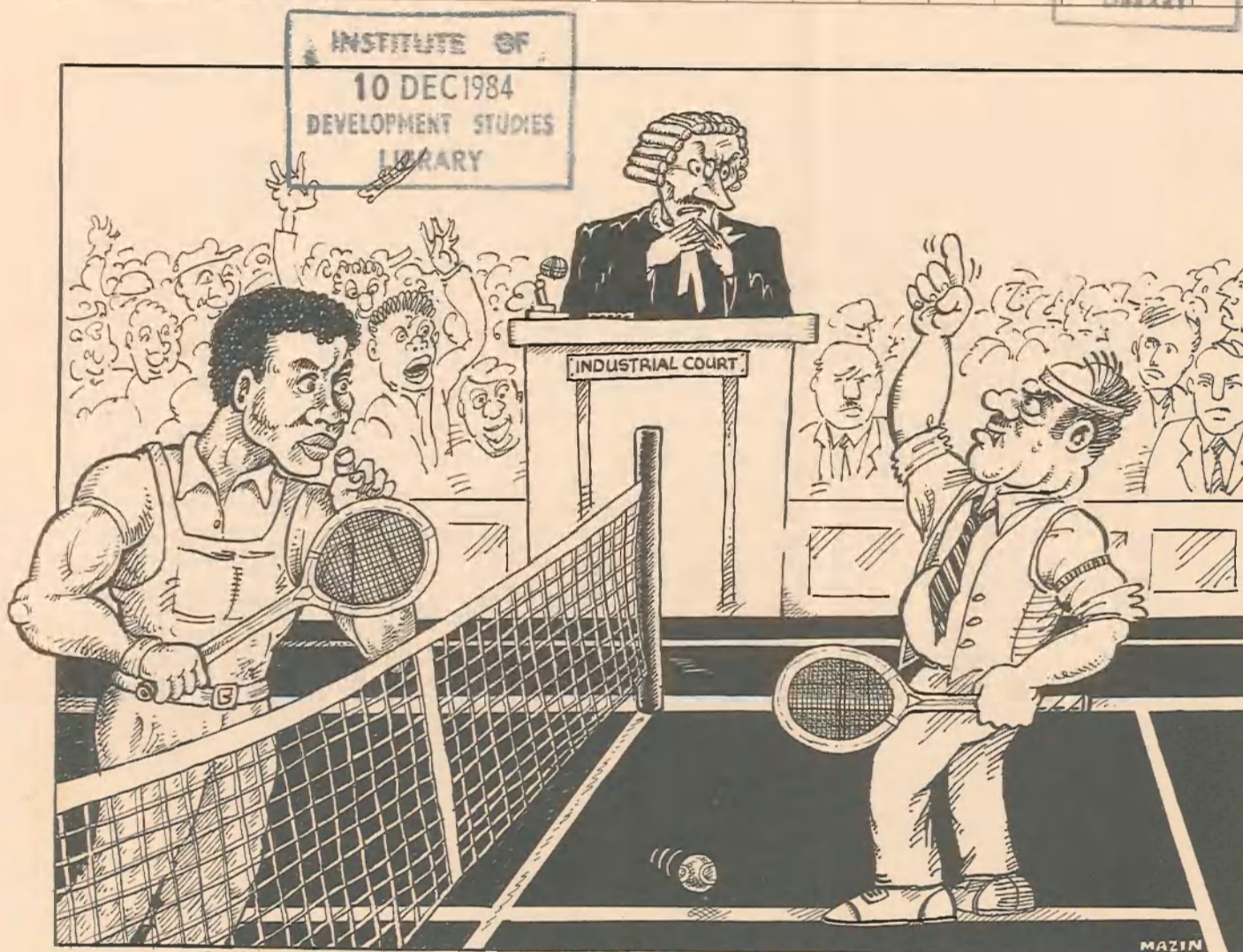
INDUSTRIAL

M O N I T O R

INDICATOR
SOUTH AFRICA

VOL.2 No 3
OCTOBER 1984

INSTITUTE OF
DEVELOPMENT
STUDIES
LIBRARY



Certain contestants, unused to playing ball, find it difficult to accept some judgements of the court . . .

- 1** *The Industrial Court in the Cross Volley*
- 2** *The Industrial Court 1979-1984*
- 6** *The NMC and Labour Courts*
- 9** *Umpiring Fair Employment Guidelines*
- 12** *When is a Farm not a Farm?*
- 16** *A Select Bibliography on the Industrial Court*

We're in
construction,
electronics,
mining
and
manufacturing

**but
we also
build
people**

Maximum opportunity,
In-house training
Bursaries
Apprenticeships

For further information write
to The Group Secretary,
Grinaker Holdings Limited
PO Box 31504,
Braamfontein 2017.

GRINA KER



*"An equal
opportunity
company"*



**Carlton Paper Corporation
Limited**

Holding Company of: Carlton Paper of S.A. (Pty)
Limited, Carlkim (Pty) Limited,
Kimberly-Clark of South Africa (Pty) Limited.
P.O. Box 6473, Johannesburg, 2000. Telephone -
011-616-1890, Telex - 4-20132, Cables - SAPARO.
Facsimile copier - 615 8910

**LEADERS
IN TRAILERS**

**HENRED
FRUEHAUF**

Johannesburg: P.O. Box 25662, Denver, 2027.
Telephone: 51-9251

The Industrial Court in the cross volley

Exactly five years have passed since the inauguration of the Industrial Court in October 1979, on the heels of the sweeping recommendations made by the Wiehahn Commission. The industrial birth-pangs of this dispute-settling mechanism have been the subject of intense controversy, in both pro-management and pro-labour circles, albeit for widely contrasting reasons.

Even the latest NMC (National Manpower Commission) recommendations fail to properly disentangle the separate functions involved in the resolution of (legal) disputes of rights and (socio-economic) disputes of interest, thereby perpetuating the uneasy dual role performed by the Court. Some management critics claim the resulting ambiguous legal status of an alleged 'unfair labour practice' means that disputes of interest are often removed from the proper sphere of direct collective bargaining and in the guise of disputes of right are arbitrarily resolved by the Industrial Court. Ironically, radical critics also query the wisdom of removing certain labour disputes from the shopfloor, on the grounds that this shifts industrial conflict to the realm of formal, legalistic argument and protracts dispute settlement.

At the macro-level of debate, a popular management conception of the Industrial Court holds that a host of 'prerogatives', or traditional areas of authority, are being cumulatively undermined by Court judgements, especially where determinations of unfair dismissals and employment practices are handed down. In promoting greater intervention as arbiter of industrial disputes and fair employment guidelines, the government is accused of contradicting its own declared intention of allowing greater scope for the 'spontaneous' forces of free enterprise to determine the process of collective bargaining.

On the other hand, the Industrial Court is perceived as performing a crucial legitimating function, enhancing the status of the post-Wiehahn industrial dispensation in an attempt to encourage unregistered unions to come in from the cold and participate in the statutory collective bargaining system. Unfair labour practice determinations which create new worker 'rights' are interpreted as lending legitimacy to the larger capitalist system in South Africa, through a process of industrial incorporation of the black workforce. It is argued that this is intended to compensate for the government's political exclusion of Africans from the central government.

The focus on the Industrial Court covers several important aspects. Firstly, the Court's complex functions are schematically represented in a chart for easier understanding of its extensive ambit. A perspective on legal kinds of 'fairness' and key NMC proposals regarding improved access and powers then follows. A second Indicator SA data base traces the evolution of the 'unfair labour practice' concept up to the specific catalogue of guidelines enumerated by the NMC. Lastly, a case study of the much publicised Rainbow Chickens hearing looks at the possible implications for legally unprotected farm and domestic workers.

THE INDUSTRIAL COURT 1979 -

On the recommendation of the Wiehahn Commission (Chapter 4 of Report Part 1 deals with the Industrial Court), the government passed the Industrial Conciliation Amendment Act (ICA) No 94 of 1979, a wholesale revision of the ICA No 28 of 1956. Under a new Section 17 (S 17), the powers of the old Industrial Tribunal were significantly expanded through the creation of an Industrial Court (under S 8), to specialise in the adjudication and arbitration of labour disputes of rights and interests, respectively.

Subsequently, the Labour Relations Amendment Act (LRA) No 57 of 1981 (the renamed and amended ICA) further revised the functions of the Industrial Court, flowing out of recommendations made in the fifth and penultimate report of the Wiehahn Commission. LRA provisions governing the Industrial Court have been amended annually since the creation of this specialist judicial, quasi-judicial and administrative dispute-settling body on 1 October 1979.

INDUSTRIAL COURT

GENERAL FUNCTIONS			
	LRA SECTIONS	STATUTORY FUNCTION	STATUS AND JURISDICTION
ADMINISTRATION	S 17(11)(a) read with S 17(21).	Adjudicates in disputes of 'right' (applying content of established law), arising from the 'application' of the eight labour acts directly administered by the Department of Manpower.	Court of Law, with restricted civil jurisdiction, concurrent with ordinary courts. May refer question of law to Appellate Division. The LRA amendment No 51 of 1982 allows for appeal to relevant provincial division of Supreme Court.
ARBITRATION: Voluntary	S 45 and S 49, read with S 35. Also under the separate labour-related Arbitration Act.	Undertakes voluntary arbitration in disputes which have reached deadlock in either Industrial Council (IC) or Conciliation Board (CB) dispute-settling mechanisms. An alternative to independent single or group arbitration by arbiters of joint employer/employee choice. Parties to dispute have right to appoint assessors to advise Court.	Quasi-judicial function concerning dispute of interest. Arbitration award is binding on all parties involved.
Compulsory	S 46. Also S 17(11)(d) read with S 46(7)(c).	Additional powers to voluntary arbitration cases include right to step in as only arbiter in instances where an IC or CB reach deadlock, but fail to appoint independent arbiters within certain time period specified by Minister of Manpower. Also advises the Minister in applying these provisions to employers/employees engaged in specific 'essential services', such as local authorities and public utility companies (eg. transport).	Quasi-judicial and Advisory roles. Arbitration award is again binding.
DEMARCATIION	S 17(11)(e) read with S 76 and S 77.	Decides whether particular employers/employees or type of business falls within a certain industrial category and also whether any wage-regulating measure applies therein. Under S 77 of LRA Amendment No 2 of 1983, also determines whether a labour broker is deemed to be a permanent employer and within which industry.	Quasi-judicial function. Award is final and binding.
APPEALS	S 17(11)(b) read with S 21A. Also S 24(1)(x) read with S 51(10) and (11) (Individuals and Closed Shop).	Decides on appeals where ICs refuse admission to registered trade unions and may waive closed shop provision for individual employer/employees. As of 1983, under new S 17(12)(a), to hear appeal regarding the division of assets of racially mixed unions.	Court of Law. Judgement is final and binding, with limited right of further appeal to Supreme Court on questions of law only.

1984: Powers, Procedures & Precedents

By Indicator SA Researcher Graham Howe

Once its effects are felt, the most recent LRA amendment, No 81 of 1984, will undoubtedly impose significant restrictions on the functioning and general ambit of the Industrial Court. Under the new Section 31A, neither employers nor unions will be able to enforce 'in-house' or plant-level agreements in either the Court or civil courts, unless the contents thereof are recorded with the Department of Manpower. Prior to completing this procedure, the parties to such an agreement must fulfil various existing statutory requirements and provide the Department with an array of organisational information concerning membership, finance, constitution, etc.

Furthermore, under Section 5 of the 1984 amendment, certain powers of appeal which were transferred to the Industrial Court in May 1983 (see Appeal function below), revert to the Minister of Manpower once more, with expanded powers of exemption under an amended Section 6.

AND POWERS			
EXCLUSION(S)/EXCEPTIONS	ACCESS/PROCEDURE	INTERPRETATION/PRECEDENT	OUTCOME SUMMARY
'The adjudication of alleged offences' (criminal sanction); disputes arising from common law contract of employment, plant-level recognition agreements and all other labour-related laws administered by other departments (eg, migrant and influx control legislation).	Direct, through hybrid documentary application and oral evidence (trial) procedure. In instance of referral to Appellate Division, the Industrial Court defers final judgement until former decision is handed down.	Transitive interpretation of 'application' provision, so that more universal issue as to whether law applies to particular dispute is narrowed to disputes specifically arising from administrative application of said laws. Extent of jurisdiction is determined by hypothetical nature of court which (if not for the existence of the Industrial Court) would have heard particular case. Cannot grant interdict to prevent the commission of an unfair labour practice, as this involves a dispute of interest.	Of only 6 cases of this kind introduced since its inception, the Court held that 4 fell outside of its statutory ambit and in fact, has only delivered judgement in one case.
Dispute of Right (Infringement of Law) arising from specified kinds of existing agreements, according to S 35(4) governing ministerial appointment of CBs. Also, under S 35(6), Minister has discretionary powers and unless he is satisfied that a dispute of interests exists, or that both parties have complied with certain statutory requirements (sections 4A, 8(5), read with 8(8) and 11), may refuse to appoint a CB.	Indirect in case of IC negotiation, follows deadlock and/or mutual decision to go to arbitration. Also indirect access where there is no IC with jurisdiction and a CB is appointed. Subsequent amendments provide for limited direct access in both cases, under S 46(9)(d), whereby both parties to dispute decide in advance to submit to voluntary arbitration and thus bypass the conciliation procedure.		Since 1979, about 36 such cases have been handled by the Court, with another 9 awards pending.
As in Voluntary Arbitration, except that the Minister is compelled to appoint a CB if no IC with jurisdiction exists.	Differs from above procedure in that if a dispute is not settled at IC or CB levels within 30 days, the case must be referred to some kind of arbitration.		Separate figures not available (see above).
Dispute of Right.	Direct access. Applicant submits documentary statement. Indirect where ordinary court of law refers certain specialist labour questions to the Industrial court.		Since its inception, the Court has completed 18 demarcations and has partly dealt with another 21 cases.
S 51(6). Appeals against the granting, refusal or withdrawal of exemptions as regards IC, CB and Ministerial awards/agreements.	Direct Access.	Where an individual is excluded from closed shop, Court decides whether union membership refusal/expulsion is 'unreasonable' or if worker is thereby 'adversely affected'.	An LRA amendment temporarily transferred S 51(6) appeal functions from the Minister of Manpower to the Court in 1983, only to return them as of 1 September 1984 (see preceding exclusions). In this period, only 5 pending appeals under S 51(6) were lodged, with no judgements resulting when the recent amendment took effect.

INDUSTRIAL COURT

	LRA SECTIONS	STATUTORY FUNCTION	STATUS AND JURISDICTION
STATUS QUO ORDERS	S 43 read with S 45(9).	The Status Quo or Interim Relief Order. Under LRA amendment of 1982, to order temporary reinstatement and preserve or restore the status quo, in response to an application by a party to a dispute, pending final determination at IC, CB or Industrial Court levels. Applies to disputes involving job suspension/termination, changes in terms of conditions of employment and/or an alleged ULP.	Administrative/Procedural function transferred from Minister of Manpower. S 43(6) empowers the Industrial Court to override the provisions of any existing law or wage-regulating measure when making orders. Under S 43(4)(c), Court may make an order as to costs in such proceedings, where it finds 'unreasonableness' or 'frivolity' on the part of either party to the dispute. Under S 43(8), order may be made on retrospective basis and includes remuneration, etc, though under S 43(4)(6)(i), such payment is recoverable by an employer through civil action in certain circumstances where the litigant is unsuccessful in his/her original case.
UNFAIR LABOUR PRACTICES	S 17(11)(c) read with S 46(9). Also S 27(7), S 39 and new S 31A read with 'statutory requirement' sections 4(a), 8(5), 8(8) and 11.	To determine disputes concerning alleged unfair labour practices (ULPs) according to amended definition, with the object of creating a labour code, ie new, cumulative rights and remedies where none presently exist. In 1983, an LRA amendment widened the ULP definition to include victimisation disputes and to transfer certain ministerial powers, interpreted by the Court as enabling it to order reinstatement of employees or restoration of conditions of employment.	Ambiguous quasi-judicial status, derived from 'equity' rather than 'formal' legal jurisdiction. Amended statutory definition of an ULP currently allows scope for discretionary evaluation in Court's interpretation of an ULP. Makes final determination and industrial action by either party after a judgement is illegal.
SPECIFIC PROCEDURES			
REPRESENTATION/EVIDENCE	S 45(9). Also part of several other LRA sections.	Any individual or official party to dispute; or if all parties consent, one or more legal practitioner; or lastly, by joint consent, any of above who are not party to dispute might also participate in proceedings. Empowered to issue subpoenas when undertaking an 'investigation' into a matter referred to it by the Minister under S 17(11)(g) and to administer oath to or accept affirmations from witnesses.	Under 1983 LRA amendment, both unregistered unions and employers organisations with majority representation may apply to the Minister for the establishment of a CB and thereby gain access to Court. Previously, both such parties could gain indirect access any-way, by backing a Court action by some of their members as a group of employees. In order to gain access where an in-house agreement is at centre of dispute, unregistered unions must first fulfil requirements (see ULP section above) under new S 31A.
CONFIDENTIALITY	S 67 as amended in 1983.	Confidentiality of Evidence and Proceedings. Secrecy has to be observed in respect of decisions/information regarding the financial or business affairs of any person or firm.	Quasi-judicial/Procedural. The Court President has discretion to indicate which judgements, decisions, determinations or awards may be published for general information.
RULES/ENFORCEMENT	S 5 and new sub-section to S 17.	LRA amendment No 51 of 1982, procedural rules are to be formulated by a 'Rules Board' consisting of the Court's President and Deputy-President, together with legal and employer/employee representatives. Rules dealing with financial aspects to be made with concurrence of Finance Minister.	Quasi-judicial/Procedural. LRA amendment No 57 of 1981 introduced contempt of court rulings if a person 'willfully mouths, disparages or belittles members of the Industrial Court, or willfully interrupts proceedings of the Court or otherwise misbehaves himself in the place where the Court is functioning' (applies only for the duration of the Court hearing).

EXCLUSION(S)/ EXCEPTIONS	ACCESS/PROCEDURE	INTERPRETATION/ PRECEDENT	OUTCOME SUMMARY
May not make order in disputes where changes in terms/conditions of employment are effected by introduction of new law or wage-regulating measure. Cannot issue final, mandatory or restraining orders. Under S 43(7), employer is entitled to pay litigant for normal hours of work instead of actually reinstating him/her, provided that order is made under S 43(4)(6)(i).	Limited Direct Access. Under S 43(4)(a) application may be made by any party to dispute within 30 days of notice of act giving rise to dispute. In terms of S 43(6), a status quo order remains operative until final deadlock or negotiation of settlement/arbitration award, or for between 14-day to 90-day period, with maximal further 30-day extension by order of the Court.	Interprets applications in terms of common law principles for obtaining an interim interdict. Court is unable to make orders unless the litigant proves (i) factual existence of a right; (ii) that alleged wrong will cause irreparable harm; or (iii) that it is the only course of action to obtain said relief. Also, where no IC with jurisdiction exists, applicant must show that reasonable prospects exist at interim stage of securing ministerial appointment of a CB. An alternative approach is to grant orders in terms of principles for interim relief, ie on basis of balance of convenience and probability principles used in some cases by the Court and also where litigant proves the existence of a prima facie right within an obvious margin of doubt.	Although only 10 applications were made in 1982, the first year the Court exercised these transferred powers, 110 such requests were made during 1983, increasing from 1 in January to 23 in December of the same year. However, only approximately 5-10 percent of these cases reach the Court again for final determination.
ULP disputes arising wholly out of a question of law, a strike/lock-out, or under the new S 31A of 1984, a 'non-recorded' in-house employer/union agreement (see intro). Is unable to grant interdicts, even on an urgent basis. Court cannot of own accord attend to an ULP that comes to its attention, as alleged ULP must be referred by interested party. Although under the 1983 LRA amendment, the Minister may waive certain requirements (see above) where unregistered unions apply for a CB to be appointed to settle dispute, in the case of in-house agreement disputes, the position will be indirectly reversed through subsequent amendment.	Indirect and Restricted. Under S 23, an alleged ULP must be firstly submitted to an IC with jurisdiction over the matter. Thereafter, the IC has 30 days (or within period specified by Minister) to assist the parties involved to settle the dispute by unanimous vote, before the ULP is automatically referred to the Court for determination. Otherwise, under S 35(6), the Minister of Manpower has discretionary powers to appoint a CB and is entitled to exclude an ULP within its terms of reference (even if requested to do so), with the same procedure as ICs then applying. Direct access is provided for if both parties to dispute agree to this (see voluntary arbitration above).	In cases of dismissal or termination of a fixed term contract, even if practice would have been lawful under an earlier contract of employment operative prior to the legislative introduction of the ULP concept, the Court may decide this now constitutes an ULP in terms of its 'equity' jurisdiction (see role of 'extra-legal' factors, separate ULP box). The Industrial Court does not sit as a superior Court in ULP cases and its proceedings are therefore subject to Supreme Court review (decision itself currently with Appellate Division). No jurisdiction to award costs in ULP cases. However, extent to which specific ULP determinations establish case law and 'rights' by precedent, regarding dismissal/retrenchment, disciplinary procedures, management/worker attitudes, recognition/bargaining in 'good faith' and general IR practices, is restricted by Court's own interpretation (1982) of its ULP determinations, ie the issue of 'fairness' depends on the particular circumstances of each case.	The number of ULP cases referred to the Court has increased sharply each year as follows: 1980 (1), 1981 (9), 1982 (17), and in 1983 (22).
AND POWERS			
Neither domestic nor ('non-industrial') agricultural workers may pursue Industrial Court actions, as the LRA excludes these occupations from its ambit (see Rainbow Chickens case study). Except where Court performs arbitration functions, the parties do not currently have the right to appoint assessors to act in advisory capacity.		The President of the Court has discretionary powers to appoint representative assessors even in latter cases.	
If such information is published contrary to either party's unilateral request for confidentiality, President must withhold their identities. Strict application of secrecy provision axiomatically inhibits the development of a labour code in ULP cases.	As regards publication, written consent of parties to dispute must be requested, even if President overrides refusal of request.	Prior to amendment, Court interpreted S 67 as prohibiting it from publishing information from which its decisions were derived.	
According to S 17(2)(b), it would appear as if the Court does not have jurisdiction to hear matters against persons who reside outside the Republic. Under S 53(1), a contravention of an Industrial Court award/determination constitutes an offence. However, only a criminal court is given express powers of enforcement.	Trial and Application Procedure. Under Rule 1, statements of claim, defence and replication are pleadings and not affidavits, containing material facts and conclusions of law. Rule 6(2)(f) provides for a pre-trial conference, obliging the applicant to coordinate pleadings with the respondent during maximal 35 day waiting period, and to file the minutes with the registrar before being entitled to request a date for a proper Industrial Court hearing.	Any rule in force (see Government Notices R 488 of March 1982 and R 1871 of September 1982) governing proceedings before the Court and published prior to 1982 amendment. The Court has ruled that as a creature of statute, it has no jurisdiction beyond that granted by the express legislative provisions creating it.	

SOURCES

Commission and Government Reports/Legislation
IR Journal Articles (see Select Bibliography at end of focus)
Indicator SA Press Clippings

NOTE: Even after several amendments and many precedents, the Industrial Court, its exact powers and functions, continue to be the source of much controversy and the relevant statutes have been subject to diverse legalistic interpretation. Because of these ambiguities, contradictory precedents and legal nuances, the above table relies on particular interpretations, which are inevitably open to dispute in some cases.

The NMC and Labour Courts

The Dilemma Appraised

By Christopher Albertyn, Labour Lawyer

INDUSTRIAL COURT

The functioning, procedure and jurisdiction of the Industrial Court have been the source of considerable controversy. Durban attorney Christopher Albertyn adds another perspective to the ongoing debate. He presents the view that the judgements of the court have been consistent with generally accepted principles of conduct in industrial relations, and argues that recent recommendations by the NMC (National Manpower Commission) may in some cases diminish what is commonly regarded as fair labour practice. Albertyn concludes with a critique of the cumbersome procedure surrounding the application for a conciliation board, in which the discretion of the Minister of Manpower plays an inordinately large part. He regrets that the NMC failed to address this aspect of the disputes procedure, and posits an alternative arrangement whereby the conciliation board procedure could be more effectively linked to that of the Industrial Court.

Are the judgements handed down by the Industrial Court really as radical and innovative as some critics argue?

Its decisions are derived from accepted rights that workers have acquired through collective bargaining and the individual employment contract

Critics of the Industrial Court have argued that it has acted outside of its mandate as defined in the Labour Relations Act, that it has gone too far in promoting worker interests, or that it has sought to make law when it should only be interpreting the law. Others have replied that it has merely performed what was expected of it by the legislature.

Defining Acceptable Practice

The most sensible approach to the debate is to evaluate the actual judgements of the Industrial Court and see if they are really as radical and innovative as they are made out to be by some critics. In fact, the Industrial Court judgements go no further than what is generally regarded by the vast body of employers as being fair labour practice. The approach followed by the Court seems to be first to look at the practice of South African industrial relations. In trying to identify what is the general, and therefore acceptable, practice in South African industrial relations it has regard to the recommendations of major employer associations, and the sort of provisions that are being agreed upon between employers and representative trade unions in collective agreements. The Court has gone no further than to declare, as unfair labour practice, that conduct which in any event is regarded as unacceptable and wrongful by the general body of employers

and trade unions.

Thus far its decisions go no further than to state certain generally acceptable principles in respect of collective bargaining and the individual employment contract.

Collective Bargaining

With regard to collective bargaining the Court has adopted the generally accepted rights that trade unions have acquired in the capitalist and in the South African context, namely:

- all workers have a right of association or disassociation. They may join the trade union of their choice. The employer may not interfere in the exercise of this right
- if there is trade union rivalry between two competing unions in a factory the employer must not favour or 'sweetheart' one of the unions to the detriment of the other. The employer must remain neutral
- if a trade union has recruited a majority of the employer's workers as its members, the employer should recognise the trade union as the collective bargaining representative of its employees. The employer acts wrongfully if it unreasonably refuses to so recognise a representative trade union, or if it unreasonably refuses to recognise a trade union as representative of its employees
- an employer must consult its employees, or if they are members of a representative trade union, their union, before taking certain action which may be detrimental to the

employees, eg redundancy or retrenchment

- the employer must negotiate with the representative trade union in respect of any change to conditions of employment, including wages, and reach agreement with the representative trade union before effecting any such change
- in the event of the employer failing to reach agreement with the representative trade union, or its employees (in the absence of a representative trade union) on matters which are the subject of collective bargaining, the employer must not take industrial action until it has exhausted the disputes procedures that are provided in the Labour Relations Act, 1956
- the employer should grant to representative trade unions elementary trade union rights, which include a right of payment of union dues by stop order, reasonable access to the employer's factory to meet with union members during their own time, and recognition of shop stewards as the immediate collective bargaining representatives of the trade union members it employs.

This list is not exhaustive but it gives an indication of the practices that have developed, and of the basis on which certain Industrial Court decisions have been made.

The Individual Employment Contract

The issues dealt with by the Industrial Court in respect of the individual employment contract have been associated mainly with the dismissal of employees by their employers. The principles recognised thus far by the Industrial Court are, again, no more than what is generally regarded as fair practice by the vast majority of employers and trade unions. In these terms a fair dismissal is one that is occasioned only in one or other of the following circumstances:

- the incapacity of the employee (in which event he/she would be entitled to benefits in terms of the Unemployment Insurance Act or the Workmen's Compensation Act)
- the economic requirements of the enterprise (redundancy or retrenchment, which would need to be dealt with as a matter for collective consultation)
- misconduct.

Misconduct

If the dismissal is occasioned by misconduct then the following conditions are generally accepted by the vast body of employers and trade unions, as necessary before an employee may be dismissed: substantive fairness, procedural fairness and consistency.

- **Substantive fairness** is often difficult to define. The test is whether, taking into account all the circumstances of the case, a reasonable employer would feel that the worker's dismissal was justified. The dismissal of a worker is a very serious act. It

must be seen in the general economic context of widespread unemployment and retrenchment, and the prospect that a dismissed employee is unlikely to find work readily in order to maintain himself/herself and his/her family. The misconduct must therefore be serious. Relevant considerations are the disciplinary record of the employee, his/her length of service (a long-service employee's misconduct may be condoned more readily than that of a new employee), the personal obligations and responsibilities of the employee (the fact that he/she must support many dependants), the contribution of the employee to the prosperity of the company, etc. There are no hard and fast rules as to what is substantively fair but, regrettably, many employers purport to dismiss their employees for relatively insubstantial reasons, and hence such dismissals are regarded as unfair by the Industrial Court, because they do not comply with the requirement of substantive fairness.

- **Procedural fairness** requires that the employee be given an adequate opportunity to face a charge of misconduct. The analogy of a criminal court trial is useful in considering whether there has been procedural fairness. The employee is entitled to hear his accuser and to confront his accuser personally. He/she should be entitled to cross-examine or question the accuser personally, or through a representative of his/her choice, and the employee should put his/her version of the circumstances of the alleged misconduct to the accuser and challenge the accuser's denial of that version. The employee should be entitled to a reasonable opportunity to prepare his/her defence with his/her representative. The onus in proving the employee's misconduct should rest with the accuser. Whether that onus is to be discharged on a balance of probability or beyond reasonable doubt is uncertain, but it seems that the Court has adopted the conservative approach of requiring the onus to be discharged by the employer on a balance of probability. Given the enormous prejudice that is suffered by any worker who is dismissed from employment it is suggested that a more equitable approach would be to require the employer to discharge the onus beyond a reasonable doubt. The employee must be given an opportunity to be heard and to state his/her case, either personally or through a representative. The employee, or his/her representative, should have the opportunity to present argument as to whether any misconduct should be found, and if so, as to what the appropriate disciplinary action should be. A right of appeal should be provided, although this is not essential. The presiding officer at the enquiry (presumably a senior management representative) should endeavour to be impartial and to have regard to harmonious industrial relations within the establishment rather than the sectional interests of the management and its authority at whose instance the disciplinary enquiry has occurred.

The ethics of dismissal recognised by the Court are no more than what is generally regarded as fair practice by most employers and unions

The dismissal of a worker is a serious act, especially in the context of widespread unemployment and retrenchment

Only serious misconduct justifies dismissal and fair disciplinary procedures must be followed to allow the employee adequate opportunity to answer charges

The Industrial Court brings into line those employers whose unilateral and wrongful conduct promotes labour unrest and industrial strife

The NMC proposals fail to empower the Court to order compensation, the re-engagement of workers or to make mandatory or restraining orders

The Minister of Manpower should not be able to limit access to the Court by refusing to appoint a conciliation board in terms of an unfair labour practice dispute

• **Consistency** requires that like cases be treated alike. This means that the employer cannot penalise one employee and condone another employee for having committed the same offence.

If one considers the general principles that have been referred to, and which are now generally acceptable by substantial sections of employers, then the Industrial Court decisions do no more than to direct employers to act in terms of what they regard as fair labour practices, and bring into line those employers whose unilateral and wrongful conduct serves to promote labour unrest and industrial strife precisely because it is out of line with what is regarded as acceptable behaviour by employers generally.

The National Manpower Commission

The recommendations of the NMC in respect of the Industrial Court recently must be seen in the above context. Some of the recommendations are designed to bolster the status of the Court, and these are to be commended. Some though are designed to specify more closely the unfair labour practice jurisdiction of the Court. Certain elements have been proposed for inclusion in the definition of unfair practice which would considerably diminish what is commonly regarded as fair labour practice of employees and trade unions at present. These recommendations run contrary to the origin and mode of operation of the Industrial Court, which endeavours to apply its unfair labour practice jurisdiction on the basis of what is commonly regarded to be fair labour practice. In particular, the NMC has recommended that product boycotts be treated as an unfair labour practice, when such a practice is regarded both domestically and internationally as an intrinsic part of industrial action.

It seems that the NMC has not recommended that the lacuna in the jurisdiction and powers of the Industrial Court be filled. At the moment the Court has implied from the wording of the Labour Relations Act that it has the power to order reinstatements when making determinations in terms of Section 46(9) of the Act. The Act would be improved if this power were expressly stated. The Court should also be given alternative remedies to reinstatement, for example the power to order the re-engagement of employees, and the power to order compensation in appropriate cases, either in addition to reinstatement or as an alternative.

The Industrial Court is limited in its operation at present because it does not have the power to grant interdicts. It can grant status quo relief or final relief, but it cannot, either on an urgent basis or at all, make mandatory or restraining orders. This omission ought to be remedied if the Court is to exercise an effective jurisdiction in all aspects of labour relations.

Conciliation Board Applications

The most cumbersome aspect of the disputes procedure in the Labour Relations Act does not appear to have been dealt with by the NMC in its report. This concerns the uncertainties involved when an application for a conciliation board is made. The Minister of Manpower may take anything from two weeks to six months to reach a decision on the appointment of the conciliation board, there is no certainty that he will appoint the board, or that he will appoint the board in the terms in which they are requested by the applicant party. He has a discretion. He may, as he frequently does, appoint a board to consider a dispute, and specify that the dispute will not include any consideration of an unfair labour practice. By doing so he purports to change the board from one which considers a dispute of right to one which considers a dispute of interest. All disputes of right should, if they cannot be settled at the conciliation stage (at the Industrial Council or conciliation board level) be determined by the Industrial Court. Disputes of interests are appropriately resolved either at the conciliation level or, if the parties agree, by arbitration, or failing such agreement, by industrial action. The Minister should not have a discretion to limit the right of access of an aggrieved party to the Industrial Court on a dispute of right merely because he is of the opinion that it does not constitute an unfair labour practice.

The conciliation board procedure should be very similar to the Industrial Council procedure for settling disputes. If the employment contract is governed by an Industrial Council then the dispute is referred to the Industrial Council, which is granted thirty days within which to endeavour to resolve the dispute, failing which it must be referred to the Industrial Court if the matter concerns an unfair labour practice. A similar procedure should apply in respect of conciliation boards. The aggrieved party should be entitled to issue a conciliation board notice calling upon the other party to appear at a meeting of the conciliation board on a particular date at a particular venue. Before issuing such notice the aggrieved party could obtain an appropriate date from the Department of Manpower and, if necessary, he/she could arrange a venue in collaboration with the Department of Manpower. The notice would be addressed to the other party to the dispute, and to the Department of Manpower so that both would be notified of the date, time and venue of the conciliation board meeting. If the matter could not be resolved at the conciliation board meeting then the dispute, if it was alleged to concern an unfair labour practice by the aggrieved party, would then be automatically referred to the Industrial Court for determination. Such a change would considerably improve the uncertain and unsatisfactory conciliation board procedure that operates at present. **IPDA**

Umpiring Fair Employment Guidelines

Management & Labour on Centre Court

By Indicator SA Researcher Graham Howe

The earlier novelty of 'equal opportunity' labour codes adopted by multinational corporations operating in South African industry has slowly worn off. Eclipsed by the ULP ('unfair labour practice') concept, which seemed to come of age with seminal Industrial Court judgements during 1983, the domestic evolution of legislated fair employment guidelines is now a central focus of labour relations.

The complex art of statutory definition and precedent-setting judgement to facilitate the incremental emergence of this envisaged new labour code are currently two of the most controversial features of the Industrial Court in practice. The substantial legalistic criticism directed at the theoretical and actual ambit of the Court derives from the pivotal distinction traditionally drawn between disputes of 'right' and disputes of 'interest'.

This kind of categorisation of a particular industrial dispute is essential, as legally speaking, it determines when the Industrial Court sits as a court of law and interprets questions of established law, as opposed to when it performs as a dispute-settling mechanism in the sphere of collective bargaining. In the latter instance, the Court applies the subjective yardstick of 'fairness' to resolve a dispute, as no arbitrary legal rights and wrongs govern judgement. In this spirit, the injection of the ULP concept into labour relations in South Africa was intended to lead to the creation of a new body of legal rights.

Although the government is yet to publish a white paper in response to the recent NMC (National Manpower Commission) recommendations, if accepted, those aspects related to redefining an ULP will go a long way towards unravelling the ambiguous legal status of the incipient concept. In more succinct terms, the NMC has put forward a specific list of types of ULPs, which in turn will enable the Industrial Court to fulfil its original promise of establishing new rights through hearing case precedents. The NMC's own conclusion is that in the context of a tightened ULP definition, 'Disputes concerning ULPs are thus essentially disputes of rights since they involve the interpretation of the legal definition of an ULP' (NMC RP45/84, p321).

If these recommendations are implemented in unadulterated form, at least some of the major problem areas identified by critics of the Industrial Court's ULP determinations will have been addressed. With a circumscribed ULP within its terms of reference, the Industrial Court will neither wear the potential cap of legislator with sweeping interpretative powers as at present, nor will it stand accused of enforcing the arbitration of interest-related disputes, which some critics argue are best left to negotiation at plant-level in the first instance.

Finally, to head off fears expressed that a too specific ULP definition might overly restrict the Court's interpretative powers, the NMC also recommends that, 'This list must be capable of amendment . . . a general clause should be included to ensure that the Court has the necessary measure of flexibility . . . aimed at preventing unjustifiable discrimination against an individual employee or employer . . . be it on grounds of population group, colour, sex or religion' (ibid, p338 and p341).

THE UNFAIR LABOUR PRACTICE: A Chronology of Developments

Legislative Definitions, Interpretations and Recommendations

The Wiehahn Commission

- 'In its deliberations, the Industrial Court should take into account the sociological, economic, psychological, anthropological and other extra-legal factors that play a role in the labour situation . . . to consider the socio-economic and socio-political implications of issues before it' (Part 1 of RP 47/1979, S 4.25.13)
- 'The following judicial functions be assigned to the Industrial Court:
 - practices, such as unjustified or unfair changes in the established labour pattern of an employer, or other actions which threaten industrial peace or lead to dissatisfaction (ibid, S 4.28.5.2);
 - the investigation and hearing of alleged cases of unfair dismissal, inequitable changes in conditions of employment, underpayment of wages, unfair treatment and other cases of grievances (ibid, S 4.28.5.3);
 - and, the Industrial Court develop a body of case law which would by judicial precedent contribute to the formulation of fair employment guidelines' (ibid, S 4.28.6).

The Government

- 'The modified system of industrial relations envisaged by the commission is largely dependent for its successful functioning on the existence of an impartial judicial body which may take into account not only of purely judicial considerations, but also considerations of "equity"' (Government White Paper on Wiehahn Report, Part 1, WP S 79). In other words, to go beyond common/statutory law principles and remedies, and take 'extra-legal' factors into account, thus compensating for the social inequality inherent in the individual or collective employer/employee relationship.
- ' "Unfair labour practice" means any labour practice which in the opinion of the Industrial Court was an unfair labour practice' (ICA Amendment No 94 of 1979, S 1).

Current Definition (ICA Amendment No 95 of 1980)

- '(a) any labour practice or any change in any labour practice, other than a strike or a lockout . . . (subsequent deletion followed) . . . which has or may have the effect that —
- (i) any employer or class of employees is or may be unfairly affected or that his or their employment opportunities, work security or physical, economic, moral or social welfare is or may be prejudiced or jeopardised thereby;
 - (ii) the business of any employer or class of employers is or may be unfairly affected or disrupted thereby;
 - (iii) labour unrest is or may be created or promoted thereby;
 - (iv) the relationship is or may be detrimentally affected thereby; or
- (b) any other labour practice or any other change in any labour practice which has or may have an effect which is similar or related to any effect mentioned in paragraph (a)'.

Revised Wiehahn and Government Perspectives

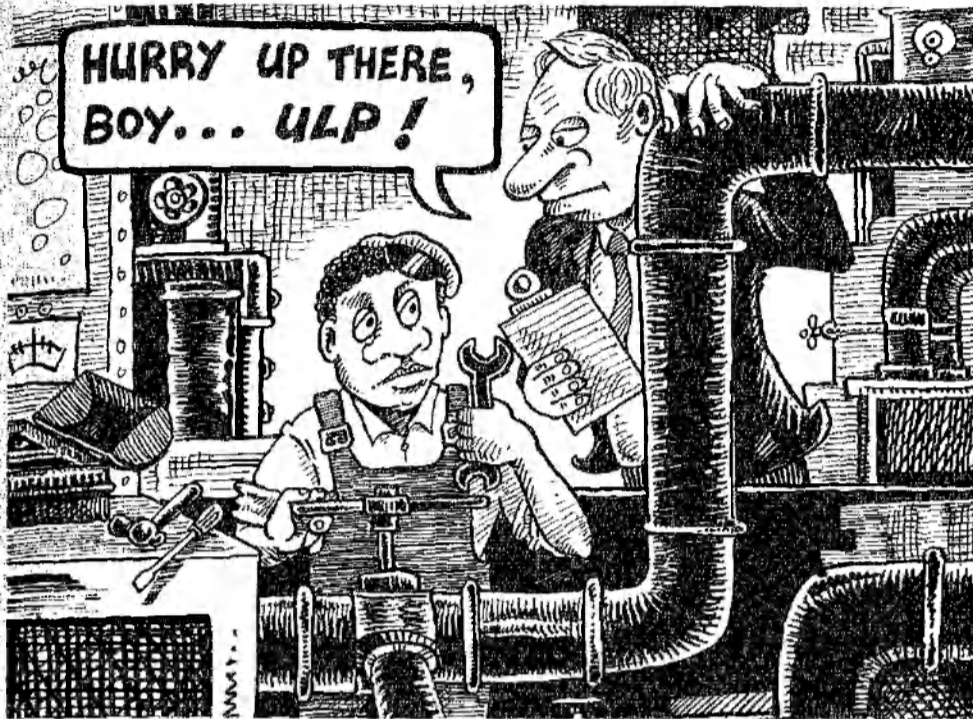
- A later Wiehahn report approved the creation of the Industrial Court, but emphasised that 'misgivings have been expressed about the powers of the Court and particularly its ability to protect workers against practices which could reasonably be held to be unfair and which have not as yet been defined as such' (Part 5 of RP 27/81, S 4.44).
- It also recommended that the 'unreasonable refusal of recognition' of an established, representative, registered trade union should constitute an ULP (ibid).
- IRA (renamed ICA) Amendment No 51 of 1982 widened ULP definition by deleting 1980 amendment clause (see above definition) excluding 'any action contemplated in S 66(1)', ie victimisation of employees.

The Industrial Court's Own Interpretation

- Describing the dispute-settling role of the Industrial Court, Deputy President of the Court D B Ehlers wrote in 1982 that, "because "unfairness" has a very wide meaning, it is just about impracticable if not impossible to compile a list of the unfairnesses that are conceivable. The question whether an unfairness exists can only be decided by considering all the circumstances surrounding a particular alleged "unfair labour practice"' (ILJ Vol 4/Part 3, p13).
- In another seminal article, Industrial Court President B J Parsons explained why the Court's role was 'unenviable': 'The concept of "unfair labour practice" is an innovation in our law and is defined in very wide terms in the Act . . . The general courts must apply legal principles in their hearings and findings, but in most cases, sociological, economic, political, psychological and other aspects are as important as the legal aspect' (ILJ Vol 3/Part 1, p8/9).
- For a list of significant Industrial Court actions in ULP cases, consult Indicator Project SA publication, 'Industrial Relations in South Africa 1982-1984 (Table 8, p37/42).

The National Manpower Commission

- In a lengthy and varied report published in May 1984, the NMC summarised the wealth of evidence it heard on the Industrial Court among other labour issues. Several dimensions to the ULP were the focal point of debate on the functioning of the Industrial Court, including the problems of access, the distinction between disputes of interest as opposed to rights, definition and powers of enforcement (NMC Report on an Investigation into the Levels of Collective Bargaining et al, RP45/84, p320/30 and 336/41).
- 'Whereas rights ordinarily created are of fairly exact and clearly known scope, the ULP creates rights the exact content of which . . . (and) the exact scope will depend largely on the evolution of labour relations needs and practices as interpreted by the (industrial) courts. It is accepted that this principle involves greater discretionary powers. However, this difference is a matter of degree, and not of principle' (ibid, p338).



The concept of the unfair labour practice (ULP) affects industrial relations at all levels - from collective bargaining down to interpersonal communication on the shop floor. By precedent, derisive attitudes and the use of derogatory language can constitute an ULP.

• The following practices should be specifically included in the statutory definition of an ULP (abridged):

- Employer interference in union affairs and union interference in employer affairs . . .
- The victimisation of the members, officials and office-bearers of trade unions, works councils or other similar organisations of workers
- Use of unconstitutional, unfair and misleading recruiting methods . . .
- The unjustifiable dismissal of an employee(s) . . . and the replacement with an employee(s) of another population group where the ostensible purpose is to provide less favourable terms and conditions of employment
- The unjustifiable refusal by a union or employers' organisation to grant membership to a person who satisfies the criteria for membership of the organisation concerned
- Secondary product boycotts by a trade union or employees resulting from a labour dispute
- The abuse of organisational or negotiating powers by a trade union or group of employees to the detriment of other groups or individuals (eg, where in negotiations a majority union compels an employer to ignore a minority union representing separate interests)
- The unjustifiable refusal to grant benefits to a member by a union or employers' organisation, the unjustifiable deprivation of such benefits and the unjustifiable disciplining and expulsion of a member
- The black-listing of employees and employers
- Failure or refusal to comply with a collective agreement . . . even though such an agreement has not been declared binding in terms of S 48 of the LRA' (applies to parties to agreement only).

• 'Activities which should be "excluded" from the definition of an ULP should be:

- A lawful strike or lock-out
- Any practice which has been adopted or negotiated in terms of a collective agreement, provided that the party alleging the ULP was a party to the agreement and that the agreement has not been in force more than three years' (ibid, p339/41).

British and American Comparisons

• In the United Kingdom, the concept of a 'fair labour practice' was utilised to develop procedures for management recognition of unions, thereby facilitating the collective bargaining process (S 13 of the now repealed Industrial Relations Act of 1971). Another fair labour practice statute requires employers and employees to bargain in good faith (IRA, S 55(1)). British employers are also obliged to disclose certain information at the request of trade unions for the purposes of collective bargaining, though this legislative provision does not fall under the ULP concept (Employment Protection Act of 1975, S 17 and S 21).

• In the United States of America, the unfair labour practice concept is divided into employer ULPs as opposed to 'ULPs for labour organisations or agents' (National Labour Relations Act of 1947, S 8). In comparison to current South African practice, these statutory ULP provisions are both more specific and have been restrictively interpreted by the courts so as to limit broad generic definitions to case-specific manifestations of labour conduct. Employer ULPs include:

- To interfere with, restrain or coerce employees in their right to self-organisation, to form, join or assist labour organisations, to bargain collectively and to engage in other concerted activities for the purpose of collective bargaining;
- to dominate or interfere with the formation or administration of any labour organisation or contribute financial or other support to it;
- by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labour organisation;
- to discharge or otherwise discriminate against an employee because he has filed charges or gives testimony under the Act;
- to refuse to bargain collectively with the representatives of his employees.

(J Piron in SA JLR Vol 4/Part 1, p36/7). UPLA

SOURCE

Commission and Government Reports/Regulation Journal Articles (see select bibliography)

Q: *When is a farm not a farm?* A: *When it is a factory*

Some reflections on the exclusion of farmworkers from industrial legislation and the significance of the decision of the Industrial Court in Mahomed Khan and six others v. Rainbow Chicken Farms (Pty) Ltd given on 22 May 1984

By Christopher Nicholson, Supreme Court Advocate and Director of the Legal Resources Centre, Durban

INDUSTRIAL COURT

What is a factory, and what is a farm? As mechanisation advances into the agricultural sector, the distinction between agricultural and industrial activities becomes increasingly blurred. The precedent set in the Industrial Court as a result of the recent 'Rainbow Chickens judgement' is as much a blow to highly mechanised agricultural organisations as it is a boon to their employees.

Farms which fall under the Rainbow Chickens ruling will henceforth be required to comply with legislation stipulating minimum wages and working conditions. Their employees, hitherto unprotected by industrial legislation, will be able to make use of official collective bargaining machinery. They could even form trade unions.

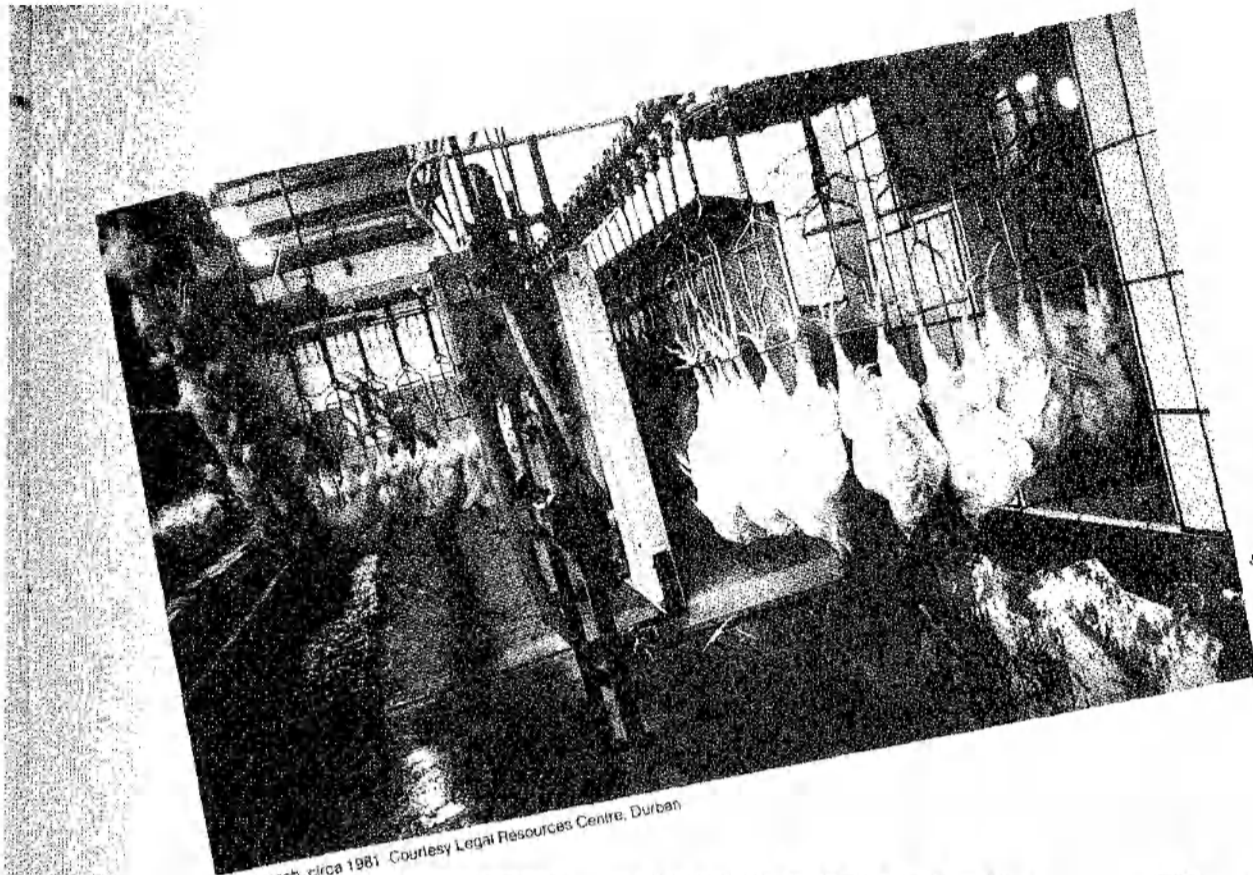
Somewhere over the Rainbow Chickens ruling lies a dispensation where farm labourers, traditionally subjected to appalling wages, working and living conditions, will enjoy the protection provided by the Labour Relations Act and other labour legislation.

The government rejected the proposed inclusion of farmworkers in the sphere of collective bargaining made by the Wiehahn Commission

In 'Farm Labour in South Africa', edited by Frances Wilson, Alida Kooy and Delia Hendrie, the plight of agricultural workers was summarised as follows: 'Little has been known about working conditions and the pattern of employment in South African agriculture. Yet, no fewer than one-quarter of all black South Africans live on the white-owned capitalist farms outside the reserves. These farm-workers are among the lowest paid in the South African economy: denied access to elementary political rights or to collective bargaining processes, and unprotected by statutory minimum wages legislation, black farm-workers are also prevented by lack of schooling, lack of skills, and an apparently chronic shortage of urban housing, from seeking alternative industrial employment. African workers, are, in addition, trapped on the farms by legislation restricting their

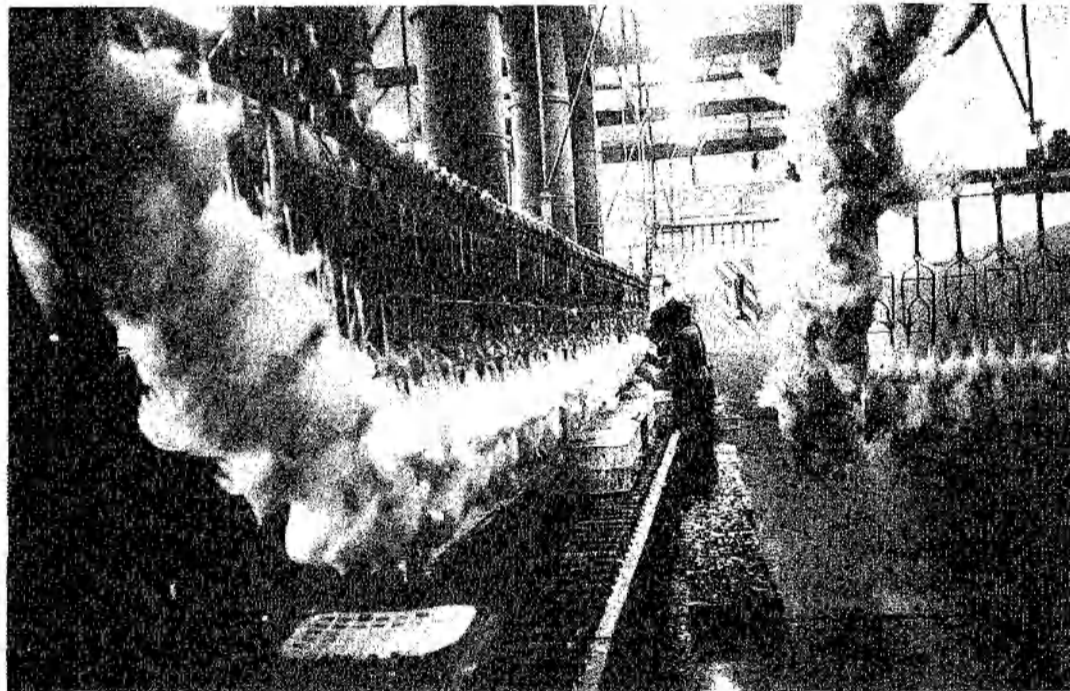
movement.'

Most industrial legislation, ie the Labour Relations Act, the Basic Conditions of Employment Act and the Machinery and Occupational Safety Act, excludes persons in connection with farming operations. The Botha Commission, in 1951, reasoned that the application of industrial legislation to farming operations was impracticable. The Commission also emphasised the fact that although agricultural workers performed overtime, this period of intense activity was usually followed by a period of slackness, during which workers performed less than a normal day's work. These workers had much less need of vacation, according to the Commission, than employees in other industries who, day by day, performed the same tasks with machine-like accuracy and dreary monotony. Agricultural workers



The birds are first stunned by an electric current before being conveyed to the slaughterers where their throats are slit

Max Joseph, circa 1981. Courtesy Legal Resources Centre, Durban



Slaughtering is done manually, in order to satisfy Muslim rites for Halaal chickens

performed a variety of operations mostly in the open and it was not necessary to grant annual leave to these workers. (Botha Commission, para 2153).

The Wiehahn Commission, on the other hand, recommended that agricultural workers be accommodated under the Labour Relations Act because they would be organised into trade unions in any event, and secondly, because corporation farming was gaining ground to such an extent that it was often difficult to distinguish between an employer's activities in the primary and secondary sectors of the economy. The Commission added that the principle of freedom of association and collective bargaining should be extended to all employees and that the exclusion of these

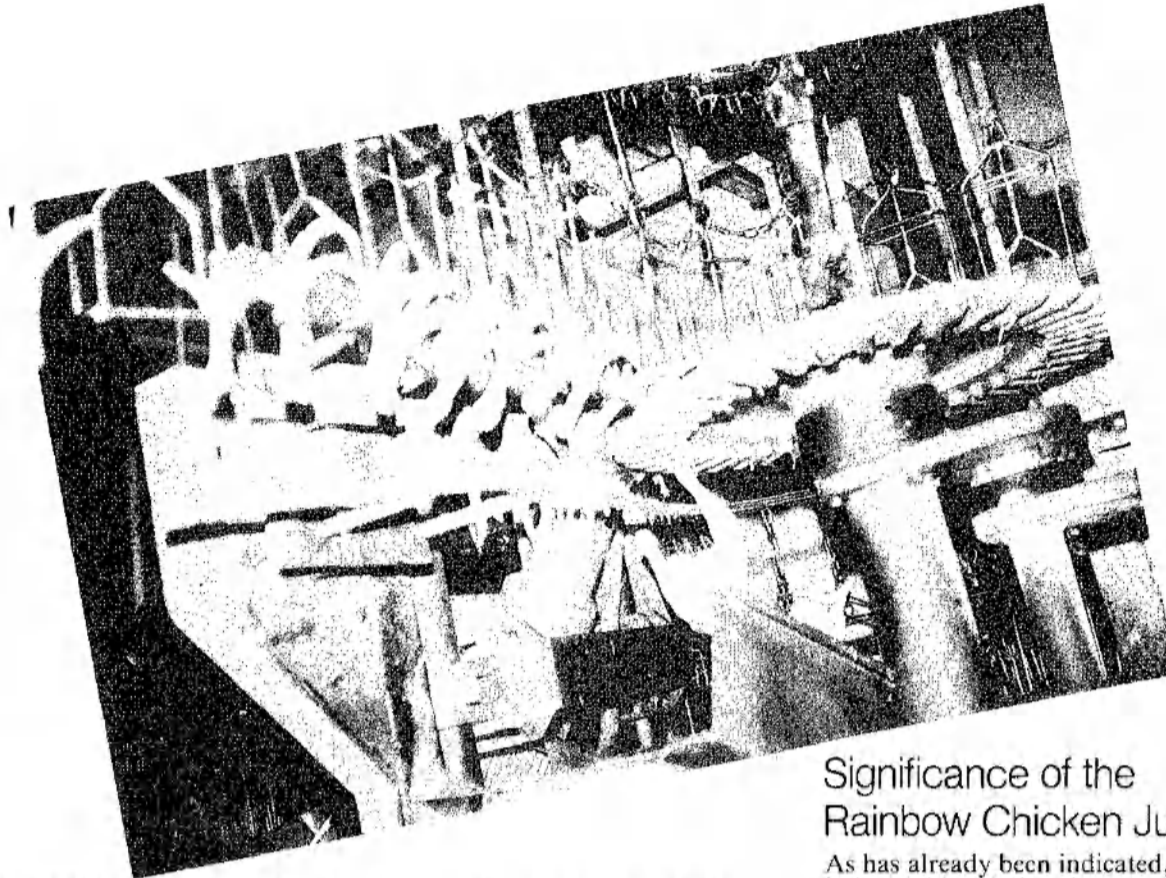
workers had no value in practice.

It is certainly true that on a large number of farms in South Africa, commercialisation has occurred to such an extent that it is difficult, if not impossible to distinguish between agriculture and industry. It is in this context that the Rainbow Chicken case is of great significance for farmworkers throughout the country.

The Facts of the Case

The Applicants, Mahomed Khan and six others, were employed in the Rainbow Chicken slaughtering and processing concern as slaughterers. On 6 February 1984 they worked their normal shift from 5.00 hrs to 15.00 hrs. They were then requested to work

Corporation farming is so extensive that one often cannot distinguish between an employer's activities in the primary and secondary sectors



The end of the assembly line slaughter

A report to the NMC described the working/living conditions of farmworkers as 'feudal': long working hours, no overtime pay, average wages of R25 to R45 per month and use of child labour

In the aftermath of drought, the government is under pressure from conservative farmers not to amend labour legislation

overtime because the vehicle in which the following shift was to arrive and they were to leave had had a puncture and would be some thirty to forty-five minutes late. The Applicants declined to work overtime and were dismissed summarily because of their refusal.

The Respondent, Rainbow Chickens, argued that as its enterprise constituted employment in farming operations, the application for reinstatement and for the appointment of a conciliation board could not be entertained.

However, applicants were employed in Hammarsdale in an area zoned industrial in terms of the town-planning scheme and, for the purposes of rates assessment by the local authority, the premises are treated as a factory.

The Industrial Court considered all the applicable case law and concluded: 'It is not clear how it can be argued with justification that the activities in which the bulk of Respondent's work-force are engaged could be considered to be incidental to its farming operations. It would rather seem, that judged primarily on the allocation of its employees, Respondent could possibly be said to be mainly involved not in farming operations, but in the processing of chickens for sale.'

In the result the Court found that the Applicants were not employed in farming operations and an interim reinstatement order was granted. Subsequently, a conciliation board was appointed, which met and the case was settled on the basis that the seven Applicants had the choice either of returning to their employment with all benefits and arrears, or accepting three months' severance pay.

Significance of the Rainbow Chicken Judgement

As has already been indicated, most industrial legislation does not apply to agricultural workers. Many farms have become highly industrialised and can, by no stretch of the imagination, be equated with the old-world notion of a farm. Farmers have responded to the needs of modern times by increasing the productivity of their land by intensive farming methods, including mechanisation. Until the industrial legislation is amended, the distinction between those activities which constitute farming operations and those that do not, will be extremely important. Those farms which fall under the Rainbow Chicken ruling will be subject to minimum wage legislation stipulating wages and conditions for the labourforce. The labourers will also be entitled to make use of the Industrial Court and the collective bargaining machinery in the Labour Relations Act. Should the workers form trade unions, such may become registered in terms of the Act and may subsequently form industrial councils. In short, the conditions of employment would improve and the security of tenure would be enhanced.

Working Conditions on Farms

Working conditions on South African farms have been the subject of a report submitted to the National Manpower Commission by the Farm Labour Project, a Johannesburg-based research group of academics and lawyers. The report states that conditions existing amongst farmworkers are reminiscent of the feudal era, child labour is still widely used, and salaries have actually decreased in real terms; working and living facilities are very poor, working hours are

very long, sometimes up to 70 hours per week without any overtime pay, etc. (NM 23/9/82).

The Botha Commission accused 'agitators' of arguing that farmworkers experienced poor conditions. However, the Farm Labour Project found in 1982 that average wages varied from R25 to R45 per month. In some areas, it reported, little or no wages were paid at all. The Farm Labour Project also found that restrictions on job mobility were one of the foremost grievances amongst farm labourers. It stated that registered work seekers were 'trapped' in categories of work to which they were allocated by the Labour Bureau and, usually, could not move from these categories. Thus an agricultural worker became effectively indentured into the agriculture sector for life.

In the light of these conditions, it does seem strange that the government, in its White Paper on the Wiehahn Commission, rejected the plea for the inclusion in industrial legislation of agricultural workers. The government argued that the intimate and long-established relationship between farmers and workers in most branches of agriculture, militated against their inclusion. It also advanced the view that the wide geographical dispersal of the workforce and the lack of effective means of communication prevented such legislation from being properly administered. (White Paper, para 4.68.1 and 4.29).

The International Position of Farmworkers

The International Labour Organisation has, over the years, adopted a number of conventions relating to agricultural workers. Some of these conventions set forth the industrial relations rights of farmworkers and impose upon the signatories the obligation to recognise those rights. (United Nations, 1921). Other conventions deal with minimum wages and other benefits.

Although the establishment of trade unions for agricultural workers has been fraught with difficulties throughout the Western world, it is noteworthy that in Switzerland and the Netherlands, industrial legislation is available to these employees.

Conclusion

It seems inevitable that eventually farmworkers will receive recognition in industrial legislation. That they live under appalling conditions is strongly evident. However, the government, under pressure from a conservative agricultural sector, is unlikely to amend legislation to threaten the economic interests of such a community, especially in the aftermath of a devastating drought. Perhaps the only solace for farmworkers lies in the decision in the 'Rainbow Chickens case'. It has established

● THE SLAUGHTERHOUSE SIX ●

Indicator SA Research

Down at the Rainbow Chicken Farms complex at Hammarsdale, two groups of 12 workers (per each eight hour shift) slaughter up to 230 000 birds a day, or 135 a minute, all in accordance with Muslim rites. Not only is the giant agri-business operation the largest of its kind in southern Africa, but it is also reputed to be the second largest in the world.

Under these highly mechanised working conditions, it is hardly surprising that Industrial Court Deputy President D B Ehlers found at a hearing in May that six 'Halaal' slaughterers, involved in a dispute with Rainbow Chicken management, performed industrial and not agricultural work. In order to comply with the terms of the temporary reinstatement order handed down at the interim hearing, the company initially opted to pay the workers their normal salaries in lieu of physically reinstating them.

Almost two months later, the workers' legal representative reported Rainbow Chicken Farms (Pty) Ltd to the police and threatened to lay criminal charges against the company for failing to comply with the Court's order and settle the wages concerned. At the heart of the matter was the Industrial Court's apparent impotence in enforcing the terms of its earlier order, as its statutory powers do not include criminal jurisdiction. Labour commentators warned that the growing status and credibility of the Industrial Court would be adversely affected if workers perceived a sense of management disregard for its orders.

However, these legal proceedings were subsequently dropped when the company agreed to settle R11 014 in back-pay to the group of six slaughterhouse workers. Shortly thereafter, in late July, the conciliation board appointed to hear the alleged unfair labour practice ordered their final reinstatement. Subsequently, three of the workers opted to return to work, whereas the other three accepted an offer of a further three months redundancy pay. At this stage, more than six months had passed since the initial incident in February over the workers' refusal to work overtime.

The snail's pace at which the dispute was processed through the official dispute-settling channels is typical of the slow progress of other Industrial Court cases. In evidence before the National Manpower Commission on the functioning of the Industrial Court, many witnesses criticised the ineffective powers, the restricted/indirect access, the lack of a sense of urgency in resolving industrial conflict, and the high costs of protracted legal representation. They pointed out that these factors run contrary to the Wiehahn Commission's rationale for introducing a specialist Industrial Court: to bypass the ordinary courts and to expedite low-cost, speedy conflict resolution. All of the former problem areas identified are evident in the handling of the Rainbow Chickens dispute.

In judging that the specific kind of work rather than the general nature of the enterprise determines the workers' real status, the Court has opened the way for workers in sugarcane plantation and wine or citrus industries to undertake further test cases in pursuit of the currently withheld protection afforded by labour legislation to industrial workers. In the near future, the Industrial Court might well be called upon to make further seminal decisions through defining the status of workers in those grey areas of borderline agri-business/industrial operations. But this outcome in turn remains dependent on legislative revision clarifying and enabling the Court to establish general precedents and rights from judgements delivered in specific unfair labour practice cases.

irretrievably that industrial legislation does apply to those parts of farms which have been sufficiently commercialised to constitute industry. The case could have immense ramifications and only a self-proclaimed prophet would venture an opinion as to the extent that farmworkers utilise the principles established by this landmark judgement.

ILO conventions oblige signatories to recognise the industrial rights of farmworkers, including minimum wage levels

Bibliography

- Farm Labour in South Africa* edited by F Wilson, A Kooy and D Hendric. David Philip, Cape Town
- Republic of South Africa: *White Paper on Part 1 of the Wiehahn Commission*
- Industrial Legislation Commission of Enquiry*, UG 62 of 1951: or Botha Commission.
- Natal Mercury*, 23 September 1982
- United Nations: *Convention 11 of 1921 - Right of Association (Agriculture)*

A SELECT BIBLIOGRAPHY ON THE INDUSTRIAL COURT

The following resource materials were used in the development and writing of the preceding articles on the Industrial Court, especially for the preparation of the main chart which tabulates its functions, procedures and jurisdiction.

PRIMARY SOURCES

Government

Report of the (Wiehahn) Commission of Inquiry into Labour Legislation Part I, RP 47/1979: Chapter 4.
White Paper on Wiehahn Report Part I, WP S/1979.

National Manpower Commission (NMC) *Report on an investigation into the levels of collective bargaining and works councils, the registration of trade unions and employers' organisations, related matters and the Industrial Court*, RP 3/1984: p272/377. Also Tables, p73/82.

Report of the Director-General of Manpower for 1983, RP 56/1984: Chapter 3.

NMC Memorandum, *Investigation into certain aspects of the levels of collective bargaining and the dispute settlement machinery of the RSA*, RP 45/1984: Chapter 4. Also p47/54.

Labour Relations Amendment Act (LRA) No 81 of 1984, Government Gazette No 9297.

Other

South African Institute of Race Relations (SAIRR), *Annual Survey(s) of Race Relations 1979/1983*.

S Gon, Analysis of Key Points in NMC Report, *SAIRR Topical Briefing* 5/84.

C Cooper, The LRA Amendment of 1984, *SAIRR Topical Briefing* 9/84.

SECONDARY SOURCES

Journal Articles

D W F Bendix, An Industrial Court and Fair Employment Practice Legislation, *South African Journal of Labour Relations (SAJLR)* Vol 4 Part 1: p20/31.

M S M Brassey, The New Industrial Court, *Industrial Law Journal (ILJ)* Vol 1 Part 2: p75/90.

H Cheadle, The New Industrial Court, *South African Law Journal (SALJ)* Vol 97 Part 1: p137/43.

D B Ehlers (Deputy President of Industrial Court), Dispute-Settling and Unfair Labour Practices, *ILJ* Vol 3 Part 1: p11/21.

C Loots, The Industrial Court Rules, *ILJ* *ibid*: p57/69.

C Nupen, Unfair Labour Practices and the Industrial Court, *SA Labour Bulletin (SALB)* Vol 8,8/9.1: p39/64.

B J Parsons (President of Industrial Court), The Establishment and Functions of the Industrial Court, *ILJ* *ibid*: p1/10.

J Piron, The Industrial Court — More Problems for Labour Relations, *SAJLR* Vol 4 Part 1: p40/43. Also, Some Thoughts on the Unfair Labour Practice, *SAJLR* Vol 5 Part 3: p32/37.

P Pretorius, Status Quo Relief and the Industrial Court: The Sacred Cow Tethered, *ILJ* Vol 4 Part 3: p167/84. Also by Pretorius, *Industrial Justice in SA*, Unpublished seminar paper, Workshop on Conflict Accommodation and Management in SA, Centre for Intergroup Studies (UCT), August 1984.

T Poolman, The Evolving Concept of Unfair Labour Practice: Its Apparent Uncertainty, *SAJLR* Vol 8 Part 3: p4/19. Includes excellent bibliography, mostly on non-SA articles.

Other

Anglo-American Corporation Industrial Relations Department, *The Industrial Court, Labour Law for Managers* Vol 1 No 1.

Financial Mail (FM), In My Opinion, Series on Industrial Court: Sept 1983/Mar 1984. See FM Index.

A Levy's *Industrial Relations Data (IRD)*, various volumes. Also new Employment Law published by IRD, Vol 1 No 1.

Institute for Industrial Relations (IIR), Under Fire — the Industrial Court, *Information Sheet No 62* Nov 1983: p5/8. Also NMC and Recent Reports, *Information Sheet No 67* May 1984.

R A Jones, *Collective Bargaining in South Africa* (second edition), Macmillan SA 1984: p81/86. Also p95/6.



THE
Anglo-Alpha
GROUP OF
COMPANIES

The profit incentive of a business is to reward those contributing to its creation. People are our most important asset.

NOW AVAILABLE:

INDUSTRIAL RELATIONS IN SOUTH AFRICA 1982/84
A Comparative Review of Statistics and Trends

This special Indicator SA review investigates the complex subject of IR Trend Analysis, focussing on labour developments in 1983, set in the wider context of the period 1982 to the present. The publication includes a diagnosis of general IR trends during 1983 and discusses major issues and events during the first half of 1984. An accompanying article contrasts the diverse interpretations of IR trends during 1983, derived from a recent Indicator SA survey of a cross-sample of 30 prominent labour experts drawn from the academic, commercial, management consultancy, legal and media fields.

Indicator Project South Africa

Available free of charge to subscribers to INDICATOR SOUTH AFRICA.
Non-subscribers please send R15-00 to Indicator Project South Africa,
Centre for Applied Social Sciences, University of Natal,
King George V Avenue Durban 4001



URBAN

M O N I T O R

INDICATOR
SOUTH AFRICA

VOL. 2 No 3
OCTOBER 1984

INSTITUTE
OF
DEVELOPMENT
STUDIES
LIBRARY



Gill De Vlieg/AFRPIX

Mourners at the funeral of four students killed at Daveyton. During September, at least 61 people died following protests about African education, political rights and rent increases.

- 1** *The Quantity-Quality Debate in African Education*
- 2** *African Secondary School Leavers 1983*
- 4** *Passrates in African Schools*
- 9** *School Unrest 1984*
- 14** *Slowly Desegregating Downtown*
- 16** *Group Area CBD Reform*



Through our wide range of products we serve farming, shipping and industry. Through our resources we serve education culture and numerous charities. Oh yes, and through our pumps we serve petrol. Mobil, serving the needs of the nation.

Mobil
With us you are Number One.

DM&M C2153



NEW BEACON CHOCOLATE. FEEL THE TASTE.

Prepare yourself for a new sensation from a sensational new full cream milk chocolate. As Beacon's new silky-smooth, delicious creamy chocolate melts over your tongue doing strange but wonderful things to your mouth. A sensation that goes beyond anything you've ever experienced before.



Forthcoming Publication:

School Boycotts 1984: The Crisis in African Education

- *Underlying Causes*
- *Demands*
- *DET Responses*
- *The Politicisation of Education*
- *Short- and Long-term Solutions*
- *Chronology of Events*
- *Focus on Atteridgeville*

Available in November 1984.
Free of charge to Indicator SA subscribers.
Non-subscribers please send R15.00 to
Indicator South Africa,
Centre for Applied Social Sciences,
University of Natal, King George V Avenue,
Durban 4001.
Telephone 8162525

THE 'QUANTITY/QUALITY' DEBATE IN AFRICAN EDUCATION African Matric Results in 1983: Two Perspectives

In Indicator SA Vol 1 No 3 Dr Ken Hartshorne analysed trends in the senior certificate/matriculation results of African secondary school leavers from 1960 to 1983. He noted that the *number* of successful standard 10 pupils has increased dramatically over recent years, as a result of the steady increase in the number of full time African candidates at school since 1962. However, he pointed out that the *percentage* of successful standard 10 pupils had dropped by 25.4 percent between 1978 and 1982.

In 1978 76.2 percent of standard 10 candidates successfully passed their examinations; by 1982 this figure had dropped to 50.8 percent. According to statistics now available (excluding Transkei), this figure has dropped again in 1983 to 48.3 percent. In other words, more than half of the standard 10 candidates in 1983 failed their final secondary school leaving examination.

While the quantity of standard 10 passes continues to increase, the marked sag in quality and standards noted by Hartshorne in the previous article continues. This is borne out by the percentages of standard 10 pupils achieving a matriculation exemption certificate. In 1978 33.0 percent of standard 10 pupils achieved matriculation exemptions; by 1982 this figure had fallen to 10.5 percent, and in 1983 it fell again to 9.8 percent, the lowest percentage in more than twenty years. In short, while higher numbers of pupils are satisfying minimal requirements, fewer are achieving good results.

Dr Hartshorne has attributed this drop in quality and standards to a crisis in the teaching force, exacerbated by the explosion of numbers in senior secondary school classes, necessitating the employment of a larger number of younger, less qualified teachers. He has also pointed to poor competency of both teachers and pupils in English, now the medium of instruction at secondary schools, and to the debilitating context of the 1976 aftermath. A further perspective on the reasons for the drop in pass rates is given from the point of view of the Department of Education and Training itself, by the Department's Public Relations chief, J A Schoeman, in the second article.

Writing in 1983, Hartshorne predicted that while numbers would continue to increase steadily, quality would continue to suffer as long as African education continued to be isolated and separated from white education.

In his present analysis of figures now available for 1983 Hartshorne finds no evidence for changing the conclusions he reached a year ago. The deterioration in the quality of African education continues.

It is of interest that J A Schoeman, in his article, presents figures portraying the dramatic increase in the numbers of standard 10 passes over recent years, but does not include percentages, which may be regarded as indicators of quality. The quantity/quality debate will remain central to the evaluative monitoring of progress in African education.

African Secondary School Leavers 1983

Updated trends in senior certificate/ matriculation results

By Dr Ken Hartshorne, a former Director of Educational Planning
at the Department of Education and Training and
member of the De Lange Commission

On the basis of figures now available from the Department of Education and Training, Dr Hartshorne updates the analysis of trends indicated by black matric results he presented a year ago in Indicator SA Vol 1 No 3.

The downward trend in African matric results has not yet been halted, in fact the failure rate is even higher than in 1982

The hierarchy of results reflects an identical hierarchy of, among others, financing, pupil-teacher ratios, size of class and teacher qualifications

Table 1 illustrates that the downward trend in African matric results has not yet been halted and that the percentage of failures is even greater than in 1982. The Transkei statistics for 1982 have become available since the last article was written and show that of the 9 616 candidates, 8 percent gained matriculation, 28,8 percent Senior Certificate and 63,2 percent failed altogether. In contrast, in 1983 Bophuthatswana did considerably better than the overall picture above: of 8 304 candidates, 13,5 percent gained matriculation, 47,2 percent Senior Certificate and 39,2 percent failed.

Comparative Results

In order to provide a context and basis of comparison, the 1983 results (as provided by Hansard) for the other groups are given in table 2. It should be noted that Hansard did not provide the total number of white candidates; however, there were 56 000 white pupils in standard 10 in 1983. If some did not write the examinations, the percentages would be even higher, as the number of passes is accurate.

It should be noted that the hierarchy of results reflects an identical hierarchy of financing, pupil-teacher ratios, size of class, qualifications of teachers, drop-out and access to secondary and tertiary education in the segregated systems. A further point worthy of note is that while one out of every

two white and Indian pupils who pass gain matriculation exemption, this applies to only approximately one out of five coloured and African pupils.

Subject Scores

In the previous article it was possible to indicate the median mark in key subjects, but the 1983 report of the DET (Department of Education and Training) no longer provides this information for standard 10. However, it still provides information on the number and percentage of candidates passing these subjects at higher grade level. These figures are shown in table 3.

The figures in table 3 speak for themselves, and attention needs to be drawn to the further deterioration in the pass rates for English, biology and history. The position of English in comparison with Afrikaans, in an English-medium system, is hard to explain. Either the teaching of Afrikaans is more effective and English is being neglected, or grave questions must arise as to the comparative examination standards. The implications of either explanation are equally disquieting!

Matric Exemptions

Finally, the 1983 DET report provides some revealing information about the level at which successful matriculation exemption

candidates passed. The statistics are for the 1982 examination (excluding the 'independent' homelands). Of the 4 407 successful candidates, the average aggregate symbol of:

2 624 or 59,5 percent was E
1 558 or 35,4 percent was D
203 or 4,6 percent was C
21 or 0,5 percent was B

and one candidate (from Gazankulu) had an A aggregate symbol.

In general the 1983 results and further detailed information on the 1982 results provide no evidence for changing the conclusions reached a year ago and indicate further deterioration in standards, with quality at even greater risk. ~~1983~~

While 50 percent of white and Indian pupils who pass gain matriculation exemption, this applies to only 20 percent of coloured and African pupils

Table 1

● 1983 SENIOR CERTIFICATE MATRICULATION RESULTS ●

Full-time African candidates
(excluding Transkei only)

Total No of Candidates	Passes with Matric Exemption	Passes with Senior Certificate	Total Passes
72 168*	7 108 (9,8%)	27 768 (38,5%)	34 876 (48,3%)

*76 617 candidates registered for the examination but only 72 168 actually wrote it, representing a drop-out of 5,8 percent in the six months prior to the examination.

Pass rates for English, biology and history have shown a further deterioration

Table 2

● 1983 SENIOR CERTIFICATE/MATRICULATION RESULTS ●

Whites, Indians and coloureds

	Total No of Candidates	Passes with Matric Exemption	Passes with Senior Certificate	Total Passes
White	56 000	26 094 (46,6%)	25 332 (45,2%)	51 426 (91,8%)
Indian	7 307	3 096 (42,4%)	3 237 (44,3%)	6 333 (86,7%)
Coloured	11 076	1 679 (15,2%)	6 215 (56,1%)	7 894 (71,3%)

Either English is being neglected in comparison with Afrikaans, or questions must arise as to the comparative examination standards

Table 3

● ANALYSIS OF PASSES AT HIGHER GRADE LEVEL 1982 ●

(Out of a total of 60 108 candidates, excluding Transkei only)

	No of Cands Entered for Higher Grade	Percentage of Total Entry	No of Cands Passing Higher Grade	As % of Subject Entry	As % of Total Entry
English	59 485	99,0	21 670	36,4	36,0
Second Lang Afrikaans	59 648	99,2	27 433	46,0	45,6
Mathematics	15 508	25,8	2 192	14,1	3,6
Physical Science	10 885	18,1	1 627	14,9	2,7
Biology	51 113	85,0	13 625	26,6	22,7
History	28 741	47,8	4 232	14,7	7,0
Geography	13 545	22,5	3 178	28,5	5,3

Perspective

Matriculation / Senior Certificate Pass Rates in Schools for Africans

Some Comments & Observations

By J A Schoeman, Chief of Public Relations
for the Department of Education and Training

In March this year Indicator SA received a letter from Mr J A Schoeman, Chief of Public Relations for the Department of Education and Training. With reference to articles published in Vol 1 No 3 of Indicator SA, which dealt with the drop in the pass rates of African matriculants, the development of African education and African matric student perceptions, he wrote:

'From a personal (and public relations) point of view, I would have liked to see included among the articles on Black Education also articles that present the other side of the argument, thus providing a more balanced and objective analysis of an extremely complicated situation.'

In the interest of public debate on an issue whose great importance to all South Africans is underscored by the intensity of feelings engendered among all parties concerned, J A Schoeman was invited to submit his viewpoint as a representative of the DET.

Ranging across a spectrum of issues, Schoeman presents the DET viewpoint on the cultural, social and political factors which are seen to retard the progress of African education, possible reasons for the drop in pass rates among African matriculants, implications of the De Lange Report and the government's response to it, and remedies and priorities identified by the DET. He states that African education is being abused as a soft target for political gain by groups with 'ulterior political motives', and lays the blame for school boycotts on the 'politicisation of education'. He concludes that while the educational development of the African child remains 'an absolute priority', the 'natural evolutionary process' cannot be accelerated beyond certain limits.

Accusations that the educational dispensation is geared to the African's secondary role as labourer and second class citizen are unfounded

The eleven education departments for Africans ('independent' homelands included) are responsible for the education and training of the vast majority of the future economically active population which, in the Southern African context, will be responsible for sustaining and developing the collective economy of the subcontinent.

It should be quite obvious that in the near future the African section of the population will of necessity have to play an increasingly important role in the economy. It is equally obvious that deliberate attempts to keep African people from developing and reaching their full potential and accepting their economic responsibilities, will be extremely foolish and downright suicidal.

Faced with these facts, accusations that the

educational dispensation is geared to entrench the African man's secondary role as labourer and second class citizen and that the results are 'doctored' to reflect a poor intelligence among Africans, are clearly unfounded and malicious.

Comparing the Incomparable

The education issue is closely interwoven with the issue of political rights for African people. It is hardly surprising, therefore, that African education is being abused as a soft target for political gain. In this process comparisons are drawn between white education and African education with a

- blatant disregard for, amongst others,
- the different stages of development of the various population groups
 - the dissimilarity in historical background and development between African education and white education
 - differences in culture, socio-economic background and exposure to those aspects that could be regarded as prerequisites for success in a western education system
 - dissimilar growth rates
 - dissimilar enrolment figures
 - dissimilar manpower positions, and
 - dissimilar age compositions of both teachers and pupils.

It is against this background that 'easy, instant solutions' such as a single education department and vastly increased expenditure on African education should be evaluated. It is also against this background that the trends in African matriculation/senior certificate pass rates should be interpreted.

Control Mechanisms

For the sake of clarity it should be borne in mind that the DET (Department of Education and Training) does not offer its own Senior Certificate examination. African candidates may sit for the National Senior Certificate examination of the Department of National Education or for the examination offered by the JMB (Joint Matriculation Board).

More than 99 percent of all African candidates opt for the examination of the Department of National Education. The DET acts as agent for the Department of National Education in administering the examination. Candidates in Transkei write the examination of the Cape Education Department.

It is important to note that the standards laid down in the syllabuses and examination question papers are closely controlled by panels of external moderators appointed by the JMB. The JMB also closely controls the standard of marking and the adjustment of raw scores within scientifically determined limits based on the performance of candidates during the previous five years.

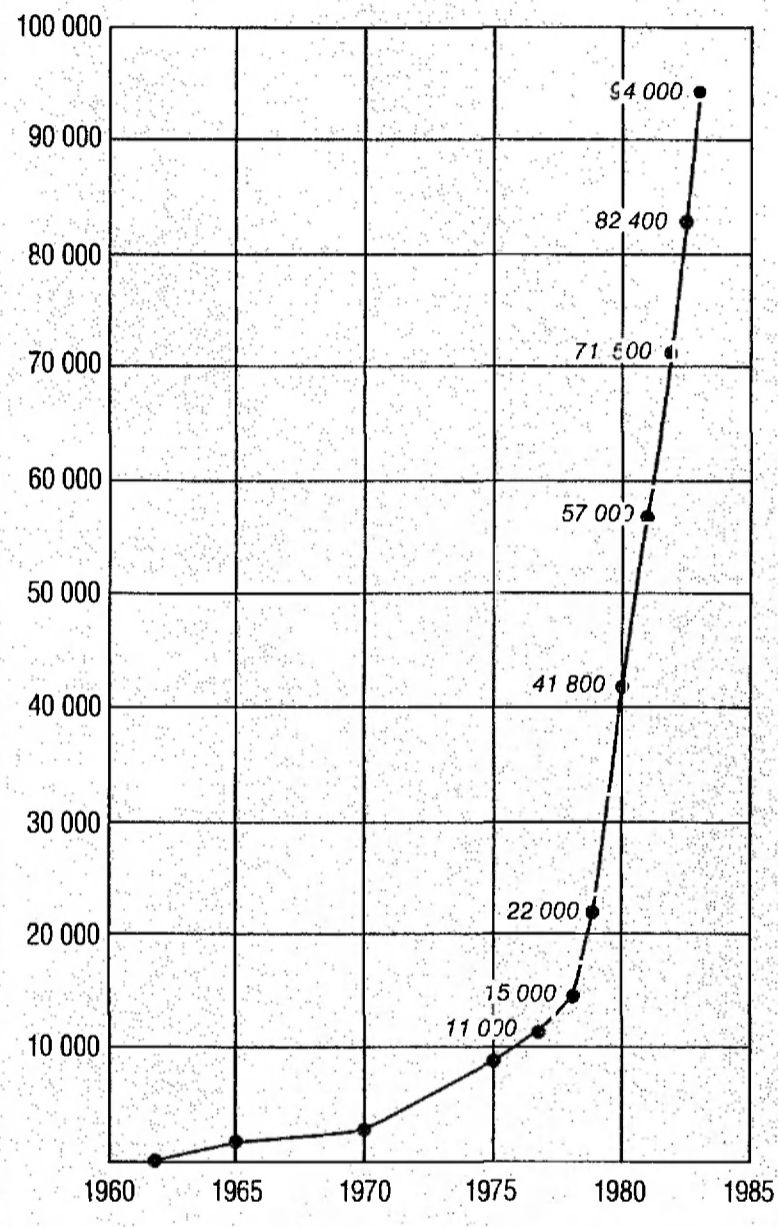
Since no allowances are made for extraneous factors at any stage during the examination process, the standards laid down for Africans and the certificates issued to Africans are beyond reproach.

Statistics

The total number of full-time African candidates, including 'independent' and homeland states, has grown from only 600 in 1955 to an expected 94 000 this year, as shown in figure 1. It should be noted that the numbers increased from 11 095 in 1977 to 82 449 in 1983 — an increase of 643 percent. Over the same period the number of passes increased from 7 697 to 39 824 (417 percent), as shown in figure 2.

Figure 1

● FULL-TIME AFRICAN MATRICULANTS ● RSA and TBVC



Possible Reasons for the Drop in Pass Rates

Numbers and Selection

As is evident from figure 1, the number of candidates increased dramatically, especially from 1979 onwards. In 1977 the standard 10 group represented only 0.27 percent of the school population, while in 1983 it represented 1.49 percent. Prior to 1977 the std 10 pupils were a highly selected, elitist group which, naturally, achieved excellent results.

The change-over from a 13-year structure to a 12-year structure in 1976 resulted in a wave of std 5 and 6 pupils moving into the 'new' std 6 group. This wave reached std 10 in

The standards laid down for Africans and the certificates issued to Africans are beyond reproach

The fact that, due to various reasons, many more African pupils enjoy secondary education, has contributed to a drop in pass rates

In judging African matric results, the effects of a restrictive home environment should not be underrated

The educational content and standard, determined largely by a westernised economy and society, puts the African pupil, coming from a different cultural background, at a distinct disadvantage

Increasing politicisation of education has affected the motivation and self-image of pupils and, inevitably, the pass rates in certain schools

1980.

A further contributory factor was the abolition of the third class pass in std 5 which was in fact a school leaving certificate. This step has resulted in a stream of pupils of below average ability flowing into the secondary school.

The provision of free textbooks and the extension of secondary facilities also resulted in many more pupils enjoying secondary education which they could not previously afford.

The dramatic increases at senior secondary level imply that this group is no longer 'elitist', but represents a much broader cross-section of the school population, and includes a greater percentage of pupils of average and even below average ability. It is certainly not far-fetched to state that a drop in pass rates was to have been expected since secondary education came within the reach of almost every pupil.

Internal Promotion

It is well known that the explosion in pupil numbers has resulted in a situation where 78 percent of African teachers are underqualified and where more than 50 percent of all teachers are younger than 30 years and therefore relatively inexperienced. It is to be expected that internal examinations may not in all cases be of the same standard as the external std 10 examination and that more pupils reach stds 9 and 10 than should be the case. Both pupils and teachers may, in fact, have an unrealistic assessment of the pupils' ability to do well in such an external examination.

Socio-economic Factors

The effects of restrictive environmental factors on pass rates is, perhaps, one of the most underrated factors in judging African matric results.

In a survey conducted during 1983 it was found that less than 30 percent of African matriculants enjoyed the 'luxury' of an own table, chair and lamp to study at in relative peace and quiet. Add to this overcrowded conditions in many homes, lack of parental supervision during the day and the fact that many African pupils are expected to look after younger brothers and sisters or have to 'moonlight' to supplement the family income, and it is hardly surprising that matriculants who are expected to study on their own for four to five hours per day, simply do not achieve success.

Language and Cultural Factors

All African matriculants attempt this examination in a second or third language — mostly English. Pupils who have not mastered English to the extent that they can think creatively and reflect the necessary insight in their answers, often revert to memorisation and parrot fashion responses — with disastrous results in subjects such as mathematics and physical science.

The educational content is fully westernised

and has to educate pupils for a highly sophisticated western technological society. Informal education, ie the exposure and learning experiences in the home and in the community, play a major role in determining the child's chances of success in the formal education situation. Many educational psychologists maintain that 50 percent of a child's learning experience is gained in the home, 30 percent in the immediate surroundings of the home, and only 20 percent in the formal school.

The African child who comes from a different cultural background to that of his white counterpart, and who has not necessarily had the same exposure as his white counterpart to television, books, periodicals, travel, cinemas etc, is at a decided disadvantage when he has to compete in an examination of which the content and standard are determined to a large extent by the learning experiences required for success in a westernised economy and society.

Perception, Self-image and Motivation

In interviews with African matriculants it becomes clear that many of them have an erroneous perception of their own abilities, their state of readiness for such an examination and of the inputs expected of the candidates in order to achieve success. Often the onus is put on the teacher to ensure that his pupils will pass. It is hardly surprising then, that scapegoats are easily identified and that poor results are blamed on the teachers, the syllabuses, 'inferior education', the Department, and even the government.

Satisfactory progress and eventual success also depend largely on the pupil's self-image and degree of motivation.

Unfortunately, African education has become a soft target for many individuals, organisations and even newspapers with ulterior political motives who prefer to turn a blind eye to the factors mentioned above and to the stated objectives of the Department and the progress that is being made.

It is inevitable that the child who is continually told that he is being offered 'gutter' education, that his textbooks, syllabuses and teachers are 'inferior', that there is a sinister 'grand conspiracy' to keep him from achieving success and that his matriculation results are 'fixed', will suffer from a lack of motivation and will develop a poor self-image.

Unfortunately, such politicisation of education has resulted in school boycotts, often for reasons which have no relation whatsoever to education (eg bus fares, rent increases and the arrests of pupils on criminal charges), with disastrous effects on the pass rates of the affected schools.

On the other hand, many schools achieve excellent results through a combination of healthy discipline, motivation and the nurturing of the self-image of every pupil —

despite underqualified teachers and sometimes even unfavourable physical conditions. This is borne out by the fact that of the 178 schools of the DET that entered matriculants in 1983, 45 percent had pass rates in excess of 60 percent, with 15.6 percent recording 80+ percent pass rates.

Norms and Standards for Adjustments to Raw Scores

Up to 1978 the adjustments to raw scores of African matriculants referred to above were based on the already *adjusted* marks of the previous five years. Since these adjustments had been made upwards in most cases, the final adjusted mark was based on already 'inflated' marks, thus giving an even more inflated pass rate than would otherwise have been the case.

Since 1979 the adjustments have been based on the raw scores of the previous five years, as is the case in other education departments. This, together with the virtual doubling of the number of candidates, accounted to a large extent for the sudden drop in the pass rate in 1979.

Remedies and Priorities

Any possible remedies aimed at improving pass rates should be seen in the context of

- the government's firm commitment to provide equal education opportunities for all population groups
- the full spectrum of the DET's educational programmes and the progress made, and
- the typical third world problems of unbridled growth in pupil numbers, underqualified teachers and numerous extraneous social and economic factors that limit the rate at which developments and progress can take place.

The following are but a few of the Department's programmes that cover the full spectrum from pre-primary to tertiary and adult education, together with supporting services such as psychological and guidance services, subject advisory services and youth activities — each of which could be regarded as a priority in its own right.

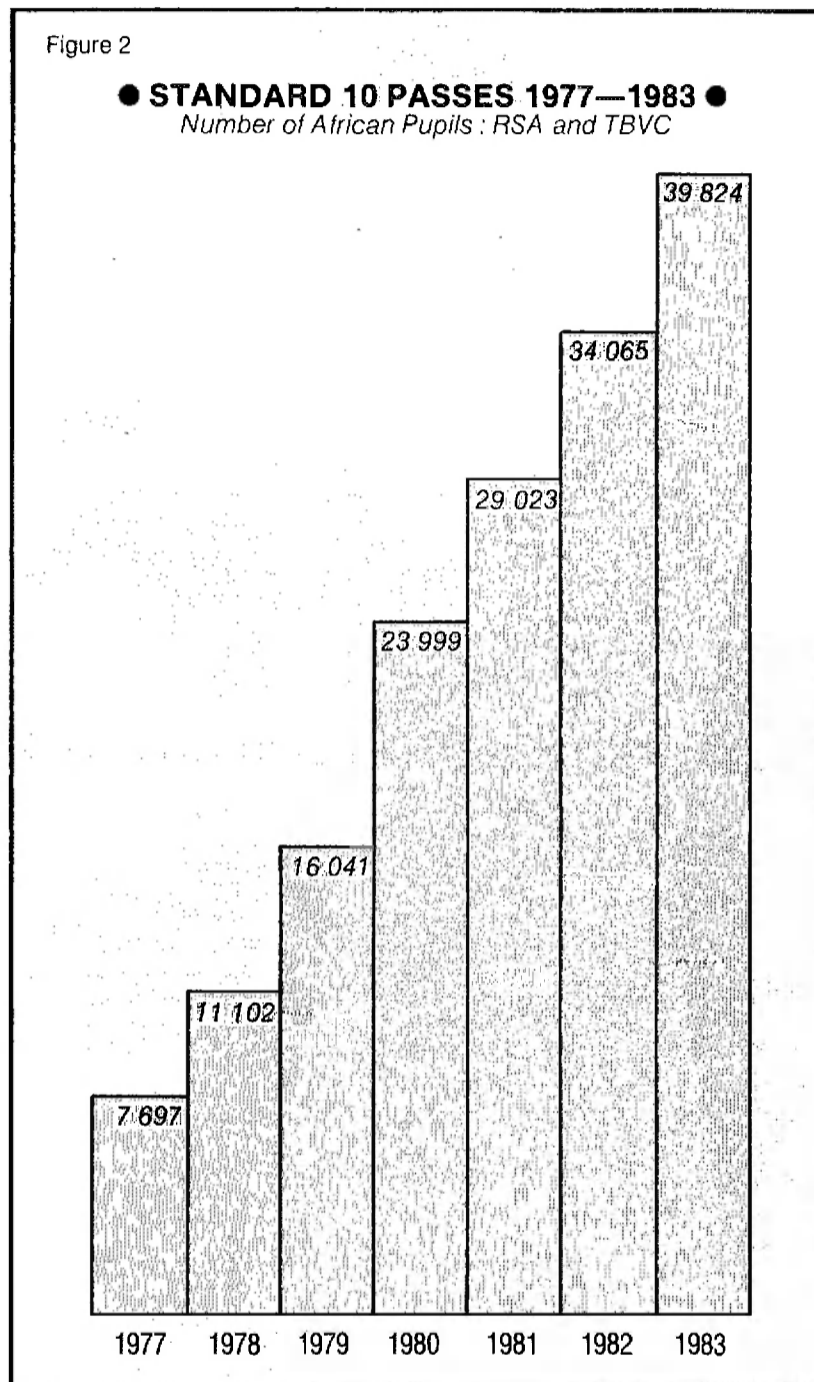
Teacher Training

The stage has now been reached where only three-year post std 10 diploma courses are offered. There has also been a shift in emphasis to the training of secondary teachers. From 1979 to 1983 the secondary pupil population increased by 48 percent, while the number of qualified secondary teachers increased by 170 percent to approximately 4 000 (DET only).

Numerous in-service training programmes are in force and an estimated 18 000 African teachers are currently involved in improving their academic and professional qualifications.

Management

Since 1981 particular attention has been given to the development of managerial skills



of inspectors, principals and heads of departments at schools.

Upgrading

An extensive upgrading programme for primary education was introduced in 1980. The programme was devised to improve the quality of teaching in primary schools. Emphasis is put on the grouping of pupils according to ability, methods of teaching, differentiation in teaching, school readiness programmes for substandard A pupils, school organisation and individual teaching classes.

Motivation

An extensive motivation programme for teachers and senior secondary pupils was

Programmes aimed at improving pass rates cover teacher training, in-service training, the development of managerial skills and the improvement of teacher and pupil motivation

EDUCATION

Particular attention is also given to diversification at secondary school level and technical education

Decentralisation of professional and administrative responsibilities and services has enhanced the quality of services rendered to and education offered at schools

The wide range of recommendations accepted by the government augurs well for the future of education for Africans

Because the natural evolutionary process cannot be accelerated beyond certain limits, unduly hastening educational development will be counter-productive

embarked upon in 1984. The programme includes guidance on subject choices, proper study methods, effective use of textbooks and the cultivation of a healthy self-image.

Diversification

The Department gives particular attention to diversification in order to satisfy the growing need for differentiation at secondary level. This includes curriculum development to provide for the abilities and interests of individual pupils. As part of this programme secondary schools are being converted into comprehensive schools where technical, commercial and science courses are offered alongside the ordinary academic course.

Technical Education

Since the acceptance of the Riekert and Wiehahn reports 19 technical colleges have been established by the DET. The technical education programme embraces pre-employment training, apprentice training, intensive commercial courses, secondary technical education, technikon education and technical orientation. This latter programme, which was embarked upon in 1975 and which is unique in South Africa, if not in the world, provides for technical orientation to pupils in stds 5 to 8 as an extension of the normal school programme. Pupils from neighbouring schools attend classes for 2,5 hours per week at such centres. The subjects offered include electrical work, electronics, brickwork, woodwork, welding and technical drawing. This programme, which leaves all options open to a pupil after std 8, offers a wonderful opportunity to the pupil to broaden his knowledge of the occupational world in a practical way. At present there are 17 such centres in various urban areas.

The De Lange Report: Before and After

Long before the appointment of the De Lange Commission the DET had already embarked on educational programmes which were subsequently identified as being of cardinal importance. Examples of such programmes are adult education, introduced in 1974, technical orientation in 1975, the upgrading programme for primary schools in 1979, and the pre-primary programme in 1980. In-service training of teachers has been a permanent feature since the late sixties and subject advisory services were introduced in 1980. In 1981 the Department also started with an accelerated process of decentralisation of professional and administrative responsibilities and services to its regional and circuit offices. This has enabled the Department to deal more effectively with the administration of an ever increasing number of schools as well as to enhance the quality of services rendered to, and the quality of education offered at these schools.

Great strides have been made in the field of non-formal education since 1974. The adult

education programme caters for the educational needs of more than 38 000 adults at 461 centres. The pre-primary programme is expanding rapidly. Sixty-nine institutions have already been registered and a further 43 applications for registration are being processed.

Youth activities include educational tours, the establishment of Habitat Clubs and courses for teachers and pupils. The courses concentrate on leadership, environmental education, cultural advancement and sound human relations.

The wide range of recommendations accepted by the government in its White Paper augur well for the future of education for Africans. Without going into detail, the most important recommendations are:

- a confirmation of the government's commitment to provide education of equal quality and standard for all population groups
- the establishment of a macro education policy for all population groups in relation to
 - norms and standards for the financing of running and capital costs of education (ie ultimate equal per capita expenditure)
 - salaries and conditions of employment of staff and professional registration of teachers, and
 - norms and standards for syllabuses and examinations and for certification of qualifications
- the establishment of two advisory councils, viz the South African Council for Education to advise the Minister responsible for general educational matters (macro policy) on aspects concerning school education and teacher training; and the Advisory Council for State Universities and Technikons to advise the Minister on matters in relation to tertiary education. All population groups will be represented in these advisory councils.

Conclusion

Philip Coombs makes this succinct point: 'Educating a nation, and keeping that nation's educational system in step with the times, seems to be many times harder than putting a man on the moon.' On the question of expenditure he adds that there are people who believe that 'nothing is wrong with education that money won't fix' and points out that 'there are, in fact, important constraints besides money which can limit the speed at which an educational system can expand, change and improve — and sometimes these prove even more unyielding than the money factor.' (Coombs 1969)

The educational development of the African child remains an absolute priority, but the natural evolutionary process cannot be accelerated beyond certain limits. Unduly hastening educational development will be counter-productive. *DEPA*

BIBLIOGRAPHY

P H Coombs, *The World Educational Crisis: A Systems Analysis*, London: Oxford University Press 1969

SCHOOL UNREST 1984

By Indicator SA Researcher Monica Bot

Government and Department of Education and Training (DET) spokesmen have laid the blame for school boycotts on 'outsiders' allegedly manipulating education for their own political ends. An SABC News Commentary (19/9/84) reported that 'agitators' had succeeded in persuading 'only' 30 thousand pupils to join the school boycott. More recent figures given by a DET spokesman put the number of pupils affected by the stay-away at about 150 000 (RDM 9/10/84), while the Rand Daily Mail estimated that the figure exceeded 220 000.

However, a study conducted by Indicator SA researcher Monica Bot suggests that it is highly unlikely that 'a small group of instigators' can be blamed for the boycotts, which are symptomatic of increasing politicisation and widespread dissatisfaction among African pupils about educational and political inequality in South Africa. Bot shows that specific grievances, such as corporal punishment, the age limit restriction and pupil representation did not merit the course of events which have occurred. Rather, these issues served to focus a deeper and more general sense of grievance among pupils. It is clear that African pupils are capable of a high degree of mobilisation and that they have become a significant political formation in South Africa, whose grievances are directly linked to perceptions of socio-economic and political inequality in this country.

After two relatively quiet years, 1983 showed an increase in conflict in African educational institutions affecting some 10 000 pupils in all four provinces and the homelands (SAIRR, 1984). By the end of August 1984, some 30 000 African pupils were boycotting schools under the administration of the DET (Department of Education and Training), some of which have resulted in the complete closure of the schools concerned. A number of factors both inside and outside the sphere of education have contributed to this escalation of unrest, and the situation does not show signs of cooling down.

During the first months of the year the unrest was focussed in two areas; Atteridgeville/Saulsville (A/S) near Pretoria, and Cradock and Port Elizabeth in the eastern Cape. Although the direct causes for the boycotts at the different schools were very dissimilar, they did have two things in common; namely that they started very early in the school year and they resulted in the 'township-wide' mobilisation of pupils.

Towards the end of July the trouble spread to Thabong near Welkom and Tembisa near Kempton Park, also involving mainly education-related issues. However, when the dates for the coloured and Indian elections

drew closer, pupils organised around these political issues countrywide. Another issue unrelated to education was that of rent increases in Sharpeville, which resulted in widespread violence.

This has caused government spokesmen to state on several occasions that outsiders are manipulating education for their own political ends. What is the truth? When looking at events leading up to the closure of six schools in A/S, where grievances were more directly related to education, it not only becomes clear that there was more underneath the surface, but this also raises the question of the importance of specific issues.

Atteridgeville/Saulsville: Pupils' Demands

The grievances and demands of pupils which gave rise to boycotts at different schools in A/S are, briefly:

- Excessive corporal punishment: pupils at one school demanded that a certain teacher 'be brought to book' for punishing a pupil excessively. Later on they allege that teachers do not abide by the regulations, even though DET made statements about improvements.

Although the causes of school boycotts this year were very dissimilar, most resulted in a 'township-wide' mobilisation of pupils

Some of the pupils' complaints were not well-founded; the age limit restriction, for example, has been applied with great leniency

If pupils do not come forward with definite complaints with regard to excessive punishment or sexual harassment, DET cannot launch an investigation

In May the Minister announced a new representative system, consisting of democratically elected pupils' councils and liaison committees

Various commentators have noted the increasing dissatisfaction of youth with political issues related to apartheid

- Poor marking of scripts: in January, pupils found 19 unmarked scripts of standard 6 pupils at Saulridge High School. According to Lulu Johnson, the national president of Cosas (Congress of South African Students), all these pupils had failed.

- Age limit restriction: this restriction states that pupils over 16 years old cannot enroll at primary school, those over 18 cannot enroll for stds (standards) 6, 7 or 8 and pupils over 20 cannot enroll for stds 9 and 10. Pupils at Hofmeyer High School, the only Atteridgeville school where the age limit had resulted in the exclusion of 50 pupils, started boycotting to have those 50 pupils readmitted.

- Sexual harassment: early in January, angry male pupils at three high schools accused certain teachers of having sex with female pupils. Towards the end of March, pupils boycotted one school because authorities refused to expel a teacher and his alleged schoolgirl lover.

- Shortage of textbooks: without reference to a specific incident, the adequate supply of textbooks was given as one of the pupils' demands.

- Lack of democratic representation: the pupils demanded democratically elected SRCs (student representative councils). The present prefect system is felt to be inadequate; complaints are that it is popular practice that these pupil prefects are appointed by teachers, and/or that they fail to present the pupils' grievances to the administration.

Authorities' Response

The DET's response to these various issues was as follows:

- It was pointed out that teachers abusing DET corporal punishment regulations would be reprimanded, but in order to be able to do so they need pupils to come forward with complaints so that an investigation can follow, which apparently did not happen.

- The allegedly unmarked scripts had already disappeared in December 1983 from the classroom where the teacher was marking them. He then immediately reported it to the DET. Of the pupils concerned, only one had failed.

- The principal of Hofmeyer High School was instructed to accommodate the 50 pupils if he could, which subsequently happened. Furthermore, DET has repeatedly asked for this restriction to be applied 'with the greatest degree of sympathy and understanding of problems'. That this is the case is borne out by the DET's Annual Report of 1983: a total of 18 899 pupils 20 years old or over (of whom 7 160 were 21 or over) were in schools under their administration in that year. Furthermore, Mr B J du Plessis, then Minister of DET said in parliament that for all schools administered by DET, only 242 pupils were refused on the grounds of being too old in 1983, and for 1984 the figure was 319 (Hansard, 1984: col 6290).

- With regard to sexual harassment, DET pointed out that again they need definite complaints in order to launch an investigation, but no one came forward. Part of the problem is the often small and sometimes non-existent age gap between female pupils and teachers. As du Plessis pointed out in parliament, half of the Department's teachers are under 30 years old, and the median age of matriculants is 19 years and 10 months (Hansard, 1984: col 6282-3).

- The adequate provision of textbooks is a problem, to which contributory factors are the fact that principals sometimes admit more pupils than books have been ordered for, problems with the supplier and the remote location of some schools.

- As early as 12 February du Plessis stated that adjustments could be made to the prefect system, and on 11 May he announced a new representative system consisting of a democratically elected pupils council for every school and, in addition, a liaison committee for every secondary school which will consist of six pupils, two staffmembers, two school committee members, two representatives from the parent teacher association and the local school inspector.

Without commenting on the general validity of these grievances, the impression gained from the authorities' quick and adequate response to most demands in this instance is that these issues, viewed separately or combined, did not merit the course of events which followed. It would appear as if specific issues were used to illustrate general grievances that have existed for some time.

Underlying Causes

Gilbert (1982: p26) concludes, on the basis of an investigation of unrest in KwaZulu schools, that 'it seems then that complaints on a general level provide the fuel for a fire; the actual practices at each specific school and the number of pupils who find that practice unsatisfactory provide the sparks to ignite the fuel.' The 'actual practices' have been mentioned above, but what are the complaints on a general level that could underlie this more widespread feeling of discontent?

Increasing Political Awareness

Various authors and journalists have in the past noted the increasing dissatisfaction of youth with political issues related to apartheid, such as inadequate political rights, influx control, group areas etc. (Edelstein, 1972; Kane-Berman, 1978; Cillie Commission; DN 2/8/84; RDM 23/7/84).

This wider consciousness is borne out by several statements made by Cosas leadership in the press: 'The problems exist at different levels and there is a need for organisation in different sectors to take up these problems. We must mobilise women, students, workers and so on . . . So, the education struggle goes hand in hand with other struggles in our society.' (SN, May/June 1984).

Since 1976 pupils have seen themselves increasingly as an important group that can mobilise their community. The problem is, as Professor Schlemmer pointed out in an address recently, that 'they don't know what to do with it, they don't have a constructive outlet.' Therefore, lacking legal channels of expression, it is perhaps not surprising that the schools are used to express their discontent and used as a lever with which to exert influence.

The authorities, on the other hand, have at several occasions denied that school boycotts are an expression of discontent on a much wider level (FM 15/6/84; Minister Viljoen, NM 7/8/84), and accuse either 'outsiders' of using education for 'their own political ends' or certain pupils of intimidating others into staying away (eg see T van der Merwe, NM 13/4/84; Minister le Grange, RDM 3/5/84 and RDM 20/5/84). In the case of A/S these claims were substantiated by:

- the alleged presence of UDF (United Democratic Front) and Cosas members from outside A/S before and during the boycotts
- reports in the press of (small) numbers of pupils who disrupt classes in their own or other schools, 'chase out the pupils', throw stones and urge other pupils 'to walk out in solidarity' (Sow 4/4/84; DN 9/2/84)
- reports from members of the inspectorate of DET who spoke to pupils on the streets during the boycotts, and heard many say they wanted to go back but were too afraid to. The press also reported that many pupils said they were 'tired of the boycotts' (Sow 30/3/84).

Furthermore, authorities doubt the extent of support Cosas enjoys and therefore do not see them as representative of the majority of pupils. The whole issue of the SRCs is seen to be closely connected with the programme of Cosas, since it was decided at their annual general meeting in December 1983 (not long before the boycotts started) to establish SRCs at every school. A joint SRC was elected for A/S to ensure, in the words of their national organiser (an Atteridgeville pupil) 'optimum organisation and communication'.

The Cosas national organiser, on the other hand, totally discounts outside interference and intimidation, and claims increasing support amongst pupils nationwide, 44 branches countrywide and 4 000 registered members in A/S alone. This was why there was such a 'high level of morale during the boycotts' and why the boycotts continued. Furthermore, because Cosas is affiliated to the UDF, their involvement is not seen as outside interference. In fact, the Eye (June 1984) reports that the UDF has been involved in efforts to bring about a solution to the school problems in the area.

The whole issue seems to revolve around how representative Cosas is of the pupils. Whether or not they represent the majority of pupils, they are the only national organisation heard on the pupils' behalf. What is clear is that there is enough discontent present to be able to mobilise a large number of pupils. It is

difficult to imagine that a 'small group of instigators' could exert such an influence on 6 000 pupils that they continued boycotting totally against their will.

Feelings were apparently not strong enough among these pupils to in their turn mobilise against the alleged intimidation of a few; it may possibly have been a 'passive' silent majority, but it is unlikely to have been a 'repressed' silent majority.

Gilbert's conclusion (1982: p41) seems appropriate that '... the widespread malaise that exists across all schools suggests that the pupils' response at the time of the unrest was a popular one ... The influence of individuals or groups, therefore, simply helps articulate the problem and politicise an already volatile situation.' What other factors, then, contribute to making the situation 'volatile'?

Stress on the School System

First there is the stress of 'third world' pupil growth rates which, as Mr J A Schoeman, DET's Chief of Public Relations pointed out recently (SA Foundation News, 1984), are coupled with first world expectations, a highly sophisticated economy within which pupils must compete, the western orientation of South African education which imposes demands regarding specific life experiences before success can be achieved at school, the foreign medium of instruction and the different level of socio-economic development. These factors considered, one need not have to look much further for 'underlying causes'.

Financial Expenditure

As the accompanying table and graph show there was and is a large discrepancy between African and white per capita expenditure on pupils, with the former being 13.9 percent of the latter figure in 1982/83. Although DET's budget has grown by more than 2 000 percent since 1972/73 (CP 2/9/84), this budget is not sufficient to decrease the gap in per capita expenditure due to the

The authorities, on the other hand, blame intimidators or accuse 'outsiders' of using education for 'their own political ends'

Whether or not Cosas represents the majority of pupils, it is the only national organisation heard on the pupils' behalf

The stress on the African school system due to 'third world' growth rates contributes to making the situation volatile

PER CAPITA EXPENDITURE ON PUPILS OF ALL RACE GROUPS

(Including capital expenditure)

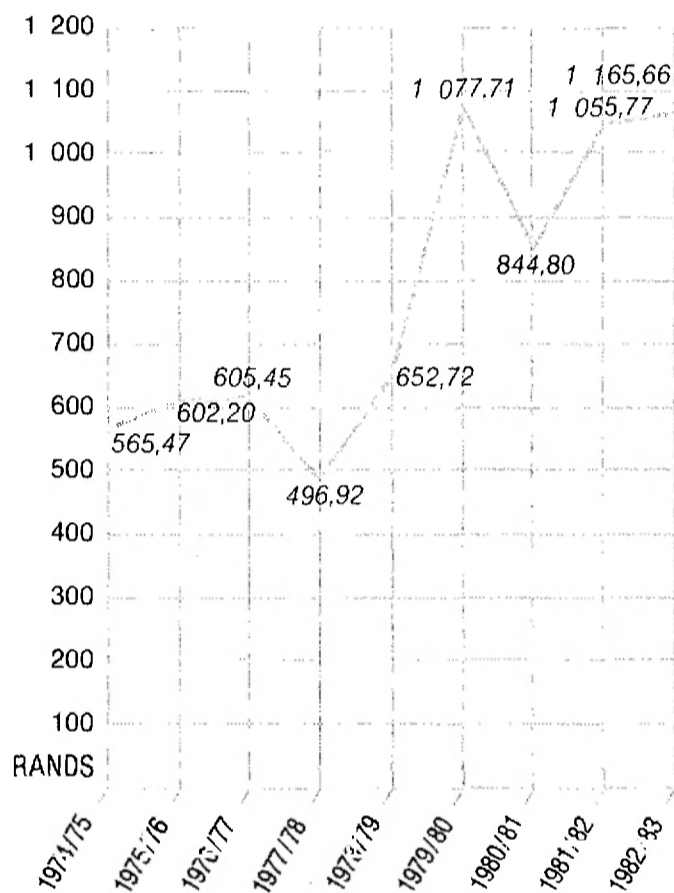
	WHITES	COLOUREDS	INDIANS	AFRICANS
1974/75	605	125,53	170,94	39,53
1975/76	644	139,62	189,53	41,80
1976/77	654	157,59	219,96	48,55
1977/78	551	185,16	236,13	54,08
1978/79	724	225,54	357,15	71,28
1979/80	1 169	234,00	389,66	91,29
1980/81	1 021	286,08	—	176,20
1981/82	1 221	418,84	798,00	165,23
1982/83*	1 385	593,37	871,87	192,34

* Estimate

SOURCE: South African Institute for Race Relations. A Survey of Race Relations in South Africa 1976-1983. Johannesburg

DIFFERENCE BETWEEN PER CAPITA EXPENDITURE ON WHITE AND AFRICAN PUPILS 1974-1983

(Including capital expenditure)



astronomical growth rates. As a result of this, there is a shortage of school buildings, classrooms and facilities.

Poorly Qualified Teachers and Authoritarianism

Not only is there a shortage of teachers, but, as was reported in an earlier Urban Monitor, 70 to 80 percent of the teachers in the African school system are underqualified (Indicator SA Vol 2 No 1).

Underqualified, young and inexperienced as they often are, African teachers have to cope with overcrowded classes and a very poor back-up as regards facilities and equipment. It is not surprising that many teachers lack confidence in this situation, compounded by the fact that not infrequently pupils perceive them to be part of the oppressive system and accuse them of being 'sell-outs'. Pupils often lack the respect for teachers that is quite normal at a white school.

As a result, these teachers show an over-reliance on authoritarianism, excessive discipline and rote learning, and seldom stimulate (or allow) creative and independent

thinking by pupils, which promotes boredom and restlessness among them.

Lack of Extramural Outlets

At many or most African schools there are few organised activities, and what is offered is often unvaried, such as a school choir. The townships usually do not have much to offer either in the way of recreation, so that pupils do not have much chance of expressing themselves. As a result, any organised activity or organisation (be they political or otherwise) operates in a relative 'vacuum' and can exert a tremendous influence, because it is not counterbalanced by other interests.

Lack of Communication

A lack of communication between DET officials, schoolstaff and pupils is a frequently heard complaint. At the time of the A/S school boycotts, for example, uncertainty was caused among both pupils and staff by DET statements in the press of which they were not directly informed. Intra-school communication is not always optimal either: in some schools there is little parental involvement, staff meetings are seldom held, and in most cases pupils are denied democratic representation.

Mistrust of Authority

Closely connected to the lack of communication is the lack of trust expressed in authority. Pupils see that promises are not adhered to, that Africans have little determination over the content of education, and that they have no decisionmaking powers. As a result, to many everything coming from authorities is unacceptable. At school, the staff is not always easily approachable and not infrequently resists improvement. This contributes to the feeling among youth that they have to make the changes themselves.

The Generation Gap

After the 1976 boycotts the youth have become increasingly disillusioned with their parents. As Gilbert found, 'Most pupils felt that when it comes to their future or educational matters then their parents could do little to help them and they must act independently' (1982: p37). These 'disillusioned' children do not want to become like their 'submissive' parents.

High Aspirations and Future Prospects

Because Africans have no political rights and are economically on the lowest rung of the ladder, education is very important — it is seen as the doorway to equality on at least a financial level. This works in two ways: pupils want a better life than their parents, and parents load their expectations on their children. Bearing this in mind, mere 'political agitation' seems a less likely hypothesis; would pupils be willing to risk their education and, thereby, their future prospects?

High expectations and aspirations on the one hand, and increasingly high failure rates at

A mistrust of authority, a lack of communication and disillusionment with their parents have contributed to increasing mobilisation among pupils

senior certificate and matric level and rising unemployment levels on the other, especially among the lower educated, cannot but cause a great deal of anxiety in pupils.

Early Maturity

All of the factors mentioned above contribute to a feeling of concern among youth about their future at a very early stage in life, ie at school. This has resulted in them increasingly taking on a role of protest and organising their people on a national level. Indications of this are found in various statements made by Cosas and Azaso (Azanian Students Organisation) representatives, whose theme for 1984 is concerned with uniting students, parents, workers and the unemployed around education.

Segregation and de Lange

To sum up, issues related to both the school system itself and the wider socio-political and economic environment give rise to discontent and frustration among African youth. Because the African education system is separated not only from education for the other groups, but also from the world in which they will work, suspicions of inferiority abound and it is difficult for them to estimate exactly what their prospects are of being recognised by the system. It is likely that the ones who feel the greatest gap between themselves and the requirements of the system will not necessarily be the most radical, but certainly the most active.

It is clear that as long as there is separate education for the different racial groups, suspicions about inherent differential treatment will remain and, therefore, opposition to it. The de Lange Commission found that the consequences of inequalities in the provision of education are many and serious, and therefore proposed a single minister and department, to provide both political and practical reassurance on national education policy aimed at equal opportunities and equal quality and standards.

While this would defuse one of the major demands of African pupils (to scrap separate education), it would have no more than symbolic value unless accompanied by other reforms aimed at minimising, and ultimately eliminating, inequalities.

Conclusion

What has become apparent from the above is that the factors involved are highly complex and interrelated. Because many of them cannot be solved in the immediate term, it becomes imperative to ask how to minimise them. The following includes suggestions made by speakers at a Natal/KwaZulu Circuit Inspectors meeting, Cosas representatives, a principal and DET officials.

- A first step to improve communication, understanding and cooperation within the schools would be to bring out and debate the problems and different perceptions in the

classroom, and discuss possible solutions.

- There is a need for decreased centralised control and bureaucratisation. Local responsibilities and community involvement should be increased. Fortunately, DET has announced a complete democratising process of the channel of communication coming from the school committees.

- Teachers often avoid political discussions because they are not sophisticated enough politically to debate them. This political ambivalence could be minimised by providing political education, on the basis of which teachers could develop clear ideas about where they stand. The same argument applies to pupils.

- Whilst programmes have been started to upgrade the teachers corps, principals and the inspectorate should simultaneously do their utmost to provide a good support system for the teachers, with the aim of improving their quality and increasing their confidence.

- Schools and communities should provide more opportunities through which pupils can express themselves. Many possibilities only require the input of a few people.

- Finally, although the lack of finance puts severe restrictions on the quality of education that can be provided in the foreseeable future, an idea put forward by Professor Schlemmer in his recent presidential address to the South African Institute of Race Relations deserves serious attention. He suggested that various educational authorities could jointly establish academic and technical high schools for African pupils, and/or adult education centres for African pupils after hours, run jointly by the different authorities.

These brief recommendations could serve to alleviate some of the most pressing issues in education, but it must be stressed that dissatisfaction with education cannot be viewed in isolation from the wider political grievances held by youth. This poses the question of how satisfactory a single department for education would be to these pupils, as long as the wider society remains based on apartheid. *IPAA*

BIBLIOGRAPHY

Department of Education and Training, *Annual Report 1983*, Government Printer, Pretoria, 1984.

M.L. Edelstein, *What do young Africans think?* SAIRR, Johannesburg, 1972.

The Eye, Vol 4 No 2, June 1984.

A.J. Gilbert, *A Socio-psychological Study of the Unrest in African Schools*, Centre for Research and Documentation, University of Zululand, 1982.

Hansard 7-11 May 1984 and *Hansard* 30 April-4 May 1984, Cape Town.

J. Kane-Berman, *Black revolt, White reactions*, Ravan, Johannesburg, 1978.

D.F. Molleno, *The schooling of black South Africans and the 1980 Cape Town students' boycott: A sociological interpretation*, Department of Sociology, University of Cape Town, April 1983.

Report of the Commission of Inquiry into the Riots of Soweto and Elsewhere from the 16th of June 1976 to the 28th of February 1977, RP 55/1980, Government Printer. Also referred to as Cillie Commission.

SA Foundation News, Vol 10 No 6, June 1984.

SAIRR, *A Survey of Race Relations in South Africa 1983*, Johannesburg.

SASPU National, Vol 5 No 2, May/June 1984.

NEWSPAPER KEY

CP — City Press
 DN — Daily News
 FM — Financial Mail
 NM — Natal Mercury
 RDM — Rand Daily Mail
 SN — Saspu National
 Sow — Sowetan

High expectations and aspirations on the one hand, and increasingly high failure rates on the other, can cause a great deal of anxiety among pupils

A single minister and department of education will have no more than symbolic value unless accompanied by other reforms

Because many problems cannot be solved in the immediate term, it is imperative to ask how to minimise them

Political education, improved communication and joint planning by various educational authorities could help to alleviate some of the most pressing issues

SCHOOL BOYCOTTS

SLOWLY DESEGREGATING DOWNTOWN

Implications of the new 'Open Trading Areas'

*By Gordon Pirie, lecturer in the
Department of Geography and Environmental Studies
at the University of the Witwatersrand*

At the close of the Westminster parliamentary era in July 1984 new forms of government were inaugurated, based on the statutory 'permanence' of ethnic constituencies. The legislation of social apartheid such as residential group areas, mixed marriages and population registration remains intact as an intrinsic feature of political reform.

The private sector in particular has long questioned the economic sense of demarcating business areas according to ethnic dictates, involving the relocation of profitable businesses to less viable sites. However one socio-economic feature of old-style apartheid has been the subject of recent 'reform'.

One of the last acts of the old parliament was to amend the Group Areas Act so as to selectively lift restrictions operative in segregated central business districts (CBDs). However, the ownership and occupation rights of coloured and Indian traders are still severely constrained: 'Free trade areas will not necessarily be delimited at all centres' (Minister of Community Development S F Kotze, Hansard No 21/84:Col 9961).

The 30 'Section 19' exempted business centres currently occupied by coloured and Indian traders outside of their proclaimed group areas are to be converted into 'open' zones

Several years after announcing its intention to review racial restrictions on business location, and after repeated representations from political and commercial organisations and from local authorities, the government has decided in favour of so-called open trading areas. The decision was taken by the last parliament in which whites alone patrolled the race zoning of urban areas. Desegregation might thus be regarded as being in harmony with, and in some cases being preparatory to, the 'new spirit' of accommodation and cooperation. In addition, the move is intended to complement efforts to promote free enterprise, to forge a more extensive middle class among all South Africans and to encourage the development of small businesses. The last effect may be achieved by 'releasing' larger enterprises from confinement in Group Areas, or by encouraging establishment of small specialist enterprises outside Group Areas and in larger

markets which make them viable.

For over two decades, very limited provision has been made for just coloureds or Indians to conduct business beyond their own Group Areas. Exemptions were granted for *occupation only* of premises in only those areas not previously proclaimed for exclusive use by another race group. Awards were made mostly to entrepreneurs whose livelihoods were threatened by lack of potential trade in Group Areas to which they had been removed. After expenditure of more than R30 million on removals, trader relocation was ended in 1978. More use was then made of the exemption provision referred to above. Presently some 30 so-called 'Section 19 user areas' have been established. The conduct of business in these areas requires special permit.

Following approval of an amendment to Section 19 of the Group Areas Act (1966), permits will no longer be required to pursue

business interests in approved districts beyond Group Areas. The exemption extends to ownership as well as occupation of a building, land or premises used for trading, commercial, professional, religious or educational purposes.

The approved amendment to the Group Areas Act does not stipulate that suburban business nucleations in white Group Areas may not be opened to Indian, coloured and African businessmen. Nor does it state that white capital may not penetrate African, coloured and Indian commercial areas. In practice, however, it is likely that the new provision will be used initially to open retail facilities and offices in the older central business districts of major urban centres. Even this step is not compulsory though, and desegregation is unlikely to occur in smaller platteland towns. In its immediate future application, rather than in its design, it is probable that the Group Areas amendment will not be used in a manner which would threaten infant businesses emerging in coloured and Indian business centres.

The procedure adopted for definition and declaration of open trading areas defers only partly to the discretion of local authorities. Proclamation involves approval by the State President in consultation with the appropriate Provincial Administrator in all cases, and not only in cases where the wishes of a local authority and its residents are in conflict. This may only take place after the Group Areas Board has received written representations on advertised changes, and after it has heard evidence in public. This cumbersome and time-consuming procedure is an inheritance of the general Group Areas policy. It contradicts the avowed aim of devolution and may be anticipated to substantially retard implementation of open trading areas.

In reviewing the suitability of proposals for desegregating trading areas, the Group Areas Board will judge merit in relation to at least three criteria. First, it will be necessary that motivations demonstrate that such areas would not make white elephants of the 1 200 or so business premises which have already been erected by the Department of Community Development for displaced coloured and Indian merchants. One difficulty here is that it is difficult to know in advance whether and how customers will alter their patronage, and whether and how the turnover and tenancy of offices and retail premises in Group Areas will be affected.

A second criterion used in evaluating proposals for desegregation involves assurance that residential segregation will not be put at risk. If caretakers are disqualified by reason of their racial classification from living on the premises which they own or supervise, it would be necessary for them to acquire exemption permits.

In terms of the amendment it is important, thirdly, that desegregation proposals will not undermine any town planning scheme which is in operation or binding under any local

law. This last requirement means, for instance, that open trading areas cannot be established in northern Natal or in the Orange Free State.

The effect of desegregation provisions on the business landscape will, as indicated, be delayed by bureaucratic procedures and is likely to be confined to select major centres and, within those, to central districts. More than this, there are already businessmen who have effectively sidestepped the racial covenants of the past and who already have substantial interests in central areas. Nominee title holding and minority shareholding arrangements are the customary devices. Although such subterfuges are no longer the only ways in which entrepreneurs other than whites can secure a toehold in the most vigorous commercial centres where shoppers and workers congregate, it is by no means certain that investor capital is sufficiently mobile or plentiful to extend existing commitments or to launch new ones. In this respect, prospective tenants and proprietors are penalised by the disadvantages of past restrictions on marketing and capital accumulation. Restrictions on title in Group Areas have curtailed access to credit, and thereby the amassing of capital as well. Without allowance for such disadvantage, the scenario is one in which the undercapitalised entrepreneur persistently fails at the hands of those previously favoured and/or those formerly illegal.

More certain than drastic change in the complexion of business investment after proclamation of open trading areas, is rapid desegregation of refreshment and entertainment venues. No less significant is the likelihood that measures which presently place racial restrictions on the employment of clerical and management staff will be rescinded. The technical (Strydom) committee investigating the Group Areas Act continues to study these possibilities. In future there may follow relaxation of other segregation provisions, notably those involving public transportation.

The introduction of a more permissive policy of racially open trading places in South Africa does not altogether mark the end of an era in which highly trained lawyers, doctors and entrepreneurs suffer the humiliation of having to ask permission, and running the risk of being refused, to work in places of their choice. Nor does it altogether remove the privileges enjoyed by immigrant investors who have long contributed to the economy as residents. As a start to the gathering reform process, however, the amendment will douse frustration and stem wastage of resources.

In some degree, the mortality of the principle of race zoning has been accepted by the self-same government which once held it sacrosanct. Reaction may scarcely have had time to develop before more fundamental reform is brought about by the tri-cameral parliament. *UPA*

Initially, the second Group Areas amendment is likely to open retail facilities and offices in the older CBDs of major urban centres only

The bureaucratic process of Group Areas Board hearings and ministerial consent which must precede the opening of trading areas will delay desegregation moves

Certain CBDs will not be opened if the viability of the 1 200 business premises erected by the government for relocated traders then become threatened

The revision of the once sacrosanct principle of racial zoning might represent a start to a more fundamental reform process under the new tri-cameral parliament

COMMERCIAL DESEGREGATION

GROUP AREA CBD REFORM

Legislative Sleight of Hand?

The Legislative Saga

- Prior to the passage of the Group Areas Act No 41 of 1950, various acts existed which severely restricted both African and Indian access to land, property and urban rights. The Act created a Group Areas Board under the control of the Department of Community Development, to proclaim racially homogeneous residential and commercial zones throughout the country.

- Companies are designated a group character according to the racial identity of the person(s) holding a controlling interest, excluding banks, mines and large factories. After the proclamation of a group area, business 'tenants' are given an additional twelve month's notice besides the initial one year's grace given to all 'disqualified' persons, before having to vacate their premises.

- From 1961, coloured and Indian entrepreneurs were given permits to occupy 'controlled' areas, approved districts not proclaimed for exclusive use by one racial group, where no potential trade existed in their designated group areas.

The Group Areas Act No 36 of 1966

- This re-asserted the state's superior right of eminent domain in terms of alienating existing ownership/occupation rights: 'Notwithstanding anything to the contrary contained in any law, any contract in terms of which any disqualified person occupies land or premises to which any such notice or permit relates shall lapse with effect from the date determined' (S 23, Para 4).

- S19 (Section 19) formalised the Minister's discretionary powers of exemption to allow individual traders to occupy controlled business centres or established premises where eviction would cause 'extreme hardship'. At this stage, about 18 537 ethnic group areas had been defined by proclamation: 8 266 in the Cape, 5 375 in Natal, 4 872 in the Transvaal and 24 in the OFS.

The Theron Commission

- The Theron Commission Report of 1976 emphasised that although the policy of residential segregation was intended to reduce inter-racial friction, its implementation had caused 'grievance and bitterness'. It recommended the 'radical' adjustment of existing business/industrial areas. The destruction of District Six (Cape Town) and Cato Manor (Durban) had become potent symbols of forced removals under the Group Areas Act, complemented by the Slum Clearance and Community Development Acts.

- In response, the Group Areas Amendment Act No 96 of 1977 was passed, removing existing restrictions placed on ownership/occupation of land and property by disqualified persons in industrial zones outside of proclaimed group areas. A revised section 19 empowers the Minister to deproclaim an existing group area and create a multi-racial 'free trading' zone on a permit basis, as occurred in the deproclamation of the Salt River/Woodstock area (Cape Town) in November 1979.

- In June 1978, Minister of Community Development Marais Steyn announced that the remaining 3 400 traders would not be removed under the Group Areas Act, a programme which had cumulatively cost the state an estimated R30m. The reprieve excluded the Transvaal platteland and the town of Ladysmith.

The Riekert Commission

- Two alternatives were proposed in the Riekert Report of 1979: either to abolish the commercial provisions of the Group Areas Act and create completely free trade areas; or for the Minister to make exemptions and sanction select free trade areas for ownership or occupation at the request of a local authority (RP 32/79 I, p225).

- The government suggested amending the Group Areas Act 'so that areas available for occupation by all population groups can be designated in any proclaimed group area for business, commercial or professional purposes after investigation by the Group Areas Board and with the consent of the Ministers of Environmental Planning, Energy and Community Development' (WP T/79 I, p14).

The President's Council (PC)

- In May 1982, a Joint PC Planning and Community Relations Committee recommended that the Group Areas Act be retained in principle, but with changes in its application, especially to facilitate 'S 19 User Area' exemptions.

- The Groups Areas Amendment Act No 62 of 1982 opened up CBDs to the Small Business Development Corporation and several other categories of companies and individuals, from the coloured and Indian communities.

Cumulative Impact

- 123 718 Families were moved from the commencement of the Act up until December 1983 according to the Minister of Community Development, Mr Pen Kotze. This total is comprised of 81 948 coloured, 39 485 Indian and 2 285 white families respectively.

- Regardless of Steyn's assurance of 1979, 'disqualified' traders continued to be forcibly removed up until 1982. After thirty years, a total of 2 507 Indian, 180 coloured and 54 white traders had been removed from business premises.

- As of May 1983, there were only 26 controlled trading areas nationwide under S 19 and all of the seven such areas located in the Johannesburg metropolis are full at present.

The Strydom Committee

- The report into Group Areas, Separate Amenities and Related Legislation published in August 1983, proposed that free trade areas be introduced outside of existing controlled/group areas for coloured, Indian and white people to own and conduct commercial and professional occupations, but not take up residence, in towns where local authorities request this.

- The Strydom Report also recommended that five principal acts — Group Areas, Community Development, Slums, Separate Amenities and S 28(1) of the General Laws Amendment — be replaced with a new consolidated Land Affairs Bill. The provisions of the draft Bill do not extend to the African community, as the Land Act of 1936 and the Urban Areas Act of 1945 are expressly excluded from its ambit.

- The most recent Group Areas Amendment, Act No 101 of 1984 is analysed in Gordon Pirie's article. Though it is not expressly stated that African traders cannot operate in S 19 areas a prominent interpretation is that 'It would be fair to deduce that Africans are, as yet, still excluded from the dispensations offered in the latest amendment'. (Memorandum of Research Unit for the Sociology of Development, University of Stellenbosch, September 1984. p5).

- Further Group Areas Act amendments envisaged were revealed during parliamentary debate during 1984. These would shift the onus onto the landowner to prevent 'encroachment' by disqualified persons and also prohibit the nominee system of trade license, current practices which circumvent Group Areas trading restrictions. In the words of the Minister of Community Development, 'The new dispensation we are now entering upon rests largely on the preservation and maintenance of own communities' (Hansard Vol 4/1984: Col 1758).

This work is licensed under a
Creative Commons
Attribution – NonCommercial - NoDerivs 3.0 Licence.

To view a copy of the licence please see:
<http://creativecommons.org/licenses/by-nc-nd/3.0/>