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This edition of Work In Progress edited and published by an editorial collective of 40 jorissen street, 2001 braamfontein, and printed by sached, 54 simmonds street, 2001 johannesburg.

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Cover by Kevin Humphrey
 Driefontein photographs by Ingrid Hudson

WORK IN PROGRESS 27 - June 1983

Editorial

The Medical Association of South Africa (MASA) subscribes to the Tokyo Declaration. These guidelines for medical personnel explicitly forbid participation in the torture of detainees and prisoners: 'The doctor shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures'.

Torture is defined in the Declaration as 'the deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons....to force another person to yield information, to make a confession, or for any other reason'.

MASA has been slow in responding to the contradiction between the 1975 Tokyo Declaration, and South Africa's security detention system. The provisions of the old Terrorism Act, for example, empowered security police to hold a detainee indefinitely in

solitary confinement, until such time as the Commissioner of Police was satisfied that all questions had been answered satisfactorily. This seems a clear case of 'infliction of mental suffering....to force another person to yield information'.

Growing pressure on MASA to oppose a detention system at variance with medical ethics finally led, in mid-1982, to the appointment of an ad hoc MASA committee to examine the medical care of detainees. MASA's handling of medical involvement in the death of Steve Biko was condemned both nationally and internationally. Health practitioners disaffected with MASA's stance formed an opposition body - the National Medical and Dental Association. And British doctors - who traditionally had very close links with MASA - voted against MASA's re-admission to the World Medical Association.

There was some concern that, in establishing an ad hoc enquiry into detainee health care, MASA was more concerned with its credibility than with the issue of detention. Nonetheless, a number of groups were prepared to accept the investigation at face value, and organisations like the Detainees' Parents Support Committee (DPSC) gave evidence to the ad hoc committee.

The ad hoc committee's report - released in mid-May 1983, was endorsed by MASA's federal council. Its main findings seemed to commit the medical profession to opposing the detention system. The report found that detainees had been maltreated, that there were insufficient legal safeguards for detainees, and that in general 'the circumstances relating to the detention of security law detainees in South Africa presents potential hazards to their physical and mental health'.

Unfortunately, neither MASA nor its ad hoc committee took matters to their logical conclusion. Their recommendations fell far short of opposition to the system of detention, and specific proposals for the protection of detainees were very limited. Little that MASA recommended undercut the closed nature of the detention system, where detainees' 'protection' is in the hands of state officials only - magistrates, district surgeons and security police interrogators.

MASA met with Health Minister 'Nak' van der Merwe on the ad hoc committee's report. After this meeting MASA federal

council president Guy de Klerk said that the delegation 'reached a lot of common ground with the Minister', and that the meeting was 'very satisfactory'. Only two issues remained to be clarified, said de Klerk. These involved the right of detainees to see private doctors, and a 'peer review committee' whereby doctors could check on the medical treatment detainees had received. Subsequently, de Klerk announced that MASA had decided to drop these recommendations.

MASA seems satisfied with the end result of their investigation. Some lost credibility has been regained. But little has changed for those detained. MASA has dropped its only recommendations that would have made some inroads into the closed system of detention - without even a fight. It has simply acquiesced to ministerial pressure.

Guy de Klerk may be satisfied that those monitoring the detention system and responsible for detainee care adequately protect detainee rights. Material in this edition of WIP indicates that he is wrong. Recent trials indicate that state officials do not view the protection of detainees as part of their mandate. An Aliwal North district surgeon who examined a detainee for a nose-bleed only, wrote a report saying that the detainee was in perfect health. When asked why the report did not even make mention of the nose-bleed, the district surgeon explained that he was busy when police brought the detainee to his office.

In Humansdorp, a magistrate testified that it was not her duty to investigate allegations of assault when a detainee was brought before her to make a statement. She was just expected to take down the statement.

The third party involved in detainee care cannot inspire confidence in their concern for law and rights: a magistrate recently found that detainees had been assaulted, and that a security police major had instructed a police informer to lie in court. In another trial a colonel falsified the transcription of a tape recording.

MASA's report may have restored some credibility to the medical profession. But its recent dealings with government ministers, and subsequent statements, indicate that it still does not adhere to the Tokyo Declaration. MASA, representing the medical profession, has again compromised the ethics and integrity of all South African health workers.

Trade Union Unity Moves:

evaluating the strengths

A new trade union federation seems to be in the making. Speculating on the likely composition of it, CRAIG CHARNEY examines its possible strengths and weaknesses, industry-by-industry.

The initiative to establish a broad federation of progressive trade unions will, if successful, transform the balance of power among South Africa's predominantly black union groupings.

The unions likely to join the new body have a total membership of at least 165 000, which will make it numerically far stronger than its rivals. Its formation will end a situation where three bodies - the Federation of South African Trade Unions (FOSATU), the Council of Unions of South Africa (CUSA), and the Trade Union Council of South Africa (TUCSA) - have organised roughly equal numbers of african workers, while a number of other major unions float unattached. Indeed, the new body is likely to be the largest union organisation in South Africa's history, with a powerful attraction for black workers.

More important still, the new grouping will have a broader and deeper industrial power base than other existing or potential federations. The unions which have contributed most to the unity initiative are those which have stressed careful industrial and shop floor organisation. If their strengths are combined, it appears that the new body will be the dominant or potentially dominant federation in eight major industries. Within a few years, it should enjoy the possibility of a broad industry-wide presence in at least six of them.

This article will discuss the likely strengths and weaknesses of the potential new federation, both on an industry-by-industry basis and from a broader

strategic viewpoint. It assumes that the grouping will be comprised of the unions which have shown the most outspoken commitment to the unity drive: FOSATU, the Food and Canning unions (FCWU/AFCWU), the General Workers Union (GWU), the Commercial, Catering and Allied Workers Union of South Africa (CCAWUSA), and the Cape Town Municipal Workers Association (CTMWA). CUSA has agreed to join the feasibility committee planning the new organisation, but its leaders have shown little enthusiasm for it, and it is difficult to see how their belief in black leadership could be reconciled with the other unions' principle of non-racialism. Likewise, though a number of the smaller community-oriented unions such as the South African Allied Workers Union (SAAWU) have also agreed to participate in the study, their conditions for unity, political and organisational approach, and non-industrial structure all appear unlikely to fit comfortably alongside those of the other organisations.

INDUSTRY BY INDUSTRY

Given these assumptions, the industrial base of the new federation seems likely to shape up as follows:

Metal: In this important sector, which accounts for almost 500 000 workers, FOSATU'S Metal and Allied Workers Union (MAWU) had already acquired 36 500 members by last November, making it the largest independent black union in the country. It did so in the face of severe employer resistance, engendered by its refusal to join the industry's industrial council. Now that it has decided to enter the council, it looks set for major growth over the next few years. Though retrenchments in the past few months have proved a setback, MAWU seems likely to continue

to outdistance CUSA's lacklustre Steel, Engineering and Allied Workers Union.

In the new federation, MAWU's Transvaal- and Natal-based bargaining power should be boosted by the addition of GWU, which has members in Cape Town metal and marine engineering plants. (MAWU has already been co-operating with GWU). The enormous size and complexity of the metal industry will make the establishment of industry-wide organisation difficult. Nevertheless, the new federation may well have something of an industrial presence by the end of the next boom, particularly if proposals to decentralise bargaining on a sectoral or regional basis are accepted.

Food processing: The dynamic FCWU/AFCWU (combined membership 25 000) have expanded energetically in recent years, consolidating in the western Cape, and moving vigorously into the eastern Cape and Transvaal. FOSATU's Sweet, Food and Allied Workers Union (SFAWU) has also won some important victories in the Transvaal, and finally seems to have got Selby Nsibandé's National Union of Sugar Milling and Refinery Employees on the run in Natal. But CUSA's Food and Beverage Workers (FBWU), the Council's most effective union, remains larger than SFAWU, and has quite a few recognition agreements in Natal.

However, FCWU and SFAWU are already co-operating, and in the context of the new federation seem likely to dominate all regions save FBWU's Natal stronghold. Food processing is another industry where an effective industrial union appears to lie within the new body's grasp.

Textiles: FOSATU's 15 000-member National Union of Textile Workers (NUTW) is fighting on three fronts: knitting, textiles (cloth-makers) and clothing. It has made major advances in knitting in the Transvaal, where it made the precedent-setting decision to join the industrial council. It has spread widely in textile plants in Natal and the eastern Cape, and also made gains at the expense of CUSA's Textile Workers Union (Transvaal). Now it is moving into the western Cape, the Transvaal and the Free State clothing industry, where the stumbling-block is TUCSA's National Union of Clothing Workers (NUCW), which is slapping down closed shop agreements to protect

its base.

There have been repeated rumours of an impending palace coup by progressive elements within NUCW, but D-day never seems to arrive. Barring such an event, a war of attrition appears likely. It may take some years, but the NUTW appears to be in the strongest position. If it can keep intact its base in knitting and textiles (under pressure once more from the Frame group); it can look forward to effective domination of the industry. Chemicals: FOSATU's Chemical Workers Industrial Union (CWIU) is smaller than its CUSA rival, but it appears better organised. It has also been more successful in head-on clashes with the CUSA union, SA Chemical Workers (SACWU) for members, and with management for bargaining demands. The CUSA union enjoyed an important head-start, thanks to early approaches to industry giant AECI and small Transvaal chemical employers, but it now appears to be deeply divided and approaching a split. It is an open secret that rivals of general secretary Dan Tau in the Transvaal are agitating against him, while workers at AECI's key Somerset West plant have stopped paying dues to the union following charges of theft by its leaders. It would not be surprising if the drawing power of the new federation pulls in part or most of SACWU, giving CWIU the leading position in the chemical industry.

Automobiles: In the motor assembly industry, FOSATU's 18 000-member NAAWU is in the process of becoming the country's first true industrial union. It has won recognition agreements at five of the nine auto makers, with accords on the way at two more. Membership already comprises 46% of the industry workforce, and the Port Elizabeth strikes last July showed that it was powerful enough to shut the Ford, General Motors and Volkswagen plants. CUSA's United African Motor Workers (UAMWU) has hopes of recognition at only one factory, Datsun, while the Pretoria branch of the Motor Assembly and Components Workers Union recently broke away, reducing it to the two small Ford facilities it took in 1980 after the Thozamile Botha affair.

However, clashes are likely to heat up in the components industry. NAAWU has made some strides there, but the major success of the CUSA union has been among Transvaal

components manufacturers. The biggest obstacle, however, is TUCSA's 21 700-member Motor Industry Combined Workers, who enjoy a large membership thanks to closed shops, and are making noises about enforcing them. A battle royale could be in the making.

Transport: This is the major industry in which the new federation will probably have its patchiest presence. The FOSATU Transport and General Workers is a fairly weak union, unlike its British namesake. It has a spotty presence in bases as widely separated as Springs bus depots and the Durban docks. It has not been outdistanced only because its opposition has been CUSA's moribund Transport and Allied Workers Union. The new grouping may show more vigour in this sector, thanks to the inclusion of GWU and its well-organised dock worker backbone, but its coverage is still likely to be weak.

Pulp and paper: The relatively weak FOSATU Paper, Wood and Allied Workers Union has been riven by internal difficulties, which now seem to be sorting themselves out. The union has achieved recognition agreements at individual plants of each of the industry leaders, including Sappi, Nampak, Mondi, Premier and Carlton. Its major problem is the TUCSA SA Typographical Workers Union (SATU), which has imposed closed shops covering all workers in plants with any printing employees. Conflicts are now underway at six factories in the Transvaal alone. The union will have to see this issue resolved, either at shop floor level through legislation, before it is able to become an industrial force.

Commercial: The presence of CCAWUSA may enable the new federation eventually to become the dominant influence in this large sector. On paper, CCAWUSA is already well on the way to becoming an industrial union covering the big retail chains after successful recognition strikes at Edgar's, Woolworths, CNA and OK Bazaars last year. However, the process of simultaneously negotiating nine recognition agreements, organising around the country, and establishing an infrastructure to service members is severely straining its resources. If it can extend and consolidate its organisation, a process which could take a few years, it could sew up the big stores which increasingly dominate the retail market.

Municipal: The new federation looks set to include the well-organised, 10 900-member CTMWA, even though its political orientation is somewhat different to that of the other unions likely to join. CTMWA's membership base is confined to the Cape Peninsula, however. From a national viewpoint, the question is whether it could link up with progressive elements in municipal worker organisations in other major centres, such as TUCSA's coloured and Indian Johannesburg Municipal Combined Employees and Durban Integrated Municipal Employees. The small rival CUSA union, the SA Black Municipal Workers, offers little competition at present. It is based on a split-off from the late Joe Mavi's Black Municipal Workers, but has been in disarray since general secretary Philip Dlamini was detained.

Mining: This is the sector where CUSA has looked set to steal a march on FOSATU. CUSA's National Union of Mineworkers is probably the fastest growing union in the country, accumulating a claimed 21 000 members since its establishment last August. It has been granted access to workers by the Chamber of Mines, and even given offices on some mines, while a generous flow of overseas funds has paid for a large staff and organising force. FOSATU has shied away from a large-scale mining campaign because of the resources required and risks involved, but MAWU has already acquired some members at mines linked to metal refineries it has organised. FOSATU has been coming under pressure to enter the mines to meet the CUSA challenge, and this pressure is likely to grow stronger with a new federation.

Construction: This is another sector where the new federation will begin without an affiliate. CUSA's Building, Construction and Allied Workers, though fairly big at 12 000, has a very fragmented membership, with its greatest strength in ceramic factories. A stronger push may come from the Black Allied Mining and Construction Workers (BAMCWU), founded last year by members of the Azanian People's Organisation, which has already won a membership of 7 500 and recognition agreements from Pioneer Concrete and construction giant LTA.

In addition to the simple numerical advantages which the new federation will enjoy thanks to the size of its component members, it is likely also to enjoy a spirit and vigour which will make it the dominant pole of attraction for organised black workers. Community oriented unions may mushroom and collapse in particular regions, but they will be hard put to match the national industrial strength and bargaining power of the new body. And while CUSA appears unlikely to go into the new grouping en bloc, splits in its member unions could lead some components to hive off into the new body, much as happened during the founding of FOSATU.

If that does not happen, CUSA's successful bridge-building at a number of major employers (such as AECI, Iscor and Sasol 1) could present a stumbling block to the new federation as it approaches an industry-wide presence in their respective industries. However, if CUSA is forced onto the defensive by the new body, it could be obliged to resort to expedients of despair such as the closed shop or other techniques of coercive unionism to avoid being swept away.

Within the new federation itself, there are likely to be unions which have widely differing positions on industrial relations issues, and on political questions like the Freedom Charter. To some extent, they have composed their quarrels, as issues like registration and industrial councils now seem secondary to unions like GWU and Food and Canning, while FOSATU has become less reticent about speaking out on political topics such as the President's Council proposals. Nevertheless, the new body is likely to be looser in character than the highly centralised FOSATU, at least at the outset.

In time, however, the new organisation is likely to evolve its own character and position. Within it will be advocates of both working class and nationalist struggle, and it may well attempt to establish some synthesis between the two. Thus, while the creation of a broader federation may well mark the close of the formative phase of black worker organisation in South Africa, it is likely to mark the start of the struggle to define the political role of the workers' movement.



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The first in this series, submitted as part of a BA (honours) degree at the University of Witwatersrand by M. Periman, is entitled

The State and the African Working Class in the Pretoria - Odi Area: Population Relocation, State Management and Class Restructuring.

This publication will become available during August 1982 and can be ordered from either

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The cost in South Africa will be R1,50 per copy.

This dissertation, by John Periman, examines the policies, practices and structures through which the South African state has tried to regulate the residence, movement and employment of the African population - and the working class in particular - in what the author calls the Pretoria - Odi complex.

The focus is mainly on Ga-Rankuwa and Mabopane, which are townships in the 'independent' bantustan of Bophuthatswena; on Goshanguye which was excised from Bophuthatswena in 1976; and on the densely settled 'squatter' areas of Winterfeld and Marikwa which border on these townships.

The Pretoria townships of Mamelodi and Atteridgeville are also discussed and examined.

• The DSG/SARS Dissertation Series complements and expands a similar service run by the Africa Perspective group. Forthcoming titles produced in both series will be announced from time to time.

Zini Clarifies Unity Stance

There was considerable confusion over the position adopted by the Motor Assembly and Components Workers' Union of South Africa (MACWUSA) and the General Workers' Union of South Africa (GWUSA) at the April trade union unity talks. In a recent interview Government Zini, organising secretary of both unions, clarifies their position.

'We are committed to working towards unity amongst trade unions in South Africa', says Government Zini, organising secretary of MACWUSA and GWUSA.

In a recent interview, he condemned 'mischievous' journalists who reported that MACWUSA and GWUSA had voted against the establishment of a feasibility committee to consider the formation of a new trade union federation. He also attacked reports that the two unions had walked out of the recent unity summit in Cape Town.

He had gone down on record many times in the past as supporting the idea of unity amongst trade unions. Unity, he said, was essential in the struggle of the oppressed workers of South Africa. 'It is an outstanding issue on the workers' agenda', Zini said.

Asked why then an alleged member of their delegation to the unity talks voted on their behalf against the feasibility committee, Zini said that the 'delegate', Donsie Khumalo, was suspended from the union in March. Khumalo, an official from the union's Pretoria branch, was suspended after 'irregularities' in the branch. Zini said that the union had informed all people who were in contact with Khumalo that he had been suspended. The union also released a press statement on the suspension.

Zini added that Khumalo has since returned the union's letter of suspension, and submitted his

resignation.

According to Zini, when he arrived at the Cape Town summit, Khumalo was there. He did not know why he was there, and added that he was not financed by the union. Zini said that Khumalo came over and sat with their delegation. Zini felt that as the unions' elected spokesman he should tell Khumalo that he was not there representing MACWUSA or GWUSA. Zini said that Khumalo didn't respond 'so I took it that he had accepted it'.

Asked why he did not inform the summit, Zini replied: 'There was a lot of tension in the meeting itself and I did not feel it was necessary for the summit to become involved with one union's internal problems'.

The unions' delegation left on the Saturday as they had to return to Port Elizabeth for their third annual congress. Zini says that he was the last speaker on the Saturday and before they left, he explained to the summit why they were leaving. 'My appeal to the entire conference was even if they didn't finalise the question of unity, the meeting should not end in disagreement like the last summit'. He said that he wished the conference success and extended the apologies of his unions for leaving to attend their own congress. The first time he knew that MACWUSA and GWUSA had voted against the feasibility committee was when he read about it in Monday's newspaper.

He questioned why the unions would want to vote against the committee as it was only looking into the feasibility of a federation, not committing the unions to any federation. 'At this stage all the unions will forward what they believe the basis of a federation would be. Why should we vote against this?'

Asked about MACWUSA's position on registration - the fact that some

of the unions present at the summit were registered was the reason Khumalo gave for voting against the feasibility committee - Zini said registration was still an important issue. 'You must understand what this registration means. It was designed by the government to maintain the apartheid structure. The government that made registration also made the pass laws... While there might be short gains, it is still encased in the apartheid structures', Zini said.

But he would not be drawn to comment if the registration issue would be a principle in federation talks. The unions would remain 'open minded' on the issue at possible future talks. He said that his unions had always kept an open mind on the question of unity.

He urged all other unions to do the same. 'Unity or a federation will never be achieved if all the unions go to the committee with hard and fast principles on how they see a federation working', he said.

On the question of how he saw unity or a federation working, he was not prepared to commit himself further than saying that there must be guiding and binding principles within the groupings. Without these, he said, a federation would not work.

If individual unions retain their complete autonomy, he argued, the situation would remain the same. Individual unions must be able to go to the federation with their problems, with the assurance that they will be helped or assistance given. Without guiding and binding principles, these problems could be ignored, said Zini.

He denied early reports that MACWUSA and GWUSA had decided not to attend the unity summit. Zini said that David Lewis, general secretary of the General Workers Union and convenor of the summit, wrote to the unions asking what they thought about the possible reconvening of the summit following the break up of the last one. Zini wrote back to say that MACWUSA and GWUSA supported the move, but there would be difficulty in attending because it clashed with their annual conference. He requested that, since they had set the date of their conference long ago in order to

invite speakers, the date of the summit be changed.

They then decided to attend the summit, despite the clash of dates. They thought the summit would come to a 'package' on the Saturday and that Sunday was set aside as a provision. Thus their leaving on the Saturday would not affect the summit.

Zini says Lewis did not respond to this request, but he next heard from Lewis about a letter allegedly sent by MACWUSA to Lewis. This letter, written on MACWUSA letterhead, stated that they would not be attending the summit as they would have nothing to do with 'white-dominated' trade unions.

Zini denies that this letter came from his unions and says that he issued local and international press statements disassociating MACWUSA and GWUSA from the 'insulting and degrading' letter. 'We have become accustomed to tactics such as this being used against us. It is designed to destroy unity amongst trade unions and further divide them', he said.

Zini said that their offices had been burgled, and letterheads could have been stolen. Smear documents had been falsely issued in MACWUSA's name before, and in the name of other organisations.

'All progressive people are subject to this. But it is ineffective as people are enlightened here - they can read between the lines... Sometimes we receive pamphlets from NAAWU (the National Automobile and Allied Workers Union). We can see that it is not NAAWU. NAAWU gets the same treatment. We contact each other to say that we have received them but we both disregard them', said Zini.

Asked what affect he thought unity would have on the relationship between MACWUSA and NAAWU, Zini responded: 'From our side we have never really attempted to compete with NAAWU. We have no bad feelings towards them'. He said that it was important that all unions went into the feasibility committee with open minds. 'This will be crucial at the stage where we will put forward our proposals and negotiate. There should be a resolution that will forward the basis of unity - a unity that will accommodate all groupings', concluded Zini.

MAWU Enters

the Industrial Council

Participation in the industrial council system is a controversial issue in the independent trade union movement.

TINA SIDERIS examines the thinking behind a recent Metal and Allied Workers' Union (MAWU) decision to join the metal industry's industrial council, and points to some potential dangers for the union.

Participation in the industrial council system has been a difficult issue for the independent trade union movement. The question has involved careful consideration of the concessions to be gained by joining an industrial council, as well as the consequences such a move could have for worker control and democratic practice within trade unions,

A recent decision by one of the largest independent unions, the Metal and Allied Workers' Union (MAWU), to join the national industrial council for the iron, steel, engineering and metallurgical industry has again raised some of these questions while also adding a new dimension to the issue.

The first section of this article looks briefly at the structures and operation of the metal industry's national industrial council (NIC), and points to some problem areas in the NIC. In the second section, MAWU's reasons for joining the council are outlined, together with a brief discussion on how the union views this decision. Finally, some of the problems likely to confront MAWU as a member of the NIC are raised.

THE NATIONAL INDUSTRIAL COUNCIL

The NIC covers about 8 400 establishments. It is made up of 45 employer organisations (combined in SEIFSA) and 14 trade unions (excluding MAWU). Twelve of these unions fall under the Confederation of Metal and

Building Unions (CMBU). The 'craft-dominated' CMBU is used as a forum for co-ordinating the proposals of individual unions.* Although there are usually more than 100 representatives for both parties at formal NIC negotiations, each party in the past has had a single spokesman - Sam van Coller of SEIFSA for employers and Ben Nicholson for employees. (MAWU refused to accept this system, and their whole NEC attended and spoke at their industrial council meeting).

The negotiation of technical schedules has been the means through which deskilling and job fragmentation have been achieved. (Technical schedules lay down the rates of pay for various categories of work in the industry). This has been an important area of bargaining between the craft-dominated (mainly white) unions and employers. Unions representing semi-skilled workers have argued that their interests have not been served on the NIC. The skilled workers have traded off the lower-paid categories of work in exchange for general increases. This illustrates not only the divisions among workers on the council, but also that these have been manipulated so that agreements have benefitted a small section of the working class and capital. More recently, parties to the council see the need to make some concessions to lower-paid workers so that the NIC might gain some credibility.

The NIC covers approximately 500 000 workers. Over 50% of these are African workers with no direct representation on the council. It is clear that the NIC is not representative of the majority of workers in the metal industry.

Centralisation within the council and bureaucratic procedures affecting

* Yster en Staal, and Steel and Engineering Workers' Union are not part of the CNBU. However, Yster en Staal participate fully in this forum.

member unions are less obvious than the NIC's unrepresentativity. The NIC has six regional councils (Transvaal, OFS, Natal, Border, Midlands and Cape), and is made up of representatives from the regional councils. The number of seats a union has on the NIC depends on the number of regions in which that union is represented. The national executive committee is made up of one nominee per union and an equal number of nominees from SEIFSA. The NIC employs a staff of 150 in addition to numerous boards of management for the administration of funds and sub-committees of the council. This structure is not only very large but is also bureaucratic, and to set it in motion involves a cumbersome process. For example, in the unfair labour practice case brought against Precision Tools by MAWU, the NIC secretary told the union's lawyer that it would take two months and thousands of rand to get the council to sit. As Dobson has argued,^{*} these structures encourage centralisation, increasing the dependency of rank and file members on union officials.

In the past the NIC agreement has been negotiated with no real worker participation, and has generally been policed by paid industrial council agents rather than representatives of workers such as shop stewards or unions.

Dobson looked in some detail at NIC negotiating procedures, illustrating the 'stylised' patterns that have been entrenched, as well as the centrality that negotiating expertise and inter-personal relations have come to play. Amongst the unions hitherto party to the council there is a complete lack of worker participation. On the whole these unions have traded off organisational principles in return for the retention of their privileged positions. Reliance on closed shop agreements and stop order facilities has resulted in an almost total absence of shop floor activity.

THE MAWU DECISION

MAWU recognised the problems of participation in the council, and for a long time resisted joining despite considerable pressure from management. Instead, the union concentrated on building a strong factory base,

negotiating plant-based agreements. In the early stages the union had to fight for management recognition. Post-Wiehahn, SEIFSA refused to negotiate with unions other than in the industrial council forum. Management tried to break MAWU by supporting parallel unions. This strategy was largely unsuccessful and by 1980 MAWU had signed several plant-based agreements. It became less of a struggle to gain recognition and the battle shifted to issues like dismissals and wages. After the 1981 wave of strikes MAWU experienced rapid growth. Shop steward councils grew and many of the strikes resulted in union victories.

1982 saw another wave of strikes. These were in support of higher wages but at the same time MAWU demanded that wage negotiations take place at plant level instead of the industrial council. Subsequent experience and developments were to alter this position held by MAWU. By this time, management had changed strategies and adopted a firmer attitude. Few of these strikes were successful. This change coincided with the economic recession (or perhaps recession enabled management to adopt a firmer attitude), and much harsher state action against migrant workers.

Although the strikes in each factory were in support of similar demands, MAWU had not consolidated its mass membership, and demands were taken up in a fragmented way, factory by factory. This enabled employers, backed by the state and recession, to hit the union factory by factory.

MAWU saw the need to mobilise its members to work as a united body, taking up issues across factory boundaries. In this way, well-organised workers in the major establishments who took up united demands could constitute a powerful force. Central to this would be some form of industry-wide bargaining.

An attempt was made to get employers to negotiate on a regional basis, for example on the east Rand where MAWU is representative of african workers in the industry. These attempts were however unsuccessful and employers continued to insist on negotiating at the industrial council.

MAWU had grown rapidly, and now saw the need to consolidate membership to make and support demands industry-wide. The union had been unsuccessful in its attempts to build industry-wide bargaining outside the NIC. Facing a recession and firmer employers backed

^{*} South African Labour Bulletin, 3(5).

by the state, MAWU was forced to rethink its position on the NIC.

MAWU views the NIC in a particular way - as a negotiating forum of secondary importance. The union wants to use the NIC primarily as a focus to unite workers' demands. Thus, proposals to be taken to the council will be fully discussed at general meetings and other levels of the union structure. This will allow members to unite around common demands. At the same time, the NIC will be used as a platform to establish MAWU as a real representative of black workers in the industry. The NIC has previously hijacked MAWU demands made to individual employers - for example, the R2,00 per hour minimum - and has used these demands to legitimate itself, especially to lower-paid workers.

In addition, MAWU feels that certain unions sitting on the council claim to speak for black workers but have not served their interests. On the council, MAWU will be able to expose this and give black workers a real voice within the NIC. MAWU has firmly stated that it will not be party to any agreement that its members disapprove of, and will not hesitate to declare disputes. If necessary, the union will withdraw from the council.

MAWU recognises that the council system contains many traps. They argue, however, that their history of strong shop floor organisation and commitment to democratic practice will help them overcome these. While minimum wages and employment conditions will be negotiated at the NIC, these will where possible be taken further at each factory. There are an abundance of other issues to be fought on the shop floor, the plant being the primary level of bargaining.

Here MAWU will face the same problems as before. Employers will continue insisting that the union negotiate most issues at NIC level, and will attempt to delimit strictly what is negotiable at the factory.

PROBLEMS FACING MAWU

There is no doubt that MAWU's participation in the industrial council system will test the strength of their shop floor organisation and its capacity to be sustained. In fact, one of the major problems likely to confront MAWU will be that members in the factories may begin

to relax and leave all negotiating to union officials. This will especially be the case if any substantial concessions are won at the industrial council. Certainly, the strengths and weaknesses of MAWU's shop floor structures will be shown up.

MAWU's decision to use the NIC as a focus for mass mobilisation goes some way to ensuring continued participation by membership. For to keep that focus and achieve large scale mobilisation the union will need full discussions at all union levels, together with effective report backs.

Report back procedures will almost definitely present problems, especially where these are held during negotiations. This is sure to encounter resistance. Firstly, the agreement is negotiated in Johannesburg, and distance will make reporting back slow and cumbersome. Secondly, negotiations happen relatively quickly, and reporting back to union members could slow down this process. Delays are likely to meet with resistance from other parties on the NIC. Thirdly, management usually dislikes the general workforce to have details of deadlock, and is likely to place obstacles in the way of report backs.

Having built up shop steward structures MAWU will be better placed to oppose this. The primary MAWU vehicles for reporting back will be local shop steward councils supplemented by local general meetings, with shop stewards in each factory reporting back to their members.

MAWU has made it clear that they will send worker delegates to the negotiating table. Dobson argues that the 'stylised' mode of negotiation serves to reinforce the status of officials in the unions, and that negotiating on NIC requires a thorough knowledge of the industry. This emphasises the expertise of officials and organisers. Sending worker delegates to the bargaining table does not necessarily mean that certain people in the union will not have to acquire these negotiating skills and expertise. The potential is thereby created for the rank and file to become dependent on skilled negotiators to make decisions based on their knowledge and skill. Accountability will here be of crucial importance. But the question is raised whether representative forms of democracy will begin to replace participatory democracy. It is true that

the same problems can emerge at plant level bargaining, with arguments around profits and productivity. Nevertheless, this remains a challenge at the industrial council where the union will be facing employers combined in SEIFSA, and perhaps hostile unions protecting privileged interests as well.

As a minority participant, the union may find itself needing to centralise so that its influence may be felt on the council. MAWU, however, would argue that this question approaches participation in the NIC from the wrong angle. Their primary emphasis will not be on wage negotiations but on exposing co-opted trade unions. The union also intends using the council as a platform to establish MAWU as a real representative of oppressed workers, and as a focus for uniting their demands. But the importance of negotiations cannot be underplayed especially since MAWU's demands will constitute the focus for uniting workers.

Once again the practice of worker control will be crucially important here. Before taking proposals to the NIC, MAWU representatives will have to obtain a mandate from general membership. At MAWU's first NIC meeting, no agreement was reached by the various parties,

and SEIFSA undertook to put forward new proposals at a future date. All unions apart from MAWU were prepared to receive SEIFSA's new proposal the night before negotiations were due to resume. MAWU, however, insisted on receiving the proposal in writing a week before negotiations began. This was to enable discussions on the SEIFSA proposal to take place at shop steward councils and general meetings, and to negotiate a worker mandate. This illustrates a difference between the practices of MAWU and the other union members of the NIC. These are the sorts of issues where MAWU's capacity to sustain worker control will be tested.

MAWU's approach to the NIC is important insofar as it represents a decision to consolidate its members and build a mass-based union which will eventually dominate key sectors of the industry. But participation in the NIC is not problem-free. For MAWU, the test will be whether the council can be used as a focus for mass mobilisation and as part of a strategy for consolidating a national industrial union. The crucial issue, however, will be whether MAWU can use the NIC without forfeiting hard-won shop floor organisation and the level of participatory democracy achieved.

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Swaziland:

South Africa's willing captive

Swaziland is one of South Africa's most reliable allies in the growing southern African conflict - and not only because of the grip South Africa has on the Swazi economy. For while Swaziland clearly is a South African satellite, there is little indication that the Swazi ruling group would wish to change this relationship.

Shortly after last December's raid on ANC targets in Maseru, Die Transvaler described all of southern Africa as an 'operational area' highlighting thereby the dramatic change that has come over southern Africa in the 1980s - the struggle for political change in South Africa has become a regional war.

In the last two years, South African military forces as well as hired security agents have undertaken aggressive acts in a number of neighbouring or nearby states, as well as across the ocean to the Seychelles.

This campaign, which Stanley Uys has described as one of 'segmental destabilisation' (RDM, 18.12.82), is the South African government's response to four major political developments in the last decade which together so altered the balance of political forces in the region as to threaten South Africa's overall regional dominance. These events were:

- a. the collapse of Portugal's African empire in 1974 and the overthrow of white rule in Zimbabwe in 1980 which brought into the region radical governments sympathetic to the South African liberation forces;
- b. the emergence of a powerful black trade union movement in South Africa; and
- c. the growing frequency and effectiveness of ANC operations inside South Africa.

Faced with this new situation South Africa found it could no longer rely for domination on its economic power alone and has thus had to resort increasingly

to military means not only to impose its will upon the whole region but also to protect the apartheid system itself.

The immediate aim of this campaign is to punish severely those who give assistance to the ANC and to 'dissuade' those governments which might be tempted to do so. However, the ultimate objective seems to be so to pressurise the governments of the region or so cripple their economies that their very survival will require the expulsion of the ANC from their territories. Thus will be recreated the pre-1974 regional 'cordon sanitaire'. And, for now, it has to be admitted that this South African offensive is a brilliant success. South Africa seems able to strike at will whenever and wherever it chooses and there seems nothing or no one with the will or the capacity to halt its aggression. The evaluation in the State Security Council in Pretoria appears to be that, if the Israelis can destroy west Beirut and get away with it, who will prevent its more limited operations in Maputo and Maseru? But the fact is that the states of southern Africa are being forced to their economic knees by the effectiveness and ferocity of the offensive, combined with the effects of the international recession and the sustained regional drought.

Already ANC elements have had to leave Lesotho and Swaziland while the Mozambican government is under severe pressure to withdraw ANC operational units from the south of the country as the price for South Africa clamping a leash on the operations of the Mozambique National Resistance Movement (MNR). To the spectacle of the Palestine Liberation Organisation (PLO) withdrawal from its frontline in 1982, could soon be added that of the ANC.

In this context of increasing conflict and political polarisation, this article analyses Swaziland's position and the role it can be expected to play as events unfold and then considers where the proposed land deal fits into South Africa

political masterplan.

To deal with these questions an analysis of the Swazi state and its political economy is necessary by way of background.*

COLONIAL RULE

Swaziland under colonial rule is all too often depicted as having been a neglected backwater of the British empire. Acquired for the strategic reason of protecting the eastern flank of British capital on the Witwatersrand, the argument is that capital had no essential interest in Swaziland itself and that colonial capitalism had only the most minimal effect on the social formation. In this regard the suggestion is that the Swazi experience was not dissimilar to that of Botswana and Lesotho. This view is a severe distortion of the reality of the Swazi colonial experience.

Albeit on a lesser scale, that experience was markedly similar to that of Southern Rhodesia in that it involved wholesale land alienation (the 1907 Land Proclamation stripped Swazis of their occupancy rights to 67% of the land and confined them to 32 so-called 'native areas'); the imposition of a crippling tax burden (Alan Booth elsewhere** has argued that the level of taxation of the Swazis was the highest in Anglophone Africa); penetration by both settler and multinational capital, the former of British and South African origin and the latter, up until independence in 1968, overwhelmingly British; large-scale proletarianisation of the Swazi peasantry involving both out-migration to the Rand mines and the eastern Transvaal farms and in-migration to the local centres of capital. The net effect of all this was that by 1968 Swaziland had been firmly integrated into the world capitalist system.

This naturally undermined the position and authority of the Swazi traditional rulers but the colonial state took care

*For a more comprehensive discussion of these questions see John Daniel - 'The Political Economy of Colonial and Post-Colonial Swaziland', South African Labour Bulletin, 7(6), April 1982.

**See Alan Booth - 'The Development of the Swazi Labour Market 1900-1968', SALB, 7(6), April 1982.

to ensure that this erosion did not go too far. At crucial stages the state intervened to bolster the hegemony of the traditionalists over the non-capitalist sector, as when in the early 1940s the British government gave the King a large cash grant to accelerate his programme of buying back the land of which the Swazis had been dispossessed. Through such initiatives and their own efforts, the traditional ruling strata retained coherence and entered the immediate pre-independence period as the single most powerful indigenous group and the natural claimants to state power. In this period Sobhuza formed a political party, the Imbokodvo National Movement (INM), and, in an alliance forged with settler and multinational capital, it captured all seats in the first post-independence legislature.

INDEPENDENCE

Constitutionally, Swaziland inherited the usual Westminster parliamentary framework with the King as figurehead monarch and real power vested in a bi-cameral legislature. The reality however was that effective legislative power was in the King's hands and the legislature did nothing without his stamp of approval.

The one area over which he lacked control was the judiciary and it was a decision of the Swazi high court to declare null and void a constitutional amendment enacted by the legislature which precipitated the 1973 constitutional crisis. The King's response to the court's decision was to revoke the constitution, dissolve parliament, ban all political parties including his own INM, introduce a state of emergency including provision for detention without trial for 60-day periods, announce the formation of a national army and assume all executive, legislative and judicial powers. Some years of personal rule (through the Council of Ministers) ensued, giving way in 1979 to a new state form by which real power remained vested in the King and the Likoqo (an inner council or executive of the Swazi National Council, a body to which all Swazi males belong) but whose decisions are enacted as legislation by a resuscitated parliament comprised of carefully chosen traditionalists. A cabinet headed by a Prime Minister exists but it has never been a powerful policy-making body. Its primary function is to administer, through the civil service,

decisions made by others in the traditional power structure.

Sobhuza's death in August 1982 removed a towering and revered figure from the political arena while of course creating a major power vacuum. It has been filled by a three-part collective structure: The first is that of the Regency headed by the Queen Regent Dzeliwe and which includes the new office of the Authorised Person. This innovation within the traditional institutional framework is perhaps best described as a special advisory position to the Queen Regent. Its incumbent is Prince Sozisa, for years one of Sobhuza's closest advisors and a major figure in the ranks of the traditional politicians; the second is the Liqoqo with 16 male members, the great majority of whom are either Princes, Chiefs, Councillors or Ndvunas, with actual or close ties to the royal family while the handful of commoners were all long-standing allies of the late King. Under Sobhuza the Liqoqo functioned in near anonymity but today it is a highly visible body. Its members were sworn in by the chief justice, they are salaried, they feature prominently in the local media and, without question, constitute the centre of state power in the post-Sobhuza era. It is not for nothing that the local press frequently describes Liqoqo as 'The Supreme Council of State'; completing this triangular power structure is parliament and the cabinet whose function remains as it was under Sobhuza. Despite a remarkable independence of expression by some of its backbench members, parliament essentially rubberstamps into law the Liqoqo's decisions with the cabinet seeing to their implementation. The recent political crisis in Swaziland was largely prompted by former Prime Minister Mabandla's attempts to alter this subordinate position of the cabinet. His abrupt dismissal has served only to confirm that the cabinet and parliament will remain excluded from the arena of effective policy making.

STATE POWER AND THE TIBIYO FUND

Basically this new Swazi state amounts to the imposition over the whole society of the longstanding traditional structures of power which under colonialism were restricted to the non-capitalist sector. Co-existent with this vertical spread of

traditional power has been a second important change - the development by the traditional rulers of a material base in the capitalist sector of the economy. Under colonialism they had no such base as the capitalist mode of production was kept under exclusive foreign domination and control. Responsible for this change was Sobhuza's skilful use of a power given to him at independence, namely, control over Swaziland's mineral wealth.

Shortly before independence he established the Tibiyo Taka Ngwane Fund as the depository for all monies from mineral royalties. As capital accumulated in the Fund, he nominated a committee to manage it. Amongst the uses made of Tibiyo's capital has been:

- i. the purchasing of freehold land as part of the programme to restore the land to Swazi control. Much of this land has been used for agricultural schemes, the most notable of which is the Simunye project which has hugely increased the acreage under sugar cultivation. This project is managed by the British multinational, Tate and Lyle;
- ii. the acquiring of shares to establish joint ventures in a range of businesses including all the major multinational corporations operating in Swaziland (such as the Commonwealth Development Corporation, Lonrho, Anglo American, Cortaulds, Turner and Newall, Rennies, etc);
- iii. the launching of new business ventures such as Tibiyo Insurance Brokers (in conjunction with Hill Samuel) the Royal Swazi National Airline (originally in conjunction with Alitalia and Fokker) and brick manufacturing under the management of a major British concern.

Tibiyo has thus emerged as the major vehicle for domestic capital accumulation in Swaziland, but the point to note is that this revenue does not accrue to the Ministry of Finance but to the traditional rulers. Furthermore, Tibiyo is exempt from the payment of taxes and its operations are not publically accountable to parliament. Its six trustees include three Princes of the royal family (one of whom is the Prime Minister while the other two are members of the Liqoqo) as well as the former private secretary to the late King. Its management committee is headed by Dr Sishayi Nxumalo, one time cabinet minister and roving ambassador for the King and one of the handful of Swazi politicians to be involved in the land deal negotiations.

The other point of note is the close working relationship which has developed between Tibiyo and foreign capital. In fact, Tibiyo has grown from a bank account into a royalist-controlled capitalist corporation operating as junior partner in a growing and spreading alliance with multinational capital.

When Tibiyo first began the process of acquiring equity, it concentrated on the large multinationals involved in mining and agri-industry. More recently it has widened its operations and is now involved in the hotel-gambling sector (Rennies), the breweries (South African Breweries), forestry, travel and insurance as well as printing and publishing, including the production of its own weekly newspaper, The Observer (reportedly set up with the help of personnel from Tiny Rowland's Lonrho operation in Zimbabwe). Presently it is negotiating for shares in the largest internal haulage company in Swaziland, the British-owned Swaziland United Transport. It is also branching out into the manufacturing sector with a recent agreement to make both clay and straw bricks in conjunction with two British firms while plans are afoot to manufacture guava juice and marmalade.

Clearly then Tibiyo is spreading its net vertically into all sectors of the economy and, as it does so, the traditional rulers consolidate their economic power. In classic marxist terms, Tibiyo can be analysed as a comprador element, an intermediary between those who exercise effective state power in Swaziland and foreign capital. Put another way, Tibiyo represents the means whereby the traditional rulers have become capitalists.

Thus state power in Swaziland can be analysed in these terms. Political power rests firmly in the hands of a traditional aristocracy, headed by a monarch and enormous royal family and resting on an elaborate network of chiefs, indvunas and headmen - a power structure not unlike those in South Africa's bantustans. Like those 'homeland' governments, the Swazi regime is conservative, anxious to preserve traditional custom and culture as part of a general desire to maintain the status quo. It is opposed to radical ideologies which advocate mass political participation and an alternative economic order to that of capitalism.

As such it is ideologically anti-communist, far more so than either Botswana or Lesotho where diplomatic ties exist with some of Cuba, China, the Soviet

Union and other socialist states. Swaziland has no such radical ties beyond a necessary and diplomatically correct relationship with its neighbour, Mozambique. Its other diplomatic ties in Mbabane are with such anti-communist nations as Taiwan, Israel, the United Kingdom and the United States.

Likewise, the regime is committed to capitalism in a particularly purist form. It shares the 'fruits' of capital's presence in Swaziland via Tibiyo while it sees government's role as being to provide the wherewithal for capital's essential task of accumulation. Recently, in a speech which could well have been written by Adam Smith, former Prime Minister Mabandla described government's role in the economy as 'largely limited to providing the physical infrastructure needed for private enterprise to flourish and it is intended to keep it that way' (Times of Swaziland, 08.12.82).

SWAZILAND AND SOUTH AFRICA

What this means is that in the ideological divide between capitalism and socialism in southern Africa, Swaziland stands firmly in the former camp. From this the assumption can be made that the present Swazi ruling order probably perceives a more serious threat to its survival from the spread of Mozambican-type socialism or the emergence of an ANC government in South Africa than from the continuation of the apartheid regime in South Africa. In fact, Swaziland is South Africa's most reliable partner in the whole regional network of states and in a situation where it may have to take sides between the interests of the present regime in South Africa and those of the ANC it will choose the former.

The critical point to understand is that this decision is prompted not only by the likely adverse consequences of siding with the ANC, nor just by the fact of Swaziland's structural integration into the South African economy, but also by ideological factors - the fact that in huge respects the Swazi and South African ruling classes view the world through the same eyes, between the two there is an ideological harmony of interests.

This was clearly illustrated when the Swazi Commissioner of Police justified his recent banning of a meeting scheduled for Mbabane of the Federation of the

Evangelical Lutheran Church in South Africa on the grounds that 'these people were going to use their meeting as a platform to criticise South Africa. Also on their agenda was how they would assist liberation movements fighting South Africa!' (Times of Swaziland, 07.04.83). This ideological factor should not be construed to mean that the Swaziland government endorses the racism that is inherent in the apartheid system. It does not. It has always abhorred racial discrimination in South Africa and is genuinely committed to the non-racial ideal. Where it sees eye-to-eye with South Africa's rulers is in a mutual conception of how power should be held and exercised, a mutual belief in capitalism, and a shared perception of the so-called 'Soviet threat' to southern Africa and other aspects of foreign policy.

The octopus-like grip which South Africa has on the Swazi economy serves to reinforce the ideological bond while also giving Pretoria an array of potentially coercive mechanisms with which, should it be necessary, it could bend Swaziland to its will or, at least, ensure that Swaziland does nothing to jeopardise its security. Some of these mechanisms are:

a. foreign ownership and/or control of the economy - the Swazi economy, like all Third World capitalist economies, is overwhelmingly owned, controlled or managed by outsiders and, within the constellation of capitalist forces in the economy, South African capital has eclipsed British as the most powerful.

Today British capital dominates only the banking and agricultural sectors while South African capital virtually monopolises manufacturing, mercantile trade, tourism, transportation and communications, while holding a sizeable stake in the mining industry. The extent of the South African involvement in the Swazi economy can be illustrated by the fact that in every year since independence South Africa has supplied Swaziland with just over 95% of its imports by way of the transportation monopoly held by the South African Railways (SAR) over freight haulage in and out of the country. Visitors to Swaziland often express amazement at the array of goods available to the consumer. One can buy virtually anything in Mbabane while in many other African countries one can buy virtually nothing, sometimes not even basic commodities.

Why there is this plethora of goods is that Swaziland's wholesale and retail sectors are simply extensions of the South

African mercantile market. Metro monopolises wholesale trade while the OK Bazaars, Spar chain and Dee Bees are the largest retail outlets.

Two politico-economic consequences flow from this. One is that collectively South African capital is a major employer in the economy, probably second only to the sugar industry in which South Africa is not involved. The other is that it is the South African presence that provides, in a material sense, 'the good life' in Swaziland, not to mention the not inconsiderable trade generated by Zambian and Mozambican residents on their frequent shopping incursions. In a situation of rapidly rising unemployment in Swaziland, any significant withdrawal by South African capital would have grave consequences while the accompanying decline in living standards would seriously affect the urbanised and westernised classes. These developments are some that the Swazi rulers are anxious to avoid, which means they cannot afford to alienate the South African government or allow events to occur or develop which could affect adversely the investment climate;

b. transportation links - mention has already been made of the SAR's (now SA Transport Services - SATS) near monopoly over Swaziland's import and export traffic. The only dent in this situation has been the small flow of goods through Maputo harbour by way of what was from 1964-80 Swaziland's only railway, running from near Mbabane to Maputo. Given the short distance between these two points and the fact of Mozambique's recent decolonisation logic would have led one to expect an increased use of this line as a way of reducing dependence on the South African connection. This, after all, is an explicit goal of the Southern African Development Co-ordination Conference (SADCC) of which Swaziland is a member.

However, Swaziland has moved in a directly opposite direction, consolidating reliance upon the South African connection first by constructing a new railway from the centre of the country to Richards Bay, and then by a recent decision to extend that line northwards to link up with the South African rail system at Komatipoort. The costs of this project will be shared with each government financing the stretches on their respective territories, but the whole line, including the 80kms inside South Africa, will be managed by Swazi Railways.

The line will carry South African phosphate, coal and citrus through

Swaziland to Richards Bay, as well as sugar from Mhlume in Swaziland, previously exported via Maputo. One result of this link will be the increasing integration of the Swazi and South African rail systems and the diversion of Swazi exports away from Mozambique to South Africa. A second would be that as Swaziland's need for the Maputo link declines, it would become increasingly vulnerable to South African attack as a means of still further depriving the Mozambican government of the vital foreign exchange earned by Maputo harbour;

c. the South African Customs Union (SACU) - Swaziland has been a member of this four-party union since 1909. It operates on a unanimous consent basis and the dissenting vote of one party can forestall any agreement. Analysis of the use of this veto power shows that it has been exercised more often by South Africa than by the other three parties together, which is not surprising given the 'David and Goliath' nature of the relationship between the BLS countries and the Republic. In recent years South Africa has used the veto to block the development of industries in the BLS countries which could rival established South African concerns. (It blocked, at least for an initial period, construction in Swaziland of textile, fertilizer and television component plants. Ultimately the latter two were built*).

While one could interpret South Africa's actions in terms of protectionist economics, it would be equally plausible to see them as part of a design to maintain the subordination of the BLS economies.

More recently the Pretoria cabinet blocked a new sharing formula painstakingly negotiated over 18 months by an all-party group. The new formula stood to increase the BLS share of SACU's revenue. Explaining his government's actions, PW Botha stated 'we see the Customs Union not in isolation, but as part of a comprehensive regional development strategy'. Interestingly this statement was made at the 'confederation summit' of

*Referring to these incidents, the General Manager of the National Industrial Development Corporation of Swaziland, Walter Dlamini, was quoted a year ago as saying: 'In my experience at the NIDCS, I have found that the present Customs Union arrangement is, to a major degree, an impediment to the desired industrial development of Swaziland' (Swazi Observer, 13.03.82).

South Africa with its 'independent homelands', and it seems clear that the Customs Union agreement has become a key instrument of South Africa's overtly interventionist foreign policy in the region. The suspicion exists that the bait of increased revenue is being used to pressurise the BLS states either into accepting the bantustans into SACU and thereby conferring a degree of international recognition on them or of drawing BLS in a de facto manner into the constellation of states framework, or, and this seems most likely, of integrating them in some way into the new regional 'deconcentration' strategy.

This would have the effect of increasing the degree of economic integration in the region under South African domination which, in turn, would add to South Africa's political leverage over the region. Whatever the case the BLS countries face an agonising dilemma as their share of Customs Union receipts constitute huge and vital sources of revenue - in 1981/2, 71% of the Lesotho government's total revenue, 63% of Swaziland's and 37% of Botswana's.*

Could they really afford not to dance to Pretoria's tune?

d. other integrating devices - a host of other factors exist to deepen Swaziland's reliance upon South Africa. Some of these are:

- i. electricity and fuel supplies - in 1981 Swaziland imported 68% of its electricity requirements from ESCOM. A major hydro-electric project presently under construction will only reduce that dependence to 50%. As one government official once told me 'South Africa can literally turn out the lights in Swaziland'. It could also bring the country to a standstill for South Africa is Swaziland's sole supplier of fuel. There has been talk in recent years of importing fuel through Maputo but nothing has actually been done to diversify Swaziland's fuel dependence.
- ii. citrus exports - canned and citrus fruits constitute Swaziland's fourth largest earner of export revenue and the industry is the country's largest employer of female labour. It is an important sector of the economy and one controlled by the Swaziland Citrus Board.

*For further details on SACU and the new revenue-sharing formula, see 'South Africa stalls on Customs Agreement', in African Business, (53), January 1983: 16-7.

By agreement between the Swazi and South African governments, the Board markets its fruit through the South African Co-operative Citrus Exchange, which is responsible for marketing policy, and the distribution, promotion and sale of the fruit, both in South Africa and in Swaziland's main overseas markets.

iii. employment - by comparison with Botswana and Lesotho, the flow of migrant labour to South Africa's mines is relatively low. At its peak in the late 1970s, Swaziland supplied 28 000 miners. The present figure is around 14 000. However, added to that figure must be an unknown but not insignificant number of Swazis working as migrants on eastern Transvaal farms. With the rising level of unemployment in Swaziland already causing concern and with less than half of school leavers now being absorbed into the wage economy, any cutback in the migrant flow to South Africa would exacerbate a serious problem. Swaziland cannot therefore risk South Africa's wrath and suffer the expulsion of its labour, as has been the fate of Zimbabwe and, to a certain extent, Mozambique.

SOUTH AFRICA'S SATELLITE

The conclusion then that follows from all of the above is that Swaziland exists as a satellite of South Africa.

So too, of course, do Botswana and Lesotho but there is a difference. While there is probably little of significance which the BLS countries can do to extricate themselves from the mesh of South African economic domination, there is little evidence that Swaziland seriously wishes to do so - which is not surprising given the ideological bond which exists between the two nations.

This difference was illustrated by the BLS governments' reactions to the Maseru raid. Botswana and Lesotho were unequivocal in their condemnation of Pretoria but from Swaziland there was not a word of explicit criticism. The Swazi Minister of Foreign Affairs, Richard Dlamini (chief negotiator for Swaziland on the land question), described the raid as 'a terribly sad and tragic example of what can result from lack of tolerance, understanding and above all, the lack of dialogue' and stressed his government's determination 'not to allow people who come to our country under the camouflage of refugees and accept our hospitality to use our peaceful land to launch attacks on our neighbours with whom we wish to live in peace' (Swazi

Observer, 18.12.82). It does not seem unfair to suggest that what Minister Dlamini was saying to the ANC was 'you got what you deserved'. The Minister's statement did, however, earn some local criticism. During the recent budget debate on the Ministry of Foreign Affairs in the Swazi parliament, a backbench MP, Prince Maquba, queried whether the Minister consulted his cabinet colleagues before making statements and then went on to state that 'the raid was particularly painful because it was a white regime attacking black people. It was, therefore, especially sad that the Minister appeared to be congratulating the South African government for that incident' (Times of Swaziland, 30.03.83).

THE LAND DEAL

Turning to the land deal and in a regional context of domination and subordination, the question arises as to how one is to analyse a scheme whereby the dominant nation proposes to give its appendage chunks of its territory while simultaneously requiring many thousands of its citizens to risk their lives elsewhere by defending the country's borders?

The negotiations over this land deal have been shrouded in secrecy and the South African government has not explained its motives beyond Minister Koornhof's improbable notion of 'correcting history' and 'uniting peoples who belong together'. In the absence of official expressions, one is left with speculation. Amongst the various motives advanced, two relating to South Africa's foreign and strategic policies seem most favoured.

The first sees the plan as an attempt to lure Swaziland into the constellation of states. This would have the advantage both of rejuvenating the constellation plan as well as of weakening SADCC which, as Peter Vale argues, Pretoria regards 'very negatively as a counter-constellation which threatens the country's traditional firm economic grip on the sub-continent. The Government may be looking to detach Swaziland from SADCC and favour it economically, so that the alliance of black states loses credibility' (Star, 09.08.82). The second analyses the scheme from the perspective of the so-called 'total strategy' and views it as a means of 'persuading' Swaziland to take action against the ANC so as to close off its use of Swaziland as a conduit.

My view is that these are only the

incidental and secondary benefits which South Africa could derive from this scheme because, as I have tried to demonstrate, if it wanted to secure these objectives it is hardly necessary to take so drastic a step as ceding territory to get a pliable client like Swaziland to fall into line with its wishes. I believe the primary motivation lies elsewhere and is to be found in the context of apartheid's grand design to impose 'independence' on its 'homelands' and thereby denationalise the african majority of South Africa. The problem that faces its architects is that certain stubborn 'homelands' refuse to 'play the game'. Two of these are KaNgwane and KwaZulu and Pretoria has come up with typically draconian proposals to deal with their resistance.

Most drastic is the complete elimination of KaNgwane by giving it to Swaziland. This way its denationalisation objective is realised with some 800 000 South African Swazis being removed from the citizenship roll. The transfer of the Ingwavuma region will not solve South Africa's 'KwaZulu' problem but it would be an effective way of pressurising and warning Gatsha Buthelezi of the adverse consequences of his continuing to frustrate apartheid's plans. In short, the Swazi land deal is part of a scheme to further a key aspect of the National Party's domestic policies as well as being a 'stick' with which to beat a stubborn 'homeland' leadership.

As interesting as speculation as to Pretoria's motives is to ask what is in this deal for Swaziland? Why risk international opprobrium, including possible expulsions from the OAU and SADCC, by being seen to 'get into bed with apartheid' to gain two pieces of territory which are realistically little more than rural slums - areas into which hundreds of thousands of South Africa's 'surplus citizens' have been dumped, in which unemployment is massive and per capita incomes pitifully low. Moreover, in both there seems to be overwhelming opposition to the transfer amongst the residents, an opposition which in KaNgwane is organised by an articulate, non-aristocratic politician into a political movement which embraces the goals of the ANC, if not its methods. This organisation and its leader would not easily be assimilated into a systematically depoliticised society like Swaziland. So why does Swaziland want it?

The answer lies in the political

ambitions of the late King Sobhuza. His three over-riding goals were to regain the political independence of his kingdom, redress the pattern of land ownership inside the country in favour of the Swazis, and to reunite the Swazi people.

The first two he had achieved; the proposed border adjustments offered the chance of at least partially fulfilling the third. In this he had the support of most of his people who, like the Argentinians in the case of the Malvinas, see the return of these 'lost lands' as a partial redress of an historical injustice. And such was the King's standing in the eyes of his people that he legitimated the land deal and enabled them to disregard its negative implications. For the South African government and other protagonists of this deal, Sobhuza's death was particularly inopportune as it robbed the scheme of much of its legitimacy. Given that factor and the degree of opposition inside South Africa, the plan, as originally conceived, is probably dead. At most only a compromise version can emerge from the Rumpff Commission which could also, like the Pearce Commission ten years ago in Rhodesia, scuttle a scheme overwhelmingly rejected by those whose lives will be most vitally affected by it and who were never consulted in its conception.

RECENT EVENTS

Some observers have suggested that the recent Swazi crackdown on the ANC indicates a hidden security factor in the deal. It is impossible to know if this is the case although it would not be unreasonable speculation. My view, however, is that this crackdown would have happened anyway, land deal or not.

And here again Sobhuza's death has made a difference. Sobhuza had a long historic association with the ANC and is known to have respected its top leadership. As such, he was prepared to allow a limited ANC presence in the country provided Swaziland was not used as a springboard for attacks on South Africa. However, as the tempo and effectiveness of ANC operations increased and evidence mounted that Swaziland was being used as a transit route for ANC guerillas, Pretoria increased the pressure on the Swazi authorities.

The first 'casualty' was the longstanding ANC representative in the

country, Stanley Mabizela. This highly regarded official was forced to leave the country early in 1982 after direct talks between the then Swazi Prime Minister and the ANC in Lusaka. Three months later Mabizela's deputy, Petros Nzima, and his wife, Jabu, SACTU's regional chief, were killed in a car bomb explosion. No replacements for these officials were allowed to enter the country. It is known that at this time (mid 1982) the Swazi security police had wanted to do a 'PAC' and round up and expel ANC members from the country.*

Sobhuza prevented this. His death removed that obstacle and the Maseru raid provided the pretext. Under the guise of 'protecting' the lives of ANC members and innocent Swazi citizens, those who comprised the organised infrastructure of the ANC presence in Swaziland were rounded up and shortly thereafter most agreed to leave 'voluntarily' for Mozambique. Some of those detained remain in Swaziland but the ANC presence in Swaziland is a mere shadow of what it was 18 months ago.

The recent dismissal of Prime Minister Mabandla has weakened that faction of the Swazi political establishment who shared the late King Sobhuza's

*In April 1978, Swazi authorities detained at least 50 PAC members resident in Swaziland. A number of those detained were declared prohibited immigrants, and expelled from the territory. Others subsequently left Swaziland for other countries. The PAC presence in Swaziland was largely crushed through this.

sympathetic attitude to the ANC. The power struggle that produced Mabandla's political demise was not a reflection of profound ideological differences within the Swazi power bloc. What Mabandla was trying to do was to weaken the Likoqo's monopoly over policy making, in favour of a stronger influence for the cabinet. Had he succeeded the major impact would have been on domestic rather than foreign policy, with one major exception - the land deal.

The recent infighting shattered the impression of Swazi unanimity over the proposed border adjustments. It appears that Mabandla was actually opposed to this deal but for reasons never made clear. A triumph for Mabandla would likely have been the final nail in the coffin of this scheme. His eclipse will have no effect on the ultimate fate of KaNgwane and Ingwavuma, but it has strengthened the political grip of the more conservative faction in Swazi politics. The result will likely be a deepening of the political and economic links with South Africa, greater co-operation on security issues and a more hostile attitude towards the ANC and political refugees in general. Swaziland will continue to claim that its attitude towards the liberation war in South Africa remains one of neutrality but the fact is that in 1982 that position shifted significantly away from neutrality and towards the interests of the status quo in South Africa.

Given the ideological and structural factors in the South African-Swazi state relationship, no other position could realistically have been expected from the Swazi rulers●

Get Ahead

'South Africa's first black-owned promotions company, Get Ahead, is to be launched next week, with some of Soweto's leading personalities on its board of directors ...'

- Press release

Just how black is 'black-owned', and why does it matter anyway?

The Get Ahead launch came at a time of intense competition between rival interests for african township business development.

Get Ahead (GA) has a veneer of blackness. While it has a white (and presumably temporary) general manager, and a couple of white directors, its 'leading personalities' include Committee of Ten chairman Nthato Motlana, 1976 teacher boycott leader Lekgau Mathabathe, Kaizer Chief's Kaizer Motaung, black consciousness lawyer Ratha Mokgoatheng, and shebeen boss Lucky Michaels.

'Black-owned' companies hide what appears to be a well thought out strategy by white business interests to get into the townships without facing too much opposition from aspirant township businessmen and traders.

PW Botha's supposedly reformist administration, with its concessions to the permanence of some urban african residence, has offered encouragement to developers of business enterprises in urban african townships. Broadly, two forms of township business development have emerged.

One, defined loosely as 'black-owned', has been led by black entrepreneurs grouped in the main around the African Bank and organisations affiliated to the National African Federated Chambers of Commerce (NAFCOC).

This group has strong links - through NAFCOC boss Sam Motsuenyane - to BophuthaTswana and its development corporation, and stresses the need for fully african-owned businesses in

the townships. They argue that the Group Areas Act excludes african businesses from operating in white areas, thus denying them the right to compete fairly on the open market. In turn, their argument continues, black entrepreneurs should get similar protection from white business interests in the townships. Without this protection, they say, black business ventures can never succeed.

This one-way protection system is 'grand apartheid' at its most insidious, they argue. And for a whole stratum of township dwellers - reared on a decade of black consciousness - their argument is getting a very sympathetic hearing.

This sympathy is based on the seldom stated (and seldom challenged) assumption that what is good for one black person is good for all black people.

'The success of one black person will always percolate downwards', an otherwise critical journalist told the author. 'Veli Kraai (head of Soweto's Chamber of Commerce and main Soweto advocate of the blacks-alone approach) has a responsibility to us - black people - for making his success possible, and will repay us for our support'. Quite how he implements this 'repayment' isn't clear, but the links between Kraai and other entrepreneurs to civic organisations like the Committee of Ten, and their lip-service to widespread opposition to community councils has certainly helped confuse their actual position.

Ranged against the 'we-alone' school of black enterprise are those who have allied themselves with white business to enter township economies.

An early example of this second approach was soccer-star turned club-owner Jomo Sono, with his Kentucky Fried Chicken franchise in Soweto. Sono got in ahead of the blacks-only tidalwave, thus attracting only mild criticism for his joint venture with white business interests. More recently

businessman John Mavuso's 51 - 49% joint venture with Checkers supermarket in Soweto caused hostile opposition from Kraai and his supporters - opposition so intense that Pick 'n Pay's Raymond Ackerman delayed his entry into Soweto.

The Reef's two main black-reader papers, Sowetan and City Press, featured these criticisms prominently. There was a bland assumption, particularly in the Sowetan, that because Kraai was using the rhetoric of black advancement, his bid for township profits was somehow cleaner than that of Checkers. Community council chairman David Thebehali entered the fray on the side of the joint venture advocates, and warned the Kraai faction to shut up or have their own, less publicised joint ventures exposed. When Thebehali made good his threat and began releasing details, the uproar de-escalated to a hostile murmur.

The point of this particular episode is not the ambiguous position adopted by Soweto's Chamber of Commerce - although it is a point the blacks-only school might well ponder on. Most township enterprises - whether joint venture or black-only - produce or sell goods or services. And for black consumers it is immaterial whether they buy from black or white shops. Indeed, because most of the joint ventures are launched by white supermarket chains, their prices are often lower than the corner store prices of blacks-only ventures.

Yet black consumers are being mobilised - with the help of the black-oriented media - to support the blacks-only ventures, to support that branch of capital which will serve them, as consumers, worst.

While neither side in the township business dispute is acting in the interests of township residents, one side has successfully appropriated the rhetoric

and symbolism of black consciousness to further its own interests. The fact that Kraai and his allies are black makes them, in BC's restricted rhetoric, right, even when their prices are higher.

Get Ahead Promotions is merely a variation on the same theme - but with the distinction of having white money behind a 'black-owned' venture.

GA was launched in March this year with no capital. While all the company's directors may be highly successful in their own fields, none - with the possible exception of Michaels - have the kind of capital necessary for a major promotions company.

But unlike most promotion companies, GA had secured contracts with some of the country's biggest - white-owned - companies, even before it officially existed. Among them are Premier Milling, United Tobacco, Barlow Rand and Cadbury Schweppes. Barlow's, in particular, is a conglomerate with fingers in almost every branch of commerce and industry operating in South Africa.

It was Premier Milling's far-sighted Tony Bloom who, in the wake of the 1976 unrest, snapped up teacher leader Mathabathe to promote Premier products in the townships. And it was Bloom who gave Motaung's Kaizer Chiefs the sponsorship that put the name 'Iwisa' on the chests of the best-known soccer players in the country.

And, lest we forget, it was Premier Milling which, because of its refusal to stop delivering flour to Fattis and Monis during the boycott of that company, almost faced a national consumer boycott of its own products.

Quite how the directors of Get Ahead would have dealt with a consumer boycott of one of their major clients is a scenario too ghastly to contemplate.

Driefontein

- exception or rule?

The police shooting of Saul Mkhize has again focused public attention on removals. GERHARD MARÉ examines the case of Driefontein and provides background on 'black spot' removals.

The danger of focusing attention on the individual cases of relocation in South Africa is that it detracts from the social and structural characteristics of removals in the country.

However, it is through the individual cases that the overall statistics are given a human dimension. The research that has been done on this disastrous policy of the central state indicates that several million people have been affected over the past 25 years or so, a figure that is difficult to grasp in terms of the misery that it has meant on the individual and community level. It is the function of social investigations to reveal the full dimension of the policy of population relocation.

IN COLD BLOOD?

On Saturday, 2 April 1983, Saul Mkhize, community leader at the Driefontein farm was shot dead by constable JA Nienaber. The constable used a shotgun loaded with number one shot. The Driefontein farm is one of several in the area under threat of removal.

There are two publicised versions of the shooting: this is what the police have had to say through police Minister Louis le Grange - constables Nienaber and MC Khumalo 'attended to a complaint that an illegal meeting was being held at Gabangane school in the Driefontein district'. The police found Saul Mkhize addressing a meeting of about 500 people, and told him to disperse the people as the meeting was illegal. (Open-air meetings have been declared illegal, if held without permission, in terms of

what is now the Internal Security Act. This prohibition came into effect after the 1976 uprising in Soweto and has been periodically renewed, the last time being just before the meeting at which Mkhize was killed).

'The crowd became riotous and the constables had to retreat because it seemed their lives were in danger.' Nienaber's revolver was taken from its holster. He was hit with it and hit with kieries. He then donned a gas mask, fired two tear-smoke cannisters and thus made his way to his vehicle, saved from injury by the gas mask that was smashed by kierie blows. A warning shot was fired with his shotgun, but it had no effect. Nienaber, therefore, fired into the crowd, killing Mkhize instantly - whereupon the crowd dispersed.

There is another version. This is from the Driefontein residents, through PFP MP Helen Suzman, the Black Sash, and various newspaper articles. This version goes like this - Saul Mkhize appealed to the crowd who had gathered to protest at their impending forced removal to KwaZulu and KaNgwane to remain calm. The meeting had been called to tell the community about arrangements that had been made for the drilling of boreholes in the village; and to discuss a prior meeting at which Co-operation and Development (CAD) commissioner Prinsloo had refused to answer questions on the removal. A protest petition was also to be signed at the meeting.

The crowd had become angry at the arrival of the two policemen and their demand that the meeting be ended. Mkhize's stepmother said that only about 200 people were present, and that the meeting had not yet started when the police arrived. Saul Mkhize spoke to the police, asking to be arrested himself 'rather than force the people to leave'. The police fired three teargas cannisters according to a witness, but only one exploded.

After a scuffle (an attempted arrest?) involving Nienaber and Mkhize, the constabl

broke free, left the school enclosure, took the shotgun from his vehicle, and fired two shots. One hit a tree at about waist height, and the other killed Saul Mkhize.

Helen Suzman disputed the 'frenzied mob' story put out by the police. She said that Mkhize had been shot dead 'after the crowd had dispersed when he was about 15 metres from the policeman and on the opposite side of a 1,8-metre fence ... "There could not possibly have been any danger to the police"'.

THE HISTORY OF A 'BLACK SPOT'

An 1855 resolution 'had precluded anybody who was not a burgher from owning land in the Transvaal, and had also precluded natives from burgher rights' (Davenport and Hunt, 1974:40). This was changed after annexation in 1877 of the Transvaal by the British (carried out from Natal by Sir Theophilus Shepstone), and the Pretoria Convention which restored the Transvaal to Boer rule after a successful rebellion.

This Convention laid down that 'Natives will be allowed to acquire land, but the grant or transfer of such land will in every case be made to, and registered in the name of, the Natives Location Commission'. In 1905 the right to own land by africans was asked for in court, and the registrar of deeds was compelled to transfer land to africans by the judgement. This gave security of tenure to africans, for all of eight years as the case was to be. It was in this interim period, before the passing of the 1913 Land Act and freezing of acquisition of land by africans from whites, that the farm Driefontein and others were bought by africans.

Africans were, as groups or tribes or families, buying farms, some of which became available from whites who had been ruined by the Anglo-Boer War. In evidence to the 1916 Beaumont Commission a Field Cornet from Hex River said: 'During the last four or five years the natives have bought a good deal of land. They paid a very high price for it. Then some Europeans were ruined through the war and had to borrow money; they could not return the money in time, and consequently often had to sell, and usually they got better prices from the natives than from the Europeans. If they could buy today there are natives who would buy land' (in Davenport and Hunt, 1974:40-1).

It appears that efforts to buy land

in the Amersfoort district by the ancestors of the present residents began in 1909. The Black Sash document (see references) writes of the sale of cattle by some 60 africans, in order to raise money for the purchase. However, it was attorney Pixley ka Isaka Seme and his Native Farmers' Association of Africa Limited that bought three farms from farmer Willem Gouws.

These were parts of Driefontein, of Daggakraal, and of Drieapan, and the price paid was £3 per morgen. Included were 2 000 sheep at 15/- each and 150 cattle at £6 each (Sash, 1983:1).

The memorandum of association of the Native Farmers' Association of Africa (NFAA) lists as its first object 'To acquire by purchase, lease concession, amalgamation or otherwise, land in the Transvaal Province or elsewhere in Africa with the view of subdividing such into farms, acre plots, erven or into stands'.

This is what happened with the Driefontein farm, and until at least the 1950s transfer of land to landowners continued.

At present there are about 200 plotowners, owning 310 plots (some have more than one - Saul Mkhize, for example, had three). Most of these plots appear to be smaller than ten morgen. These landowners, in turn, let the land out to a number of tenants. The total population of Driefontein is, therefore, about 1 000 families or 5 000 people. The Black Sash reports that tenants pay a rental of R24 per annum.

The 1913 and 1936 'Land Acts' created 'black spots' in that through them the

SEME, P. KA I., DR., was born in Natal. He passed the highest examinations in Natal, after which he went to Columbia University, America, where he won the gold



medal and graduated as B.A. He then went to England and there, read law, in due course he qualified as a barrister-at-law of the Middle Temple, and returned to South Africa in 1910. He was registered as a solicitor of the Supreme Court. In 1912 he, together with others, founded the African National Congress and the English African newspaper *Abantu-Batho*. A year later he established the South African Native Farmers Association, which bought the farms Daggaskraal and Driefontein both in the Wakkerstroom district, Transvaal, and would have bought more farms, but for the Native Lands Act 1913 which made it illegal for Africans to buy farms in the Transvaal. Seme was appointed legal adviser to the Swaziland Nation, and the following year he accompanied Sobuza to England in connection with an appeal case to the Privy Council. He had a very wide practice in South Africa. He was visited by almost all Paramount Chiefs and many lesser chiefs in South Africa. In 1928 the Columbia University conferred on him the degree LL.D. In 1930 he was elected President General of the African National Congress. Dr. Seme was a man of vision, shrewd in his judgement, progressive in his ideas and highly respected by all Africans. He died in Johannesburg.

acquisition of land by africans from whites was prohibited. In other words, a 'black spot' 'describes land owned by Africans that falls outside the limited areas set aside for African occupation by successive white governments (the reserves, now glorified by the name "national states"). This land is freehold; ... Their deeds proclaim, in the Gothic script of an earlier age, that the land is to be held "in perpetuity" by the buyer and his heirs. In addition to these privately owned farms, "black spots" may also be used to describe certain mission-owned property which were bought, also a long time ago, by various churches on behalf of their African congregations - often paid for by their African congregations - and then leased to them' (AFRA, 1982:1).

The AFRA document continues: 'With the refinement of the apartheid policy after 1948, these communities became even more vulnerable. Their very existence contradicted - disproved - official arguments of traditional and separate "homelands" of the African population. Thus land, bought in good faith, occupied for generations, became classified as black spots - blotches on the theory and practice of apartheid which would have to be eliminated'.

It was reported that the three 'black spots' to be eliminated in the Wakkerstroom district, Driefontein, Daggakraal, and KwaNgema, have a total population of about 10 000 people (Star, 21.03.83).

The 'clearing up of black spots' (a peculiar expression for a racist social tragedy) refers to a. abolition of freehold title; b. removal of the residents (owners and tenants); c. relocating the people (once they have been 'ethnically' sorted) to 'their' respective 'homelands'. Compensatory land can be obtained elsewhere if not available in the same district, or if the residents of the 'black spot' 'do not fit ethnically' (in the words of a 1965 Bantu Affairs Department circular).

The policy provides for compensatory agricultural land only for landowners in possession of more than 20 morgen. Owners of less land are given residential property in bantustan townships, while tenants have to sell livestock and are dumped in 'closer settlements'. These are rural slums with hardly any immediately available facilities (shops, employment, fuel, inadequate water supplies, etc). The residents of these closer settlements are specifically prohibited from owning

cattle. They are provided with tents or a metal hut as temporary accommodation while constructing their own shelter (see, for example, Maré, 1980:2-7).

A very rough estimate of the numbers of people relocated under this policy from 1948 to 1976 is 260 000. There are enough examples in the 1980s to show that 'black spot' removals are continuing. It has been calculated that in Natal, where most of the remaining 'black spots' are located a further 189 areas are under threat (AFRA, 1982).

REMOVING A 'BLACK SPOT': tact and violence

'The Bantu should be tactfully informed that their land is situated in a white area and that they can under no circumstances stay where they are living at present' (para (4)(a) of BAD circular, N2/10/3, 14 April 1965).

'The removal will cost you nothing. It will be carried out with due respect for your humanity and at your convenience' (Official Pretorius, member of Co-operation and Development delegation to Driefontein residents, August 1982).

It would be desirable, but inaccurate to paint an idyllic picture of Driefontein. There are very few african occupied areas in the 13% of the country allocated to them that are not overcrowded. Income and produce from the land provides a subsistence existence that is supplemented (where possible) through migrant income and wages earned on the white-owned farms surrounding Driefontein (about R60 per month in the latter case).

Nonetheless, crops are grown, making for a healthier diet; health conditions are good; wattle plantations provide fuel, in short supply or non-existent in many rural areas; houses and huts are well cared for; three schools exist, as well as 14 churches.

Action to remove the Driefontein residents started 18 years ago, in 1965, with an official instruction for people to number their homes. This move, and the taking of names of householders in 1971, were thought to be to improve postal deliveries. A further indication of the lack of consultation was the official notification, in 1968, of the Driefontein Community Board (the DCB) of intent to relocate the community, without telling the community in general. In 1975 it appears that the then chairperson of the

DCB was verbally informed by the BAD commissioner at Wakkerstroom that the community would be moved.

In 1981 Stephen Msibi became chairperson of the DCB. The Board had responsibility for road construction, cemeteries, and school organisation. In March/April the SA Development Trust gave written notification to the DCB of its intention to remove the people. The letter had no official letterhead, a matter that was subsequently rectified.

Initially Msibi and his DCB had opposed the move, but under pressure 'began to believe that the best service he could render the community was to try and make the removal as easy as possible for them' (Black Sash, 1983:3). Mkhize, already a DCB member, became secretary of the Driefontein Residents' Committee (DRC), of which little has been written, in May 1982. In June he wrote to Dr Koornhof that consultation on the removal had not taken place (Star, 09.04.83). Koornhof replied in October that the matter had been 'properly dealt with', in the South African parliament, and that the move would be carried out 'in a most humanitarian way'. The residents of Driefontein have no direct or indirect representation in the central parliament and, if Dr Koornhof has his way, never will have such representation.

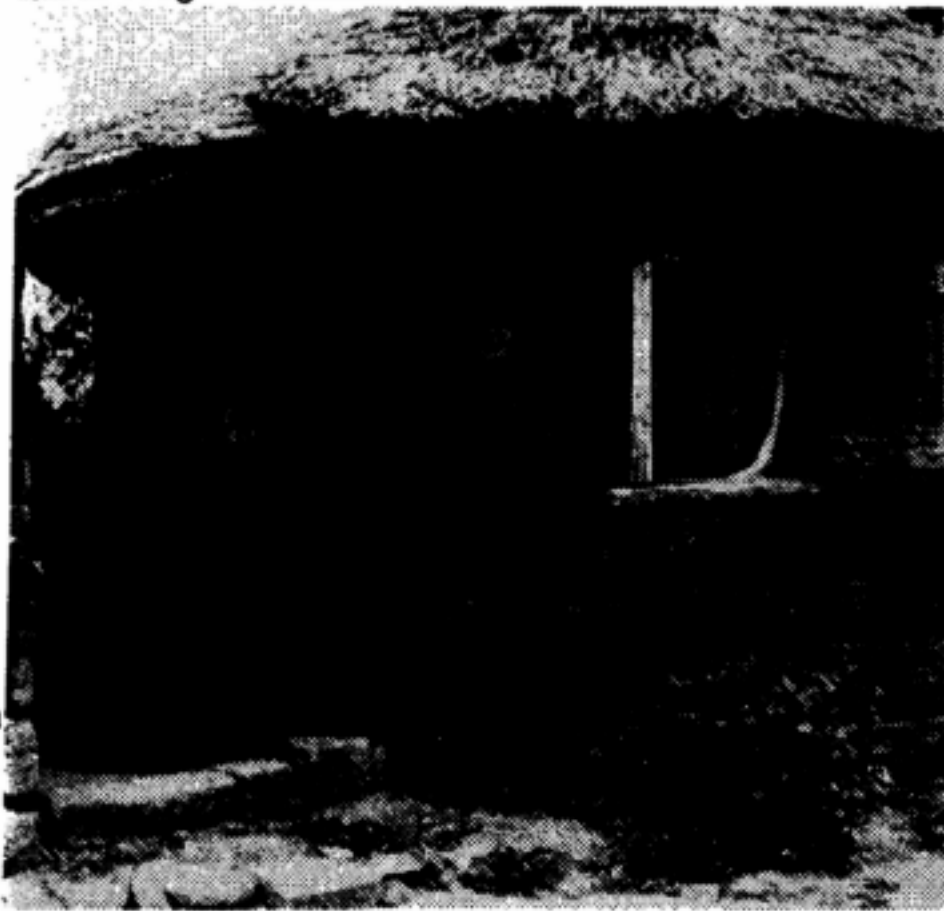
In December 1981 Deputy Minister of Development and Land Affairs, JJG Wentzel, said that the move was taking place because a dam of 'national importance' was to be built on the Assegaai river, and that part of Driefontein would be flooded. This dam, the Heyshope dam, part of the Usutu-Vaal scheme, would only flood part of the Driefontein farm (less than one-third).

The Black Sash (1983:3) point out that officially-advanced reasons for the removal have changed over the years. At first farmers in the district had complained that Driefontein landowners 'were robbing them of labourers' - no doubt because access to productive land obviates the need to work for somebody else. Then being 'badly situated' and the need for 'homeland consolidation' was offered (the bantustans are described, officially, as places where 'better civil rights can be enjoyed'). As late as November 1982 the CAD, through public relations (sic) officer, Johan Oosthuizen, said that in terms of the 1975 consolidation proposals Driefontein was a 'badly situated area'. At present the dam, being a more logical reason no doubt, is being offered as the motivation for the removal.

In 1982 the pressure increased. In February Wakkerstroom magistrate/CAD commissioner Prinsloo suggested (to the DCB) that failure to sign acceptance of the removal by 7 February would mean forfeiture of compensation. Msibi encouraged the community to sign and gain what was being offered, rather than lose all. Eighty landowners and 20 tenants signed.

In May Saul Mkhize wrote to Dr Koornhof again, getting a reply four months later. This reply refers to the dam and makes clear that only the terms can be discussed but not the removal.

In August a meeting for landowners only was called. CAD commissioners for the region attended and followed the line taken in Koornhof's letter referred to in the previous paragraph. Pretorius (from CAD in Pretoria) said that landowners would be given 'plot for plot' (ie the ruling of no compensatory agricultural



THE MKHIZE ANCESTORAL HOME BUILT
BY SAUL'S FATHER

land for those landowners with less than 20 morgen would not be applied).

This move was probably initiated by the state servants because of the lack of success in splitting the community along lines of landowners and tenants as had been the case in several previous 'black spot' removals. This split is possible because while tenants are given no compensatory land (and therefore lose all in the removal), owners are compensated. In the case of Driefontein, however, landowners appear to have largely rejected the move along with the tenants. This is surely a reflection of the solidarity within the community. By offering all landowners compensatory agricultural land more signatures agreeing to the move might have been gained by the Co-operation and Development (CAD) officials.

In November last year a lot happened to the community. On 3 November those designated 'Swazis' were taken to Lochiel in KaNgwane (this is the bantustan that still, even if less immediately, has the threat of incorporation into Swaziland hanging over it (see SARS/DSG Information Publication 7)). This group included 30 landowners. With 'due respect for their humanity' and 'tactfully' a contingent of armed riot police stood by. Mkhize said that they had been promised R39,00 plus tents for six months at Lochiel, to help them settle in.

On 9 November 'Zulus' were taken to Babanango - this party included 21 landowners - while police watched.

At the end of November Driefontein representatives met with two CAD officials at the offices of the Legal Resources Centre in Johannesburg. The officials were told that the Driefontein residents had been in the area for 70 years, had legal title, and had no intention of moving.

In the community it was felt that resistance should be consolidated after the turn-about of Msibi's DCB. In December a meeting, for which permission was surprisingly granted, elected a Council Board of Directors of Driefontein (CBDD), with Saul Mkhize as chairperson. While the original intention had been that landowners would elect a committee, it turned out that both tenants and owners attended the meeting and elected representatives.

Earlier that month Saul Mkhize and others had been to see Bishop Tutu to ask for the SACC's help in resisting the removal.

The gravestones at Driefontein were numbered at the end of 1982, but villagers rubbed these off. Three months later (25 March 1983) a government gazette notice appeared to state that 'as a result of the construction of the Heyshope Dam, it is necessary to exhume and re-intern the remains of persons buried in the dam basin area at Wakkerstroom'.

While opposition was being consolidated police and official harassment was increasing. Pass arrests were stepped up; women were allegedly searched and fined for not wearing underclothing; and the common tactic of delays with pension payments and applications was being applied.

Furthermore, the insecurity and uncertainty was beginning to count - it is difficult to see the sense of replacing window panes or planting a crop if you might not be around to benefit from your actions.

In February 17-year old Paris, son of Saul Mkhize, on his way back from his school in Swaziland, was taken into a forest from a bus stop at Piet Retief. Here he was allegedly assaulted by nine men (one white) who had identified themselves as police. He was repeatedly asked why his father opposed the relocation. Paris said that a mini-bus was driven up to his head while he was lying on the ground; that he was threatened with a 'welding machine'; and that he was strangled with his shirt until he lost consciousness.

After the assault Paris Mkhize says

he was taken to the police station at Piet Retief where his name was entered into a book. The white who had been present during the assault discharged him the next day (John Kane-Berman writing in RDM, 08.04.83).

Paris returned to the police station the next day and made a statement. He said that he saw three of his assailants there on one trip (of three) to attend an identification parade (that has still - end of May - not materialised).

In March a meeting of about 800 villagers rejected removal. It was attended by CAD commissioner Prinsloo from Wakkerstroom. The commissioner said that the removal would take place shortly (see City Press page reproduced with this article). A large group of security police and riot squad stood by, while Prinsloo laid down the line and refused to answer questions.

The meeting decided to write to Koornhof yet again.

On 2 April 1983 Saul Mkhize was shot dead. Dr Koornhof expressed his regret at the shooting. A few days later the US State Department issued an unusually condemnatory statement, 'deploring' the shooting and the policy of relocation. This prompted Foreign Minister Pik Botha to express the South African government's 'deep regret' over the incident.

An article in the New York Times, following the shooting, quoted Mkhize as saying: 'Would they move white people in this way - by buses to barren land with no roads, no water, no schools, no shops, nothing?' The Washington Post termed relocation a 'huge and continuing outrage', and said that clarity on Mkhize's death would probably never be reached, as the South African government 'is not famous for the plausibility of its



THE MKHIZE FAMILY IN MOURNING

official findings as to how blacks have met violent death at the hands of its police or while in custody'.

On the Sunday after the killing of Saul Mkhize a former member of the DCB and supporter of Mkhize's, Philemon Yende, was arrested. That week the police said that the investigation was to be headed by a senior officer, Captain 'Skip' Scheepers district CID officer from Standerton (Beeld, 09.04.83). When Captain Scheepers accompanied by 20 police and the alleged killer, arrived at the Mkhize household in Driefontein to take statements, they committed yet another grossly insensitive act. Constable Nienaber was reported to have untied the dead man's horse and ridden on it, until reprimanded by the officer present (Law and Order Minister Le Grange said that another policeman, not Nienaber, had mounted the horse).

Protest was voiced by the Black Sash (whose members had done much to aid the Driefontein community and give



BISHOP TUTU AT THE FUNERAL

publicity to their plight), AZAPO, the SACC, and the PFP, amongst others. A memorial service was planned by AZAPO on 12 April, and statements were also issued by the Soweto Civic Association, Black Lawyers' Association, and the Workers' Support Committee.

A post mortem on Saul Mkhize on 8 April showed that he had died of shotgun wounds in his chest.

In parliament in April the PFP's Gastrow revealed that 'two days after the shooting Dr Koornhof had denied any "personal knowledge" of correspondence with a "Mr Mkhize of Driefontein" when confronted with letters bearing his personal signature and addressed to Mr Mkhize' (Star and RDM, 14.04.83).

On 16 April Saul Mkhize was buried at Driefontein. The irony of the site of his grave ('the final resting place') and the insecurity that extends even to the remains of the dead, has been pointed out by others.

About 2 000 mourners attended. There were no police in sight. Organisations represented included AZAPO, COSAS, GAWU, the SCA, SACC, Diakonia, Women's Federation of SA, the Huhudi Civic Association from Vryburg, and the Blacklash organisation.

SAUL MKHIZE: a conservative martyr

Saul Mkhize was no radical. Not in his social origins, not in his demands, and not in the actions which led to his death. It is a horrifying comment on the nature of the South African state, the policy of a party, and the actions of individual local agents of that state, that it could not co-opt Saul Mkhize. Instead it killed him.

It is a stark comment that his limited appeals to the authorities should have led to a shotgun blast in the chest; that he was a 'radical' because the state has so little legitimacy with even black conservatives.

Mkhize's ancestral home was in Driefontein, but he was raised in Sophiatown and probably experienced the demolition and removal of the population of this township in the early 1950s as a young man. He lived in the largest southern African city, Soweto. His second wife lives in Tsakane township and Mkhize had managed a soccer team, the Tsakane Highlanders. He had been employed by a firm of accountants and ran their printing office. Furthermore, as has been said above, he was a landowner, a relatively privileged man amongst the african population.

His appeals to local officials and to Dr Koornhof, and finally, a few days before his death, to Prime Minister PW Botha, were moderate but firm. They were for the stability of a rural community that had been in existence for 70 years, for the maintenance of private property, for improved services for the people of Driefontein. In 1981 he apologised to Dr Koornhof for approaching him directly and for taking his time, and asked merely to be consulted about the rumoured removal. The same was said in a 1982 letter to the same Minister, ending that 'we would wish and prefer our

future to be in Driefontein'. To PW Botha he pleaded for a meeting with Minister Koornhof, and concluded: 'We do not wish to be rebellious in any way, but only to continue to live our lives out in our own environment'.

However, the environment is a 'black spot' on the maps and in the vision that the men he wrote to have of South Africa. Not only is Driefontein situated within 'white' South Africa, but it is also inhabited by 'Zulus' and 'Swazis', 'ethnic groups' who are designated to live hundreds of kilometres apart in the grand scheme of fragmentation that the state has been implementing for decades.

That is why Saul Mkhize's funeral was marked by the same raised fists and freedom songs that saluted Steve Biko and many others. That is why the 'quiet, religious affair' that his family had wanted, was 'hijacked' by radical organisations. 'They say they have paid their own money to come to the funeral and that they consider Mr Mkhize their hero. They say they don't want anybody interfering with them', was the message his brother, Abner Mkhize, brought back to the Board of Directors who had complained on behalf of the family (wrote Harry Mashabela in RDM, 18.04.83).

A sincere man, concerned to conserve the community, and to improve their situation, is the picture that emerges of Saul Mkhize - not a radical, but caught up in the tragedy of people who have no channels to ultimately challenge the policies that affect their daily lives. Saul Mkhize knew that he could be killed and yet continued to express the wishes of the community where his ancestral home still stands.

What makes this incident of planned relocation slightly unusual is the concerted opposition from the landowners themselves. Usually the state succeeds in splitting the community along class lines (landowners against tenants) on the issue of compensatory land. In the case of Driefontein it has also been tried (as discussed above), and yet only 51 of the 310 landowners went to view the relocation site at Lochiel and Babanango.

It is bizarre that a policy of control needs to be so total that it cannot show the flexibility to make a few exceptions. It is not only the inflexibility of a system though, but also the extent to which it has dehumanised its supporters and agents, that has to be noted.

IN GOD'S NAME...

--Saul
Mkhize's
final plea

...IS THIS
MERCIFUL?



In February, Dr Piet Koornhof said the Government was trying to get away from forced removals. "We try to discuss it (with the people affected) and persuade them..."
Here we publish the edited correspondence between Driefontein leader Saul Mkhize, shot dead by police recently, and Dr Koornhof and Prime Minister P W Botha, showing how much "discussion" and "persuasion" Dr Koornhof used when the Government decided to resettle the people of Driefontein, freehold owners of their land since 1912.

From Saul Mkhize to Dr Piet Koornhof, Minister of Co-operation and Development, on June 4, 1981:

Please accept my apologies for deeming to write to you direct but, the matter being urgent, I felt it my duty to approach you in this manner.
On 30 May 1981, I was appointed secretary of our people's committee and we decided that, in view of the problem we faced, I should write to you personally.
I appreciate that you have many things to attend to but I hope you will look with sympathy upon our problem.
The position is this: We were handed a piece of paper informing us that we were to be settled elsewhere.
We understood, from statements made in the past, that we would be consulted on such moves and that only after mutual agreement was reached would any advanced arrangements be made. From the letter we have received, we felt that the matter has already been settled, although we feel no real consultation has taken place.
What we wish to know is: Has this matter been properly dealt with? Since we have not seen the new areas concerned, is it better, or as good as that in which we live? We are very happy in our present environment. Can this matter of resettlement be discussed in more detail and possibly be reconsidered? Why can we not stay where we are happy?
I hope that I have in no way offended you by my honest enquiry...

From Saul Mkhize to Dr Koornhof, May 19 1982:

I refer to your letter of 13 October 1981, for which I thank you. In order to discuss the matter of re-settlement of the Driefontein Community, a meeting was called by the Magistrate of Wakkerstroom. The meeting was held on 9 April 1982, and the community was informed of the Magistrate that it would be attended by representatives of the Development Trust, namely Mr Pretorius and Mr Vermaak. The Magistrate of Pieterburg also said he would attend.
I wish to state that the meeting was well attended by the people of Driefontein but they were extremely disappointed that, although representatives of the Development Trust were expected, by arrangement, no-one from the Trust attended. The feeling of the community was not a happy one. In view of the lack of information, many of the people have not ploughed their fields, or attended to their huts or brigatins, nor planted in order to provide for this year's food. This means that many of my people will go hungry, because they do not really know what is happening, or will happen to them, or when.
Mr Koornhof, I appeal to you to look into the matter and please send us a person to whom we can talk nicely, and who can explain to us simply what is to happen to my people. He should be able to re-assure us regarding our future before trouble really begins in Driefontein.
My life, because of my endeavours to help my people, has been threatened and an attempt to kill me has already been made.

From Saul Mkhize to Prime Minister P W Botha, on March 31, 1983:

I write to you for only one reason - your help on behalf of the people of Daggakraal, Driefontein and Ngema.
Your help is needed. Because we are being forced to move by the Department of Co-operation and Development, Dr Koornhof has been known to say: "There will be no removal of black people from black areas", and yet here we are, without any real discussion, being told by his department that we will move.
This is not humanitarian or, in God's name, proper.

From Dr Koornhof to Saul Mkhize on October 13, 1981:

I refer to your letter dated the 4 June, 1981 and wish to give the assurance that the matter regarding the resettlement of the Driefontein people was properly dealt with by the South African Parliament and reconsideration of the removal is not possible. I wish to give the understanding that the move will be dealt with in a most humanitarian way and with the least possible inconvenience and disruption to the Driefontein people.
It is therefore particularly important that the Driefontein community give their full support to the officials of my department who have already visited the area several times in the presence of the Magistrate of Wakkerstroom, so that the planning or the removal and of the compensatory land can be commenced with.
I also wish to draw your attention to the fact that a Community Board for the Driefontein people was duly elected and is now the official mouthpiece of the community. You are therefore advised to discuss any further problems with this Board, who in turn will communicate with the Department.

According to your letter, we were informed that the movement of our people would be carefully and humanitarily arranged. However, because of the lack of co-operation from the Board and Trust we are already worried about the whole matter and feel that it is not being dealt with in a proper manner. We can only give our support, as referred to in your letter, to an agreement duly reached between us but no such agreement has been reached.
You informed us that we must approach the Community Board, which we have done. We have also approached the Development Trust but have not received co-operation from either body.
We are becoming desperate. The matter has become crucial and we must have reasonable answers.
We are in your hands, but would wish and prefer our future to be in Driefontein, where we have lived for many years.

From Dr Koornhof's secretary to Saul Mkhize, June 9 1982:

I have been directed to acknowledge receipt of your letter dated 19 May, 1982.
The matter is receiving attention and a further reply will follow.

I wish to ask that you personally arrange with due notice to myself, and my Council of Directors of Driefontein, elected by the landowners of Driefontein, on 26 December, 1982, at a meeting specially convened to elect representatives to negotiate about the removal, for a meeting with Dr Koornhof to discuss this whole matter.
May I say that we do not wish to discuss our removal, which seems to be a fait accompli by the Department of Co-operation and Development, but: Why should we consider leaving our land at all? Why should we give up our legally-owned property? What reasons have the Department for even thinking that we are prepared to allow them to intimidate us into such a move? In view of the lack of co-operation from the Department why should they expect our co-operation?
Your Honour, we have suffered for many years due to the uncertainty of our position. We have heard rumours, we have been told in ed or had proper discussions regarding the "why's" and "wherefore's" of our situation. In God's name, your Honour, is this merciful?
We are, as all South Africans are, a proud people and all we ask is to remain so. We do not wish to be rebellious in any way, but only to continue to live our lives out in our own environment...

... two days later, Saul Mkhize was shot dead at a protest meeting.

'WE SHALL RESIST'

PRINSLOO: I am the Commissioner Prinsloo from Wakkerstroom. I am also the Magistrate in the Department of Justice.

Mr Van Niekerk, the Chief Commissioner from Pieterburg, has sent a message to you and I am delivering it for him today. They are his words and he gets it from the Government.

The Department of Co-operation and Development intends as soon as possible to send officials to Driefontein to determine how many squatters are in Driefontein, to make preparations on the other side of them. And further to ascertain the potential of the land here with the intention of determining compensatory land on the other side.

This is the message that I convey to you. I hope you all heard what I said. I thank you for your co-operation and for giving me the opportunity to convey this message.

I close the meeting and there will be no more meetings.

MKHIZE: Sorry, we've got something to say, sir, on what you were saying. I think there is a man who has got to say something.

PRINSLOO: I'm not in a position to answer any questions. I've only got this message to give to you. If you don't mind I'm going now.

MKHIZE: Mr Prinsloo, please.

On March 10, Wakkerstroom Magistrate Mr Prinsloo came to tell the people of Driefontein the Government had decided they would be removed, and there would be no discussion.

You have been sent here. They did not say you must just deliver that and not get any reply. We are requesting that to our magistrate... This is not the right procedure of resettlement. We have not discussed anything about the resettlement.

So, this message we are getting today - we apologise, we cannot accept it because there is no discussion. And we would not in future like to see any Development Trust or any Government official enter Driefontein to do any procedure or any investigation with the people of Driefontein because there has been no

discussion.
We accept discussion with the Trust. We've got land points that we've got to raise with them.

PRINSLOO: Yes, I have heard you. Thank you very much. I just want to say to you that the Government, Mr Van Niekerk, gave me authority to say, in case Mr Mkhize raised something like this that the Government has already decided on the resettlement of Driefontein. The message has been made clear at open meetings and also conveyed to individual calls. And there will not

be further dealings on the matter. I am finished.

MKHIZE: I'm sorry my worship, there's nothing we have discussed, nothing at all. With whom did you discuss such?
(Garibid: Prinsloo intervenes).

PRINSLOO: I have no answer for you on that matter. Everything I wanted to tell you I have already told you.

MKHIZE: That means the Government is now forcing us to be removed if it is not accepting any negotiations with us. As I've said, we are not accepting the plea that Mr Prinsloo has been sent with, we the community are not accepting anything.
(Cheers from crowd)

In April the Black Sash wrote: 'The only threat of violence in this peaceful community has been the continued presence in the area of armed police, the alleged assault on Mr Mkhize's young son Paris ..., and finally this senseless and tragic death'.

Since then there have been two further deaths in the district - in the police station at Dirkiesdorp, that serves the Driefontein community. The lead had not come from Driefontein, but from farms in the neighbourhood. The two men who died had been among those picked up for alleged stock theft. Their deaths have added to the general climate of fear in the area and, especially, in the communities threatened with removal. The police station at Dirkiesdorp is no longer a symbol of law and order. It has become an object of fear and deep anger in the black community it serves', wrote Marion Whitehead (Sunday Tribune, 5.05.83).

[References in this article are to newspapers and to:

AFRA - 'Black Spots' (reports 15 and 16) 1982

Black Sash - 'Driefontein' (conference 1983 document, later up-dated)

Davenport, TRH and KS Hunt - The Right to the Land (David Philip, Cape Town) 1974

Maré, Gerhard - African Population Relocation in South Africa (SAIRR, Johannesburg) 1980

SARS/DSG Information Publication 7 1982 - 'The Land Dispute: incorporating Swaziland?'

Bibliographical material concerning Pixley Seme (page 26 above) from Skota, TD Mweli (ed) - The African's and Who's Who●



DRIEFONTEIN RESIDENTS MEET TO PROTEST THEIR IMPENDING REMOVAL

On 'The Family'

This section on 'the family' contains an introduction by the editors of WIP, and contributions by SHEENA DUNCAN ('Aspects of Family Breakdown'); ANNE MULLINS ('Working Women Speak'); JOANNE YAWITCH ('Apartheid and Family Life'); and a review of Colin Murray's book, Divided Families, by DAVID WEBSTER.

These articles arise out of the obvious, but infrequently examined, discrepancy between the 'ideal' and the reality of family life in South Africa.

introduction

'On what foundation is the present family, the bourgeois family based? On capital, on private gain. In its completely developed form this family exists only among the bourgeoisie. But this state of things finds its complement in the practical absence of the family among the proletarians, and in public prostitution.'

- Marx and Engels, during the nineteenth century

As the 'dominant ideas' are those of the dominant class, so the dominant image presented of 'the family' - in the media, in literature, in legislation - is of the 'nuclear family' (that ideal unit of father, mother and two/three consciously-spaced children).

However, the reality for the majority of South Africans is far removed from this 'ideal'. The composition of 'the family' is as varied as the social conditions to which people are exposed, with the common aspect of the effects of the ravages of apartheid South Africa. As Marx and Engels pointed out, the 'nuclear family', the ideal of stability and continuity, is to a large extent class specific. On the other hand, the 'practical absence' of 'the family' (in this ideal/ised form) is also class determined, a result of the social

conditions and social demands made of this unit.

Through the articles that follow attention is focused on the nature of a social unit that is too glibly spoken about, especially in the local context. The 'common sense' or ideological notion of 'the family' has little practical relevance, or even desirability, for large sections of South Africa's population.

To introduce the topic a few general points will be made, not so much to grapple with as to indicate the complexity of the subject matter. In this introduction the term 'the family' (or what Anne Mullins calls 'the household') refers to many variations, and not only to the small, relatively isolated, monogamous unit that is called the nuclear family.

It has been said that 'the family, ..., is a dynamic entity. It constantly changes, in part because the members pass through the life-cycle, in part because it is a society which changes ... The family like any other social entity, is a process then, not a thing' (Worsley, et al, 1972: 133). David Webster, in his review of Colin Murray's book, also draws attention to this aspect. The interaction between societal (economic, political and ideological) relationships and interpersonal (in this case family) relationships will become clear in the contributions in this WIP that follow.

1. 'The family' as unit of reproduction can be approached from two directions. Firstly, there is biological reproduction - 'the family' seen as traditional unit for sexual activity and the birth of children and, secondly, as unit of social reproduction of classes - for example, members of the working class are popularly thought to be housed, clothed, fed, educated, etc, within the family unit. These reproductive activities prepare workers on a daily basis for the productive tasks they have to carry out in factories, mines and in other employment situations.

However, in contemporary South Africa with its contract labour system as but one

negating factor, this second function is not fulfilled on a daily basis by 'the family', as it is popularly understood (see, for example, the contributions by Sheena Duncan and Joanne Yawitch).

The first aspect of reproduction also holds, in its 'ideal' form, for fewer and fewer children and women. In the early 1970s sociologists could write that 'At present one child in every fourteen in (Britain) is illegitimate' (Worsley, et al, 1972:139). Duncan says that some 60% of african urban children are illegitimate, not to mention children forced by poverty in the rural areas to seek an existence in the alleys and doorways of the country's cities.

This was confirmed by a statement by Elinda Bromwell of the Committee of Concern for Children: 'Sixty percent of children in Soweto come from one-parent families, and there are 90 000 pre-school children wanting day care there' (Star, 16.07.81).

It is of importance, then, to investigate how reproduction of the working class does occur, or whether it is being hindered, from the point of view of the capitalist system. As Mullins (1982:52) puts it: 'we must ask how, if the nuclear family is functional to capitalism, one explains the existence both of female headed households and extended family systems?'

2. 'The family' has become a unit of consumption and redistribution of commodities, and not of production, as it had been in a pre-industrial age (or in 'pockets' of non-capitalist production). Furthermore, capitalism demands loosening from the family - the worker enters the factory as an individual, as a single member of a class. The competitiveness that capitalism demands also militates against family ties being maintained.

3. The socialising role of 'the family' has decreased in importance. This is the case for all families, because of an increase in institutions outside the family that fulfil this function (eg media, education). This is also the case for working class families because of the destruction of stable relationships between people - the destruction of the family as reproductive unit, with supports and guidance.

4. In law 'the family' is important because of matters such as inheritance (this is especially the case in bourgeois families, where control of the means of production has to be regulated and ordered). However, for the working class this legal regulation has little positive relevance. In South Africa, on the

contrary, the demands of capitalism so clearly over-rides the 'sanctity of the family' that much legislation and regulation serves to destroy the family - as with influx control measures and the Group Areas and Immorality Acts.

In Soweto alone ten West Rand Administration Board hostels accommodate 45 000 people as 'single', regardless of their marital and family status.

Where legislation does have a bearing on the family the legal definition of this unit creates great difficulties, such as in the case of access to urban areas and housing for african people.

5. 'The family' is further 'fragmented' through conflict between the genders within the unit. This is a large field, with much having been written on the theoretical level and of the experiences of women within this structure of male domination. The contributions by Mullins and Yawitch address themselves to this aspect.

6. Even for the white, coloured and indian groups the stabilising effect of the nuclear family can be questioned. During the five year period from 1977 to 1981 the divorce rate rose by 149% (from 1 165 to 2 910) for coloureds, while the number of marriages increased by 15% (from 18 611 to 21 406); for whites divorces rose by 73% (from 9 864 to 17 065) while marriages increased by 21% (from 38 537 to 46 653); and for indians divorces went up by 74% (from 364 to 636) and marriages by 3,3% (from 7 831 to 8 096) (Central Statistical Services, figures that appeared in Star, 19.04.83).

These figures do, of course, only reflect the cases where people have opted for a legally recognised marriage.

7. The church also sees the family unit as being important for stability, for some. For example, the Hervormde Kerk recently said that 'The family is judged to be a very important cell of the body of the nation and church. Members are called upon to form healthy and happy families' (Beeld, 05.05.83). This call came at the same time that the state and its agents are destroying the plastic shelters of families trying to live together, to maintain an even larger societal unit with probably as little relevance for many people - the 'black nations' of South Africa.

In summary, there is a marked discrepancy between the popular notion and legal definition of 'the family', on the one hand, and the complex and tragic reality

of working class (largely black) life in South Africa, on the other.

[In this introduction reference was made to the contributions that follow and to the chapter on 'The Family' in Worsley, Peter, et al - Introducing Sociology (Penguin, 1970)]

aspects of family breakdown

In 1964 the Black Sash published a special edition of its quarterly magazine which was devoted to the destruction of african family life through the migrant labour system and the operation of the pass laws.

At that time the focus was on migrant labour. The devastating effects of separating men from their families for most of the span of their working lives had become clearly evident both in the rural areas where societies consisted of old people, women and children, and in the urban areas in the single-sex hostels and compounds where men lived in degradation, without privacy and without the support and comfort of family.

Also dealt with were the effects of the refusal of the government to allow wives and children to move to town to live with husbands who had rights of urban residence.

In the intervening 20 years the destruction of the family has continued apace and has also spread very rapidly in the settled urban communities so that it is now probably the most fundamental problem which will face any democratic government coming to power in the future. The rebuilding of our society will not be achieved overnight. The foundations have crumbled and it will be generations before the damage wrought can be undone.

Inside the bantustans the separation of men from their families caused by migrant labour has continued and was made very much more absolute by the introduction of the one year contract system in 1968. Up to that time a man who had the use of productive land could work for a while and then spend some months at home before entering the labour market again. The system introduced in 1968 makes it obligatory that migrants using a call-in-card in order to re-register in their jobs must return to the urban area within 28 days.

This development, of course,

coincided with an increasing need on the part of employers for a trained workforce in place of unskilled labour units who were largely interchangeable. The new demands of economic development mean that leave periods for migrants are fixed and are seldom more than three weeks annually. A migrant must by law return to his home area to renew his contract but may well have only a fleeting two week contact with his family in the course of a full year.

This much more limited time spent with family was exposed most clearly at the time of the Johannesburg municipal workers strike when employment records obtained in order for people to claim section 10 rights showed a completely different pattern post-1968 to that which had gone before. Prior to 1968 there were normally breaks in employment varying between three months and 18 months at irregular intervals. Post-1968 the breaks became less than one month in duration on a regular annual basis.

The increasing rigidity of the system of requisitioning for workers from the bantustans has also seriously weakened extended family relationships. The days when an employer could recruit workers from an area specified by him have gone. It is no longer possible for a man to have his sons, his brothers, his nephews come to town to work in the same factory and to live in the same hostel as he does. Employers can now rarely name individuals whom they want to recruit and they have no control over which sending area their labour will be drawn from. As the trend towards urban labour preference and commuter labour becomes more apparent the chances of a young man being recruited for work at all, let alone of being recruited to work in the same town as his father, have become remote.

It is impossible for a migrant to bring his family legally to town to live with him and the illegal residence option is becoming increasingly difficult to sustain as the administration of influx control becomes more efficient and the penalties more severe. The demolition of self-built homes and shelters now appears to be carried out systematically in all administration board areas and the ruthlessness with which the KTC people were handled in Cape Town in May 1983 is a foretaste of the kind of action which can be anticipated in the future. The 1983 amendment to the Trespass Act which will raise the penalties for this offence from R50 or three months in prison to R2 000 or two years imprisonment is

another indication of what is in store.

The increasing numbers of landless people in the bantustans caused by the removal of people from the 'white' areas and their dumping in closer settlements has also led to a marked deterioration in family structures. If a family has some access to land and therefore to subsistence the permanent family unit has consisted of the children, women of all ages and old people, the able-bodied men being away working elsewhere. This unit may not have the qualities of a normal family group but it nevertheless provides some kind of stable nuclear unit with recognised structures.

In the closer settlements where there is no land many family units consist only of a grandmother and a large number of children abandoned in her care. The younger women leave and disappear into the 'illegal' underground in the cities, returning infrequently to leave another illegitimate baby with the grandmother.

The children in these areas often grow up learning nothing at all. There is no creative work to be done around the homestead, no one who has time to impart to them the inherited wisdom of the generations that have gone before, no tasks to be shared out for the benefit of the communal whole, no organisational skills learnt in the co-operative doing of the daily work.

In urban areas the destruction of the family has different roots but equally disastrous consequences. The two most important causes (apart from the universally experienced sociological effects of rapid industrialisation) are the laws which deny the right of families to live together, and the fact that the government uses the provision of family accommodation as one of the main weapons in the armoury of influx control and efflux enforcement mechanisms.

The words 'after lawful entry' were added to section 10(1)(c) of the Urban Areas Act in 1964 and thereafter the administration claimed that no woman could come to town to be with a qualified husband unless she had been given a permit to enter the town. Such permission was almost always refused. Several years and some court actions later it was established that there is no such thing as unlawful entry of South Africans into urban areas. The prohibition in section 10 is on remaining for more than 72 hours, not on entering into a prescribed area.

The phrase 'ordinarily resides' in section 10(1)(c) was interpreted by the administration as meaning that a wife's

name must be written on to her husband's lodger's permit in order for her to have a right to remain with him. That interpretation was overthrown by the appeal court judgement in the Komani case in 1980 but it seems that the judgement is not to be allowed to stand much longer. Dr Koornhof has promised amending legislation in this session of parliament to return us to the 'status quo ante the Komani and Rikhoto judgements'. (The Rikhoto judgement was the decision in the Transvaal supreme court which established the right of a migrant worker to urban qualification after ten years in one job - qualifications which make him eligible for housing and family life.)

It seems likely that the proposed amendments will make section 10 rights subject to having 'approved accommodation'. In the Orderly Movement and Settlement of Black Persons Bill, which has been postponed to 1984, urban residence rights cease to exist for any person who is without approved accommodation.

The government's manipulation of the supply of housing has always been designed to control the presence of black people in urban areas. Between 1968 and 1978 an embargo on the building of family housing was enforced. During those years the waiting list in all areas grew to unmanageable proportions. There are now an estimated 39 000 qualified african families waiting for houses in Soweto alone and a conservatively estimated national shortage of 140 000 family units in urban areas outside the bantustans. These figures do not reflect the real housing requirements as they do not include the thousands of families who are not legally entitled to rent or buy a house and who are unhoused.

The gross overcrowding which has resulted has changed and distorted the whole pattern of family in the black community.

Houses designed for a nuclear family unit are now bursting at the seams with three or four generations vying with one another for space. Privacy rarely exists and the consequent distortions in family relationships leads to brother turning against brother in their attempts to obtain the tenancy of the family home on the death of the parents. The fight to secure shelter leads to complete breakdown in trust and fondness between family members as each goes behind the other's back and the richest takes the house because he can afford to pay the biggest bribe.

One of the most frequent complaints

heard in the Black Sash Johannesburg office in relation to housing is that of family members who have been turned out of the house by the one who now holds the residential permit. Old people, unmarried women and their children are pushed out, something unheard of in traditional society. It is our belief that the greatly increased numbers of reports of abandoned children is largely a consequence of the desperate struggle to find somewhere to stay. A woman on her own can perhaps find a place with friends or relatives in black or white suburbs, but not if she has children with her. There is simply no room. For the same reason old and disabled people are increasingly being abandoned in hospitals.

Those families who are currently the victims of the nation-wide demolition of self-built homes are the ones who have struggled hardest to maintain the bonds of family and stability. They are now being defeated by the ruthless determination of the authorities. Once the shelter is demolished the family is almost always divided because there is nowhere else they can find space to stay together.

Many many others have lost all understanding of normal family organisation and gave up the struggle long ago. There is no advantage in the state of matrimony. It merely creates new anxieties. Men and women who will never be able to live together see no point in the marriage bond. They form casual relationships and the 60% illegitimacy rate in Soweto is one indication of this.

There are dozens of other aspects of the destruction of family directly caused by the apartheid system which cannot be dealt with in a short article. We have a national disaster on our hands and it is quite clear that developments in the foreseeable future will aggravate the crisis.

working women speak

During 1982, Anne Mullins* conducted 22 interviews with african women employed in the laundry industry. All those interviewed had children, worked in the

*Extracted from a BA Hons dissertation, 'Working Women and the Dual Shift: a case study of a sample of women in the laundry, drycleaning and dyeing industry', Witwatersrand University, 1982.

Johannesburg area, and were members of the Laundry, Drycleaning and Dyeing Workers' Union.

The majority of those interviewed did not fit into the nuclear family model. Only seven had husbands who shared household expenses with them, and only one couple lived alone with their children. Those women who lived in their parents' home - where there was more than one wage earner and expenses were shared - were all solely economically responsible for their children.

Julia, who was 21 years old, was single and had two children. She received R30 a month for the youngest child from the father, but nothing for the older child.

Gloria had five children by the same man. She said he sometimes gave her R10 a week for the children, but it was not something she could rely on. It depended on how he felt.

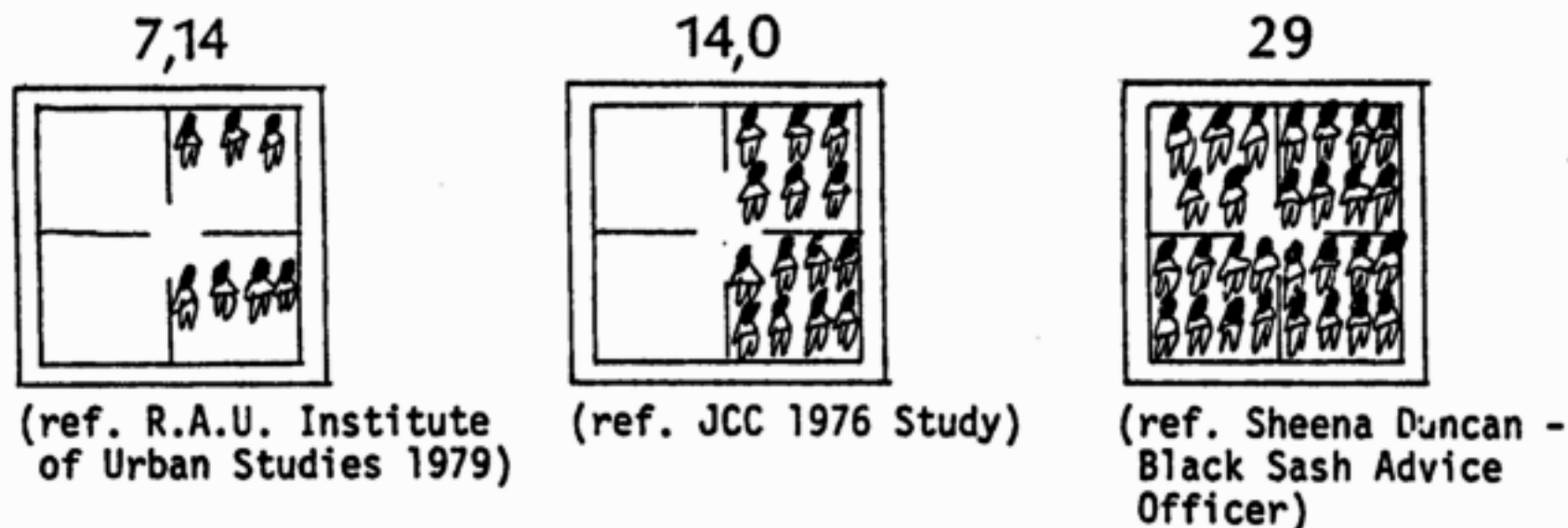
Most women were reluctant to ask for money for the child's upbringing once they no longer had contact with the father, either because they did not want to encourage contact or because they viewed it as futile.

Alice received nothing from the father of her child and felt that the heaviest economic burden was maintaining the child. Maria explained her situation like this: 'No, my father and mother said I mustn't go for maintenance, just because this man is no good. It's better to leave him, just because, maybe sometime he is going to kill me'.

Mullins argues that her interviews indicate that it cannot be assumed that the nuclear family unit predominates, or even extensively exists, in urban african townships. Because of this, she distinguishes between the family and the household. Many households comprise a number of generations. The acute housing shortage is manifested in excessively overcrowded homes. This is inevitably a factor which shapes household structures. For example, one may encounter a house where two families/households live under one roof. While they share the cost of rent/coal/electricity, and perhaps even cooking and domestic labour, they still constitute two separate units. This is contrasted with the clearly distinguishable extended family, where all members are closely bound up in the lives of others and share in meeting each other's physical and emotional and economic needs.

Estimates of the numbers of persons per house in Soweto are contradictory. In 1977 the Bureau for Market Research

ESTIMATED NUMBER OF PEOPLE IN FOUR-ROOMED HOUSES

Diagramme from Human Awareness Programme - Soweto: an assessment

suggested that the average Soweto family size was 5,93. The official WRAB figure was 7,1. However, in 1976 the Johannesburg Chamber of Commerce quoted 14, while the Black Sash office has suggested that the number is as high as 29.

Clearly, this housing situation is not compatible with the existence of nuclear families.

Half of those interviewed lived in households headed by women. They were single, divorced or widowed women living with their children and, in some cases, with their mothers. Frequently, there was only one wage earner in the household. The age span in this category ranged from 28 - 57, and included all of the women in the sample over 40. In most of these cases, the women had acquired the house in their name, following their divorce or the death of their husbands; alternatively, the house had been passed to their mothers after their fathers' deaths.

While it is difficult to establish a recent figure on how many female-headed households there are, it was estimated by Ellen Hellman in 1971 that one-fifth of Soweto's families fell into this category.

Triphena was unemployed at the time of the interview - she has six children. When asked whether her ex-husband assisted her at all with the financial support of the children, she said: 'I think he is working, but he is somebody that ... you can't rely on him. He'll tell you he'll bring money, he just doesn't come, so I've stopped relying on him'.

Anna, also the sole breadwinner, lived with her pensioner mother and four children. She said their brother lived with them but he did not contribute regularly to household expenses. 'He wants that we must ask, now we can't ask every month'.

What is interesting is that, while not all of these women chose their structural position - three were widows, five were divorced - all of them made conscious choices not to remarry.

Marriage provides certain advantages, ie greater economic stability, legal and social status. But, perhaps because of the sexual division of labour in the home; or because of the structural inequalities within the marriage relationship, and the short-term interests of working class men in maintaining the status quo, women are increasingly loath to enter into such a contract for the second time. Certain material conditions must precede such a choice, such as the possibility of economic independence and permanent residence rights within the urban area. Some of these women had already been married, and this had afforded them certain privileges such as housing, which would be more difficult to obtain for a woman who had never married.

This absence of what is conventionally seen as 'family life' is also indicated in the area of child care. It emerged from the interviews that grandmothers, rather than mothers, play a significant role in child care. Gloria, Eunice and Maria lived with their mothers, who played an important role in raising the children. Eunice said her mother would go to the school to accompany the children if necessary, and frequently would get up at night to see to the children. Sophie saw her mother every day, although they did not live together, because her mother looked after her children after school. Elsie's only son (7) lived permanently with her parents as she was married and living in her husband's home. All four of Mirim's children lived with her grandmother in a bantustan, because she and her husband did not have accommodation

for the children. They lived in one room in Alexandra. Mirim was pregnant with her fifth child and was planning to send the new-born baby to her grandmother as soon as the baby was old enough, because she would have to return to work.

It has been argued that low wages and the migrant labour system have put constraints on the family ideal for african women. The Mullins' interviews suggest that other factors also enter into the absence of nuclear family life for africans: housing shortages, forms of child care, female-headed households. These are in their current forms creations of apartheid society.

However, argues Mullins, the struggle for nuclear family life among black South Africans is not necessarily progressive. For the kinds of women interviewed, 'the family' as it exists is a central site of women's oppression.

apartheid and family life

It is commonly said that migrant labour is responsible for the destruction of family life - that in South Africa many family members live permanently separated from each other because of the apartheid system. While I do not disagree with this, the argument needs to be taken further and to be situated more clearly, both in terms of the way that it affects families on a day-to-day basis, and in terms of state policy towards and assumptions about the family.

First, I shall look at the effects of apartheid on family life of both urban and rural South Africans. In this I shall concentrate on the position of women within the family, for they are the people who, in capitalist society, are most centrally responsible for the maintenance and reproduction of this institution. Indeed, many of the restrictions on women in terms of their mobility and access to jobs arise out of the attempts to ensure that they do not abandon their family responsibilities.

In rural areas, because of migrant labour on the one hand, and the way that influx control prevents rural women from moving to town on the other, it is women who are totally responsible for all the business of day-to-day life. Remittances from husbands and other male relatives

living and working in urban areas, are often sporadic and unpredictable, and so it is left up to women to fend for themselves and their children as best they can.

Increasingly this has meant that rural women do not spend their days tending their fields - indeed more and more rural families have no access to land. Instead they are occupied in trying to earn money to support themselves and their families. In this endeavour for labour and informal sector activities are the most important occupations.

Wage labour, responsibility for the arduous tasks involved in reproduction of the household - fetching wood and water, cooking, etc - are heavy burdens for women to bear, and increasingly they are burdens that they carry completely alone.

So, in rural areas the way that the capitalist family has developed is not in the direction of a separation of productive and reproductive functions. Rather, because remittances from migrancy cannot support the family and because subsistence production caters for such a small part of family needs, women have had to take on themselves both productive and reproductive responsibilities.

This situation is recognised neither in law nor in practice. And thus conventional assumptions about the family about hierarchies and relations of power within it, have become yet another source of oppression for rural women.

Customary law demands that it be men who take all the major decisions in the family. For many women the demand that this be upheld, or the unwillingness to flout this convention, in a situation where they are alone for 11 months out of every 12, becomes highly oppressive and contradictory.

Rural doctors quote cases of children dying because the mothers are too scared to allow them to be admitted to hospital, without permission from their husbands - permission that can never be gained within the short time required to save the life of a child with severe gastro-enteritis. Likewise, it is the head of the house who makes the decisions about when to plant crops, harvest, etc. 'My father comes home after long periods. At times we cannot make decisions alone - our plans get frustrated'; and 'most women can only do housework and neglect to develop because they feel more jobs can only be done by men', are just some expressions of this problem.

The maintenance of male authority is

entrenched in the tribal system. It is only men who are members of the tribal authority. This effectively shuts women out from access to the structures which control their lives. For example, attendance at meetings to discuss potential removal is a male prerogative, never mind that whatever consequences stem from a particular decision are likely to be carried out and felt by women.

This situation has evoked in many rural women a response towards men and marriage that is highly ambiguous, contradictory and often aggressive. Some examples of what these women have to say about men and about family life are the following: 'The biggest problem facing the women is childbearing and bowing down under your husband'; and, more forcefully, 'The only problem of women is marriage'. Comments that husbands are irresponsible after marriage, bitterness about the fact that often men take other wives in the cities, and a resolve from divorced and widowed women never to marry again, are common.

To all intents and purposes it is women who head the household in rural areas, while male authority is only formal and when exercised, often oppressive.

In response to the realisation that the benefits that marriage brings for the wives of migrants are to say the least dubious, it seems more and more young women are showing preference for staying single. 'Girls who are married and have husbands in cities are struggling as I do. Many are suffering as I do and yet have husbands'.

This tendency can be interpreted in many ways, but it does seem clear that the economic rewards that marriage brings are steadily declining. Furthermore, the fact that there is a gross contradiction in terms of who is supposed to take responsibility and decision, and who actually does, often makes marriage an unviable option for rural women.

In urban areas there seems to be a similar tendency emerging. While there have as yet been no thorough studies proving this definitively, it seems that marriage is rapidly losing its popularity here as well.

In Soweto 60% of children are illegitimate, and while parents may often marry after they are born, it does indicate that marriage offers only one of a few options for women with children. A decline in the numbers of women opting for marriage indicates that while women may continue to relate to men there is an

increasing tendency for this to be in terms other than a contractual and legal arrangement.

The reasons are complex - unlike the situation in rural areas where it is the absence of men that causes problems for women, in urban areas women are finding men more of a burden than they are worth.

This obviously has to be linked to the fact that over the past two decades there has been a steady increase in the rate of female labour force participation, a tendency for more and more women to be earning in sectors that are better paid than domestic work. This means that there is relatively less of an economic necessity for women to be dependent on men to support them and their families - in fact men are often an economic drain. Wives complain that they have to hand over most of their salaries to their men and that they only get back enough to feed the household.

Economic issues aside, there are other reasons for the reluctance of urban women to be tied to a man. Overcrowding, crime, poverty and increasing unemployment that are features of township life, impose massive strains on individuals. Where the crises and contradictions that these impose are not resolved by organisations, or within the context of people's jobs, or the authority structures that exist, it is often the family that bears the burden of oppression and frustration. This is not because they can be resolved or redressed within the family, but because the family functions as a soak pit to absorb expressions of anger that are not allowed elsewhere. Often, men have had a hard day at work, get drunk and take it out on their wives and children. Battery and alcoholism are the most common results of this situation.

The policy of the state towards the urban family and towards women, does not take into account any of these realities. State urban policy assumes the existence of a nuclear family in townships.

Apart from women who have been born in an urban area and have section 10(1)(a) rights, and the women who have gained their section 10(1)(b)s, all other women are dependent on their relationship to a man for permission to be able to live in an urban area. To get a section 10(1)(c) stamp, she has to be the wife or unmarried daughter of a man with rights to be in an urban area. In addition she has to be able to prove that she has approved accommodation.

Given the chronic overcrowding in townships this last requirement is not

easily met. In addition it is very difficult, if not impossible, for women to get houses if they are not married. Women with children who have chosen not to marry will not be able to get family housing for themselves. The new attempts to sell township houses also militates against the women who are household heads. Women earn less than men and for them to find the cash outlay is difficult.

It seems that in response to this situation many women do get married, but then divorce and don't get married again.

The increasing involvement of urban women in wage work, plus their continued responsibility for the reproduction of the family and household, imposes on them immense strains. The physical exhaustion of an eight hour job as well as what amounts to virtually another day's work after hours is the lot of many women. Again this situation is not taken into account either by bosses, the state or husbands.

The contradiction between the reality of family life and the assumptions that are made about it, are fundamentally oppressive for both urban and rural women in South Africa. The nuclear family does not exist for the majority of people. However, both state and society assume that it does.

families divided

Colin Murray - Families Divided: the impact of migrant labour in Lesotho (Cambridge University Press and Ravan).

Colin Murray's excellent book, Families Divided, combines the best traditions of social anthropology with those of political economy. He traces the development of labour supplies and the entrenchment of migrant labour in Lesotho from the nineteenth century, with the wars between Sotho and Boer, and the land expropriation which followed. Linked to this, the imposition of taxation, and the penetration of traders and missionaries hastened the proletarianisation of this small nation. By 1930, Lesotho, which had been an exporter of surplus wheat, was importing large quantities, and was almost totally dependent on migrant labour, mostly to the Witwatersrand gold mines.

One of Murray's major concerns is to chart the fate of the family in these circumstances of poverty, underdevelopment

and migrant labour, in a peripheral labour reserve. He argues that the family must not be seen in a static way, but as a process through time. The developmental cycle of the family has a number of phases: a newly-married couple form a nuclear family, invariably poor, with little land and only the labour of two people (themselves) to cultivate it. This almost inevitably forces the husband into migrant labour, in order to earn money to invest in their farming - ploughs, oxen, clothing and food have to be bought to make them viable.

Some families remain in the nuclear form, but most over time become extended families, stretched over three generations. This happens when children grow up, may marry, and stay with their parents. All too often, young women bear children out of wedlock: in a Tswana example, Murray shows that 40 out of 73 adult women in a district had never married, and 65 out of 162 children were born to them.

Typically, the third phase of the cycle of family life is the break up of the extended family into smaller, probably nuclear family units. Here, the older generation again becomes isolated as couples, often to their great financial and social cost, for there is no social welfare system to support them in their old age, and their age and failing health militates against their finding employment or working their own fields adequately. In this situation many ageing nuclear families try to link with younger generations by taking in their children while they (the younger) migrate to South Africa.

Murray argues that there is no typical form of family life in a society dependent on the earnings of labour migration. In his study, 18% of the unions were nuclear families, and over 50% were extended families. The remainder were broken, usually single-parent families, headed by women as a rule. While the process of family building is a cycle, Murray discerns no tendency for one form or another to emerge as dominant. He urges caution on those who idealise the extended family and the fact that women cope in the absence of men. This, he says, has the danger of endorsing the state and capitalist employers' view that the extended family accommodates everyone - the sick, unemployed and elderly - in default of decent wages or adequate social security arrangements.

The key to understanding changing family life in a migrancy-dependent society is the impact of migrant earnings,

coupled with rural class formation. Migrant earnings tend to be concentrated in individual households. Those without access to these earnings are severely disadvantaged. Murray goes so far as to say, 'Without a cash income from migrant earnings, a household ceases to be viable' (1981:106). Rearing by grandparents, due to nuclear family breakdown, is very common, to the detriment of all three generations.

Modern Sotho family structures are characterised by a contradiction which lies at the heart of the problem - the family is subjected to both conservation and dissolution simultaneously. On the one hand, the family, as structure, services and endures through several generations. On the other hand, there is evidence of high rates of individual mobility, marriage instability, illegitimacy, desertion, and breakup of families. The main cause of instability and individual mobility is the movement of migrants.

The puzzle of the simultaneous destruction yet survival of the family structure is understood when one sees that: a) the family can only survive if one of its members migrates; b) the migrant, given influx control laws, etc, needs something to fall back on, so invests in the family and its access to land and labour; yet c) migration itself places the family in jeopardy - it places anxiety, stress and encourages infidelity and desertion.

Marriage itself becomes difficult to define. In Lesotho, bridewealth (bohali) is still demanded, and the price of a wife is very high. High bohali used to reflect structural differentiation (between chiefs and commoners), now it reflects the importance of access to able-bodied manpower in a 'monogamous and impoverished rural proletariat'. Bohali consists of roughly ten head of cattle, or cash equivalent, which Murray shows is equivalent to the average total earnings of a Sotho miner over 30 months! This has the effect that few, if any, can afford to pay the bridewealth in one payment - it is spread out over years. This also makes it easier to divorce or separate since the marriage may never have been fully legalised.

Murray shows with great subtlety the changing role of bohali; it is now a 'mechanism by which migrants invest in the long term security of the rural social system, and by which rural kin make claims over absent earners' (1981:148). He also shows that there has been an inversion of

the traditional view of bridewealth. Instead of it being a process of senior men bargaining over the reproductive powers of young women, it has become (due to the absence of male migrants) 'bargaining by senior women over the earning capacity of women' (1981:147).

Finally, this penetrating study shows the emergence of women as the victims of the system. They are the final repositories of the accumulative oppression of an unfeeling economic and political structure in southern Africa. Women achieve a kind of 'relative autonomy' in the absence of their husbands - they are forced to assume responsibility for the reproduction of the family and have great domestic responsibilities. However, says Murray, they have little control over the resources with which to carry out that responsibility. That lies in the goodwill of the husband in his remittances, the level of wages he earns, and the vicissitudes of the pass law system of South Africa.

The Cape Times, Wednesday, July 27, 1977

A LETTER from the Chief Bantu Affairs Commissioner for the Western Cape, alleging that the migratory labour system is a good substitute for traditional tribal life, has drawn a strong reaction from the Ned Geref Kerk.

The letter, which was published in the Burger yesterday, was sent by the commissioner, Mr F H Botha, who said that he had received it from a "highly esteemed colleague."

Department of Bantu Affairs, said he could not comment on whether the views contained in the letter reflected official policy or not. Mr Botha, who is travelling in the Ciskei, was also not available for comment.

The letter stated the following:

● The plea of black squatters in the Western Cape that they wished "to live with their wives and families" was not their own. It was "put in their mouths" by white philanthropists.

● Mission churches in the homelands were not welcomed by blacks because the churches were based on a white theology. 'White' religion and its attendant restrictions were not acceptable to blacks and created conflict.

● Bishop Lekganyane's church (the Zionists) was popular because it offered a form of religion that was not at odds with black tradition.

● Blacks were not traditionally domestically oriented - "as a nomad, as stock farmer and as reaper he necessarily spends long period away from home."

● Because it was traditional black custom for a man not to have intercourse with his wife while she was suckling children, it was logical for him "to satisfy his needs elsewhere."

The letter added that for this reason the migratory labour system was a "good and acceptable substitute for the lifestyle of previous generations."

Ned Geref churchmen yesterday criticized these views. The Rev J J S Sieberhagen, general mission secretary of the Ned Geref Church in South Africa, said that his main objection was that the arguments were used to justify the migratory labour system - something which his church opposed.

"The church strives for the ideal of a Christian family - a man and his wife living together with their children," he said.

Information

● labour action

TRANSVAAL

Company: Carlton Paper (Wadeville)

Date: 13 April

Workers: about 400

Union: Paper, Wood and Allied Workers' Union (PWAU)

About 400 workers staged a six-hour sit-in demanding that management negotiate with them over their grievances. Their demands included the re-instatement of a dismissed worker, the provision of safety boots for each worker, and giving all workers (including shift workers) paid tea breaks (the industrial council agreement does not lay down paid tea breaks for shift workers).

Management agreed, in writing, to these demands and the workers returned to work. No wages were deducted from any of the workers involved (FOSATU Worker News, April 1983).

Company: Crowngold Jewellery Manufacturers (Wynberg, Johannesburg)

Date: 29 April

Workers: 31

Union: none

The workers, all women, went on strike after claiming that they were ill-treated and underpaid by their employer. After the intervention of the chairperson of the Alexandra Liaison Committee, Rev Buti, the company agreed to look into the workers' grievances. They returned to work the same day (RDM, 30.04.83).

Company: Duropenta (subsidiary of AECI)

Date: 4 May

Workers: 120

Union: Chemical Workers' Industrial Union (CWIU)

The workers were fired after striking in support of demands for the dismissal of a foreman after he allegedly assaulted

a black worker. The union claimed that the foreman had caused the worker to lose several teeth and had torn his clothes.

The company told workers that they could re-apply for their jobs on 5 May but that not all would be taken back.

Company: GaRankuwa Bakery (near Pretoria)

Date: 23 April

Workers: unknown

Union: -

Drivers struck after a colleague was arrested at the bakery for allegedly stealing bread. The strike prevented deliveries of bread to most shops in GaRankuwa and Mabopane. By 26 April the strike was still continuing. No further news.

Company: Landdrost, Towers and Rand International Hotels (Southern Suns owned)

Date: 26 May

Workers: about 300

Union: Commercial, Catering and Allied Workers' Union of SA (CCAWUSA)

The trigger to a one-day strike at these three hotels was dissatisfaction with a supervisor at the Landdrost Hotel. Additional factors were the demand for union recognition, shop steward recognition wages and other grievances. The workers argued that if the Southern Suns group could consider expanding to the USA (at Atlantic City), then it could afford to pay better wages in South Africa.

Management agreed to meet with the union representatives early in June. Workers then agreed to return to work, including those (the majority of those on strike) at the Towers and Rand International hotels.

Company: Maizecor Industries (Waltloo, near Mamelodi)

Date: 17 May

Workers: 400

Union: Food and Beverage Workers' Union

Workers downed tools in solidarity with six dismissed workers, and demanded their re-instatement. Four of the workers had been fired on 16 May while they were negotiating the case of the other two who were fired earlier.

A union spokesperson said the strike was the result of management's refusal to meet the executive committee of the union. The company dismissed all the striking workers, but agreed subsequently to re-employ them. The six workers originally dismissed were however not re-employed.

Company: Makro (Bedfordview)

Date: 17 March

Workers: 70

Union: Commercial, Catering and Allied Workers' Union (CCAWUSA)

In protest against the dismissal of one of their colleagues, these workers downed tools, demanding that management re-instate the worker. The strike began in the morning, and the workers returned to work that afternoon, after management had conceded to their demands. Makro further agreed to full recognition talks with the union (due to pressure from shop stewards at three Transvaal branches of Makro) (CCAWUSA News, May 1983).

Company: OK Bazaars (Randburg)

Date: 19 May

Workers: 80

Union: CCAWUSA

Eighty workers went on strike in protest against an abusive supervisor. OK head office was called in and at talks they agreed that the supervisor was in the wrong and would be given a warning.

Company: Premier Paper Mill (Kliprivier, near Alberton)

Date: 25 April - 2 May

Workers: 350

Union: Paper, Wood and Allied Workers' Union (PWAU)

A number of demands featured in the strike by 350 workers at the Premier Paper Mill (a Barlow Rand subsidiary). These included improved wages and the re-instatement of a colleague who was dismissed for allegedly sleeping on the job.

The PWAU stated that in March management had decided to give certain categories of workers, mostly from the higher levels, increases of between 30 and 40 cents an hour and told the workers that PWAU had negotiated and accepted the increases. The union stated that it had

rejected the increases when they had heard about them in December. A union spokesperson said that the workers felt that the lowest paid workers should get a greater increase, and the differential increases were in direct contradiction of this. A further demand was for a night-shift allowance which, the union said, management had agreed to in principle in 1982.

Several meetings were held between management and union officials to discuss the issue. A statement released by Nampak, Premier's parent company, on 28 April said that the negotiations had ended in deadlock (Sowetan, 29.04.83). On the same day management warned the strikers that they would be fired if they did not return to work by 29 April. The management stated that it would discuss grievances only once the workers had returned. It also said it reserved the right to cancel its recognition agreement with PWAU (RDM, 29.04.83).

The workers returned to work on 2 May, meeting a revised return-to-work deadline, but the company stood by a decision to break off its agreement with the union. The company had been the first paper employer to agree to negotiate wages with the union outside the industrial council. Premier stated that no victimisation would take place and that the workers' contracts of service would be regarded as uninterrupted. It stated further that negotiations with worker representatives on a July pay increase 'and any other problems' would start as soon as practical. It claimed that production was 'maintained' during the strike (RDM, 03.05.83).

Management also stated that it would negotiate with a newly elected workers' committee in its wage negotiations and stated on 5 May that elections would be held that week. Management refused a worker request that union officials be present at pending wage talks, holding that as the company had cancelled its recognition agreement with the union the 'union's officials have no standing to be present at the negotiations' (RDM, 05.05.83).

On 6 May the PWAU stated that it was taking the company to the industrial court on the issue. It reacted strongly to a management statement on 7 May that many departments had already held elections and had returned former shop stewards unopposed. Management said further that one department, 'not seeing any necessity for holding an election, decided to

retain their former shop steward who had been elected before the agreement with PWAU was cancelled'.

The union stated that the stewards were 'furious' about the statement. It said that workers in all departments had refused to take part in any new elections because they insisted on being represented by union stewards only. According to the shop stewards, no voting took place nor was there any proposing or recording of names, adding that the shop stewards were amazed to hear that they had been elected unopposed. The union also claimed that workers were not prepared to have the stewards attend a meeting with management 'in any capacity except as shop stewards'. The union stated that it had informed the company that as it was the majority union it would hold in the court that the company was guilty of an unfair labour practice if it refused to negotiate with the union. The union stated that they believed that management's attempt to turn the shop stewards into some sort of works council entrenched this practice (RDM, 07.05.83).

As at mid-May management had been negotiating the wage issue with the shop stewards, but the talks continually reached deadlock. No further news.

Company: Putco (Springs Depot)
Date: 25 May
Workers: about 140
Union: Transport and General Workers' Union (TGWU)

Putco drivers went on strike protesting against the dismissal of one of their colleagues. Putco stated that the driver was dismissed due to the results of an internal inquiry into his conduct, finding that he had caused a serious accident.

A statement issued by Putco said that the striking workers were ignoring a grievance procedure which enabled the dismissed worker to appeal against the decision.

The workers returned to work early on 26 May, pending talks between management and the union.

Company: Rosebank Hotel
Date: late April
Workers: 200
Union: CCAWUSA

Two hundred workers struck at the end of April over the dismissal of a worker by a chef. The strikers were all dismissed. This followed a strike by the same people during late-1982 when they were protesting against the same chef who, they alleged,

regularly assaulted his assistants. At that time management agreed to speak to the chef about his conduct.

Company: Sam's Food (a franchise of Sandton Hyperama)
Date: 5-8 May
Workers: 9
Union: CCAWUSA

Workers went on strike, protesting against low wages, long hours, unpaid overtime and the withdrawal of transport facilities.

After intervention by the union the workers were re-instated and all the grievances, apart from wages, were remedied. Wage talks will take place soon.

Company: Star newspaper (Johannesburg)
Date: 24 March
Workers: 209
Union: Media Workers' Association of SA (MWASA)

About 200 workers at The Star - all members of MWASA - downed tools on 24 March in support of a demand for the re-instatement of a fellow worker who was dismissed the previous week after threatening an african supervisor. The worker had been given a final warning in September 1982 for disciplinary offences. The Star's manager said that the works manager had agreed to suspend the dismissal pending the outcome of an appeal against the decision but refused to let the man work in the interim.

MWASA wanted him re-instated as a condition for calling off the stoppage (RDM, 26.03.83). At a meeting at the Orlando DOCC on 24 March members of MWASA expressed concern over reports that the union had used bomb threats against management and accused management of using the allegations as an indirect way of inviting the intervention of the security police.

After further talks had reached deadlock on 5 April, The Star's manager, Jolyon Nuttall, stated on 6 April that none of the dismissed workers would be re-employed because they had automatically dismissed themselves. The statement said further that the workers had broken the terms of the national agreement between their union and the Argus company.

He stated that 'sound labour relations must be based on faith in and adherence to formally concluded agreements and procedures. Wildcat stoppages and illegal strikes undermined this base. The management of the Star believes it is necessary to stand firm at this time if there are to be fruitful years ahead'

(Natal Witness, 06.04.83).

On 7 April the Council of Unions of SA (CUSA) expressed its support for the 'victimized workers' in the dispute. It noted how The Star management had 'escalated the dispute by allegedly attempting to dismiss union members' (RDM, 08.04.83).

On 11 April nine black journalists - members of the MWASA - downed tools in support of their 210 black colleagues. The decision was taken at a meeting of the southern Transvaal region of MWASA which 'noted with deep concern the callousness and contemptuous actions of The Star management in unfairly dismissing 210 colleagues in an arrogant manner'. A MWASA spokesperson said a letter had already been sent to management calling for negotiations between MWASA and management. A resolution by MWASA stated that they realised that this was a South African Typographical Union (SATU) and MWASA conflict with SATU enjoying the full support of management.

SATU demanded the removal of MWASA members during the stoppage - alleging intimidation. SATU is also known to have met with management while the fate of the 209 fired workers was in the balance.

At an emergency meeting on 13 April the SA Associated Newspapers (SAAN) chapel of MWASA resolved to ask management to intervene for the re-instatement of the 209 workers. They decided that the sacked workers should be unconditionally re-instated by the Argus company and condemned management in the 'strongest terms for its unjust action in dismissing the workers' (RDM, 13.04.83).

The Star was produced during both days of the strike. Some members of the Southern African Society of Journalists (SASJ) agreed to help undertake some of the work of the strikers during the stoppage, despite the fact that the SASJ has a 'no strike-breaking' policy. The Star also hired a number of people to do the work of the dismissed employees.

On 15 April The Star's management, in reply to a union proposal that the paper take back 'not less than 150' of the strikers, stated that it was unable to rehire any of the 209 union members who went on strike in March. The Star's senior assistant manager, Jimmy Mould, stated that in order to alleviate the workers' plight, and 'as an issue entirely and completely separate from legal considerations', they were 'sympathetically examining whether we can make a special

ex-gratia severance payment to those former employees who had considerable service with us'. He said that the workers' ignoring of agreed negotiation procedures by striking on 24-5 March had left management with no alternatives. Out of the 209 dismissed workers 67 had worked at The Star for more than eight years (Star, 16.04.83).

Meanwhile nine journalists - members of MWASA - who had stopped work on 11 April returned to work on 19 April at the directive of the MWASA's national executive council. The journalists stated that their decision to return was not in any way influenced by The Star management's ultimatum for them to return to work by that day or lose their jobs. The decision to return was taken before the ultimatum was received (Star, 18.04.83).

At a meeting on 18 April between MWASA's national working committee and management to discuss the issue it was agreed that no further progress could be made. A representative of the Argus company confirmed that The Star would not re-employ any of the sacked workers. A representative of MWASA stated that the position adopted by the newspaper had created an imbalance in future relations between the two.

The committee agreed that all parties would work urgently towards finalising disciplinary and grievance procedures at plant level (RDM, 19.04.83).

On 5 May it was announced that four of the 209 would take the matter to the industrial court. The workers had filed papers at the court to obtain re-instatement of all the strikers.

The workers were challenging the dismissal in terms of section 43 of the Labour Relations Act which provides for the granting of interim relief to an aggrieved party, for example the re-instatement of a dismissed worker, pending a later hearing on the dispute.

EASTERN CAPE

Company: Eastern Cape Agricultural Co-operative Creamery

Date: ?

Workers: unknown

Union: African Food and Canning Workers' Union (AFCWU)

Workers were all fired when they went on strike. The AFCWU alleged that workers had been shot by a foreman before the strike and that one worker was wounded in leg. At the time of the strike the union:

chairperson, Tandi Madikane, was arrested and along with another worker was charged under the Intimidation Act, but the charges were subsequently dropped. However, on 26 April Madikane and five others were again arrested and were due to face charges under the Intimidation Act.

Most of the strikers fired by the company were replaced by new workers but some returned to work. According to the union only those who had been working there for a short time had returned and the longer-service workers were still refusing to do so (RDM, 27.04.83).

Company: Kentucky Fried Chicken
(Queenstown)

Date: 13 May

Workers: about 15

Union: African Food and Canning Workers' Union (AFCWU)

Several workers walked out of this Queenstown outlet in protest at the dismissal of a colleague. They contacted the union on his behalf. A union official contacted the outlet but was referred to the managing director of the franchise (Eastern Province Herald, 16.05.83).

No further news.

Company: Sunblest Bakery

Date: 30 April

Workers: 53

Union: General Workers' Union of SA (GWUSA)

Workers downed tools demanding night shift allowances. According to a union official the workers were told not to return to their posts until the regional manager arrived. When he arrived the workers were given five minutes to return to work or leave the premises.

'While they were briefing their committee to arrange a formal meeting with management, senior personnel prevented them returning to their posts and when the five minutes were up, shouted at them that they were all dismissed', the union official said.

By that stage management had called the police who chased the workers to their lockers and ordered them off the premises. Many workers received scratches and had their clothing torn by the police (E Province Herald, 14.05.83).

No further news.

MINING

Company: Beisa Uranium Mine (Gencor owned)

Date: 11 April

Workers: 650

Union: none

The miners struck on 11 April after 13 african miners and three whites had been killed on 8 April in a methane gas explosion 450 metres below the surface. A further 50 workers were injured. Several buildings were damaged in the unrest and a store room set on fire. Damage was estimated at R100 000. Police were summoned and five miners were held on charges of public violence. More than 500 workers out of a workforce of 4 000 decided to leave after the unrest, and asked to be paid off (RDM, 12.04.83; Sowetan, 12.04.83).

Company: Tsumeb Corporation's Otjihase Mine

Date: 18-20 April

Workers: 600

Union: -

According to the Windhoek Observer, this strike 'was the biggest single strike for a long time, illustrating the unity in the ranks of Namibia's mine labour task force'

After 40 hours of negotiations, most of the workers returned to work, although nearly two bus loads of workers left, not prepared to accept management's terms.

The strike began when 100 mechanical equipment operators at the mine staged a 'walk-out' in protest against a new regulation which had been introduced. The refused to return to work until the senior official who introduced the regulation was fired.

The following day the entire black workforce refused to work. Tsumeb Corporation's general manager, Meiring, flew to Otjihase to investigate the grievances, but decided ultimately not to dismiss the official. It was at that stage that several of the workers boarded the buses and left the mine property, while those who remained were ordered to return to work.

Meiring said initially that those who had boarded the buses would be considered to have resigned. However, later he gave an undertaking that if they returned to their jobs within 50 days they would be re-employed and no deductions would be made for the time that they were not working.

During the strike production would have been brought to a standstill were it

not for the white workers who carried out most of the tasks usually performed by the strikers. Production was maintained during the strike, but at a reduced rate, it was reported (Windhoek Observer, 23.04.83)●

The industrial court has recently featured in several industrial disputes. CLIVE THOMPSON reports on a recent application by the NUTW for a status quo order against Frametex.

**NATIONAL UNION OF TEXTILE WORKERS (NUTW)
v CONSOLIDATED FRAME COTTON CORPORATION**

NUTW followed up its recent successful action against the Springs firm Braitex by securing a 'status quo' or section 43 application against the Frame Corporation in Pinetown. Both cases involved a novel form of legal relief against rival unions.

Both NUTW and the rival TUCSA-affiliated Textile Workers' Industrial Union (TWIU) had been active in recruiting members at the Frametex mill in Pinetown. NUTW alleged that the Frame Corporation had undertaken to grant recognition to that union which could establish a majority representation at the Frametex mill. It alleged further that the Corporation had pledged not to favour either union in their respective recruitment activities.

Having rejected NUTW's claim to majority support earlier in the year, the Corporation proceeded to proclaim that TWIU had achieved the necessary 50% plus one representation and that it would henceforth enjoy the exclusive recognition of the Corporation.

Alleging that the Corporation was not an impartial arbiter of the competing claims between the unions, NUTW thereupon launched a section 43 application, asking the industrial court to restore the labour practices prevailing earlier, ie to require the Frame Corporation to de-recognise TWIU, pending the resolution of the dispute in other forums.

Without admitting any of the charges levelled against it, the Corporation and TWIU declined to oppose the application and the court had no hesitation in making the order as requested.

With the status quo ante now restored, NUTW is seeking an independently administered ballot to determine the respective strengths of the parties●

● courts

HUMANSDORP ARSON TRIAL

Monwabisi Bosman (18), Vuyisile Kate (18), Solomon Jack (18), and three minors who may not be named because of their age.

Between November 1981 and February 1982, 16 schools in Zwide, New Brighton and Kwazakhele were attacked by arsonists. Damage caused was estimated at R30 000. The six accused in this trial faced 16 counts of arson covering the various attacks on schools.

Central to the trial was the admissibility of statements made by certain of the accused while in police custody. The defence alleged that all six accused were tortured while in police custody. It was said that police electrically shocked them, suffocated them by placing wet canvass bags over their heads, applied skin irritants, punched and kicked them. It was further claimed that the accused were forced to drink their urine, and that they were deprived of food and drink for a long period.

A Humansdorp acting magistrate, Elsie Stroebel, testified that she took down statements made in front of her by two of the accused. One told her that police had rubbed skin irritants on his body, but she did not question him on this 'because it wasn't an assault, had caused no pain to the youth, and because he had no injuries'. According to the youth involved, he was initially beaten by a policeman, then made to strip and lie in a bathtub. 'I fell unconscious and when I regained I had been washed with an irritant', claimed the accused youth, who said that a Sergeant Mene had rubbed a herb similar in shape to an onion on his skin. This irritated his skin and was extremely painful.

Magistrate Stroebel also took down a statement made by Kate, who alleged that police had hit him with an open hand, a sjambok and a stick. Under cross-examination, the magistrate admitted that she had not asked Kate for further details of the assault, nor reported it to any authorities.

Questioned on this by the presiding magistrate, the witness explained that she had no specific instructions from her superiors to report alleged assaults.

Police denied all allegations made against them by the accused.

Verdict: At the end of the state case, one accused was acquitted of all charges. The other accused were found guilty of arson.

Sentence: A 16-year old accused, found guilty on six counts of arson, was sentenced to nine years. Four years of this sentence was suspended for five years.

A 17-year old, convicted on five counts, was sentenced to ten years, of which 45 months were suspended.

Jack and Kate each received seven-and-a-half year sentences, of which three-and-a-half years were suspended.

Bosman, found guilty on one count of arson, was sentenced to five years, of which two were suspended.

Certain of the accused had been in custody as detainees and awaiting trial prisoners for over a year by the time sentence was passed. (Humansdorp regional court, 28.04.83).

TRIALS IN 'INDEPENDENT' BANTUSTANS

Nomakhe Phu Jane Ntsatha (25) and Mcekeleli Lawrence Peter (21).

The Ciskei's first 'post-independence' security trial has run its course. Not altogether surprisingly, the trial proceedings followed a pattern well-established in South African courts. However, a number of legal ambiguities emerged as a result of the formally independent status of the Ciskei.

The accused were charged under South Africa's Terrorism, Internal Security and Publications Acts. By the time their trial ended, these Acts were no longer law in South Africa or the Ciskei, having been superceded during 1982 by the Internal Security Act (South Africa) and the National Security Act (Ciskei) respectively.

Ntsatha and Peter faced a number of charges - membership and participation in the activities of the African National Congress (ANC), recruitment of members

for the ANC, distribution and possession of banned publications, and recruitment of people for military training. Peter faced an additional allegation that he had taken steps to leave the country for military training. They pleaded not guilty to all charges.

Both accused were detained by South African security police in November 1981 - days before the Ciskei became South Africa's third 'independent' bantustan. Some time after 'independence', they were presumably handed over to Charles Sebe's Central Intelligence Service by South African police. The procedures and authority for handing a prisoner to a legally independent state - if indeed they exist - are not known. But it is clear that this co-operation between South African and Ciskei police has existed since December 1981. Recently, confirmation of its ongoing nature was provided when security police handed trade unionist Dlaki Vani to Ciskei authorities, who immediately detained him under security legislation. Police Minister le Grange said this was done because Vani 'is a Ciskei citizen'. But PFP MP Errol Moorcroft claimed that the incident 'created a dangerous precedent of collusion' between South African police and Ciskei authorities. 'Can alleged miscreants now be summarily arrested in South Africa and handed over to Ciskei without even appearing in a court of law in this country?' asked Moorcroft. While Charles Sebe originally claimed that Vani had been detained in the Ciskei on 3 May, it is now clear that he was arrested by South African police and then handed over to the Ciskei on that day.

While in South African security police custody, both Ntsatha and Peter made statements before Aliwal North magistrates. When the prosecution produced these as evidence in their trial, their defence lawyers argued that they could not be admitted because they were made in South Africa (not the Ciskei), and because they were written down in Afrikaans, which is not an official language of the Ciskei. These points were dismissed by the presiding magistrate.

Both accused claimed that they had only made statements to magistrates after prolonged assault and torture,

and that the statements should accordingly not be accepted as evidence.

Ntsatha told the court that after her detention, she was assaulted by security police while her baby lay on the floor nearby. Subsequently, a wet canvass bag was placed over her head and electric shocks were administered to her body.

Peter alleged that during interrogation he was taken to the grave of Steve Biko, near Ginsberg location, where he was told that he would die, as Biko did, like a dog. At a later stage security police in King Williams Town stripped him naked, kicked, choked and electrically shocked him.

These allegations were denied by a number of security police witnesses.

During evidence, it emerged that both accused had been taken to an Aliwal North district surgeon by the security police, prior to making statements before a magistrate. The trial's investigating officer admitted to the court that he told the district surgeon that Peter was suffering from a nose-bleed, and that Ntsatha had complained of a sore throat. He agreed with a defence suggestion that a doctor's examination would be determined by the kind of complaint a patient had, but denied that he told the district surgeon of minor complaints to get the detainees a clean bill of health before they made statements to a magistrate.

The part-time district surgeon involved, Aliwal North's Dr HJ du Plessis, admitted that although he had only examined Peter's nose, he issued a note saying that he was in good health and displayed no abnormalities. When asked why this report did not even mention the nose-bleed, du Plessis explained that he was very busy at the time Peter had been brought to him.

Peter claimed that his nose had bled as a result of an assault on him carried out by security police. He testified that on being taken to the district surgeon, the doctor asked the policeman present whether he (Peter) was a terrorist. Although his face was visibly marked from assaults, the doctor did not examine him, saying that the blood clot in his nose was self-inflicted.

Aliwal North magistrate Christina Gerber took down Peter's statement. In

court, she said that it was her duty to write down the statement, not to look for injuries on the detainee or ask about possible assaults. After Gerber agreed that it was her duty to investigate the circumstances leading up to a detainee making a statement, defence counsel suggested that if she had carried out her duty properly, Peter would have told her that he had been assaulted. When asked why she did not investigate the circumstances in which Peter had agreed to make a statement, magistrate Gerber did not reply.

Gerber denied Peter's claim that on two occasions when she visited him in the Jamestown police cells, he told her that he had been assaulted by security police.

A witness called by the defence told the court that she had spent a night with Ntsatha in the King Williams Town police cells in 1981. She observed that Ntsatha had been assaulted, as her face was swollen, and there were marks on her body, chest, arms and thighs.

Presiding magistrate J Dracatos admitted both statements as evidence against the accused, having satisfied himself that they had not been made under duress.

The state called four witnesses against the accused. Two - unidentified in court proceedings - refused to testify. An 18-year old, having been held in custody since November 1981, told the court that he could not testify against a friend. He was then sentenced to two years imprisonment. The other witness, 24 years of age, was sentenced to three years.

A third witness, Pthumezo Meme, was charged with perjury. According to the prosecution he originally made a statement to South African police that, as a result of his unemployment, he was convinced by Peter to join the ANC. Peter also instructed him to leave the country so that he could receive military training from the ANC. However, Meme denied in court that this was a true account of his conversations with Peter.

Meme's legal defence has argued that his original statement was made before a person who is not a commissioner of oaths, and who was not resident in the Ciskei, where the case is being heard. Accordingly, they claim, his original statement cannot be binding

on him.

The final state witness, Vusumzi Mlahleki, told the court that Ntsatha had discussed with him the difference between the ANC and the PAC, and told him about ANC president Oliver Tambo.

During the course of the trial, it emerged that some security detainees held at Jamestown police station were booked in as stock theft offenders, rather than detainees. The reason for this deception was not clarified. **Verdict:** Ntsatha was found guilty on all five charges. Peter was acquitted on a count of taking steps to undergo military training, but convicted on all other charges. In his judgement, the presiding magistrate said that when Ntsatha was arrested, she was in possession of ANC and Umkhonto we Sizwe material. Peter had admitted in his confession to joining the ANC and forming a cell. Magistrate Dracatos also indicated that he was satisfied that both accused had distributed copies on an ANC publication, Sechaba, and a banned edition of the freedom charter.

Sentence: Ntsatha was sentenced to three years on two counts involving ANC membership and activities. She was sentenced to a further five years for assisting others to leave the country for military training. The sentences of these counts are to run concurrently, and she will therefore serve five years. In addition, she was sentenced to three months (or R200) for distribution and possession of banned publications.

Peter received three years on the two counts involving ANC membership and activities. Sentence on these counts will run concurrently, and he will therefore serve three years. A further two months (or R100) was imposed on him for possession and distribution of banned publications. (Zwelithsa regional court, 21.04.83).

Vumankosi Lawrence Ntikinca (35)

The accused in this trial, being heard in the Umtata supreme court, faces three charges under the Transkei's Public Security Act, two counts of theft, and alternate charges of possessing a firearm and ammunition without a licence.

A former refugee and ex-Transkei government clerk, Ntikinca is alleged to be a member of the Pan African

Congress (PAC), and to have engaged in PAC activities. It is further claimed that he stole rubber stamps and blank Transkei travel documents belonging to the Transkei administration, and was in possession of a 6,35 mm Baby Browning pistol and 13 rounds of ammunition.

State witnesses have told the court, presided over by Transkei chief justice J Hefer, that Ntikinca entered the Transkei from Lesotho, and was looking for places to hide arms and people. Ntikinca was, according to a witness, also looking for a travel map of the Transkei Wild Coast, particularly the Willowvale area. He had been employed as a Transkei government clerk in that area between 1978 and 1980, but then disappeared. In October 1982 he returned - allegedly entering the Transkei illegally - and made contact with a number of people he had previously known.

Ntikinca was initially charged together with Nomthadazo Lusizi, also an ex-employee of the Transkei administration. However, charges were dropped against her in February 1983. Both accused were detained by Transkei security police in October 1982, and held in detention until their first court appearance in January 1983.

INTERNAL SECURITY ACT TRIALS

Stanley Radebe (27), Ephraim Mthuthuzele Madalane (24), Ernest Lebana Mohakala (23), and Innocentia Nonkululeko Mazibuko (22).

An eight month trial held in Kempton Park ended with the acquittal of all four accused - and the presiding magistrate recommending that a security police officer and a police informer be prosecuted. Other features in this unusual trial were the rejection of a confession made by an accused, and evidence of the secret tape recording of a conversation in prison between an accused and his mother.

The accused faced charges under the Internal Security Act, with alternate counts under the now-repealed Terrorism Act. The state claimed that the accused * joined the South African Youth Revolutionary Council (SAYRCO),

which was established outside South Africa after the October 1977 banning of the Soweto Students' Representative Council (SSRC);

incited and recruited people to undergo military training;

approached people and organised meetings where the aims of SAYRCO and the SSRC were advanced;

travelled to Botswana and Lesotho on SAYRCO business;

established a presence in the Zanzanian Students' Movement (AZASM) on behalf of SAYRCO.

In addition, Ernest Mohakala faced an additional charge of undergoing military training in Libya.

The trial followed on the conviction of SAYRCO president Ghotso Seathlolo and Masabatha Loate, who were sentenced to ten and five years imprisonment respectively for involvement in SAYRCO activities. Seathlolo, second president of the now-banned SSRC until he went into exile, was detained while on a secret visit to South Africa together with other SAYRCO members. During the course of his trial, Innocentia Mazibuko was called as a state witness, but refused to testify. Sentenced to 12 months imprisonment, she was charged in this trial while serving that sentence.

One of the first witnesses called by the state, Lazarus Shole, refused to testify, and was subsequently sentenced to 18 months imprisonment.

Stanley Radebe contested the admissibility of a statement made by him while in custody, claiming that he had agreed to make the statement under duress from security police interrogators. Radebe, who had been serving an 18 month sentence at the Johannesburg Fort, was taken by police to an isolation block at the Free State's Groenpunt jail. There he claims he was placed in a strait-jacket, and assaulted by security police interrogators.

Six convicts serving sentences at Groenpunt testified on behalf of Radebe. Solomon Lelake told the court that during March 1982, he and other prisoners were taken from their cells and locked in a yard. He then saw Radebe being taken into the empty cell block by two whites in civilian clothes, accompanied by a prison warder carrying a straitjacket. When Radebe was brought out, his face was

swollen and his shirt blood-stained.

Another convicted prisoner, James Moloisane, testified that he had overheard Radebe screaming. When he saw Radebe being taken to his cell, he noticed blood stains on his shirt and that his face was swollen. Three days later Radebe was still walking with difficulty.

A third prisoner, George Dladla, also noticed Radebe's swollen face and blood-stained clothing. Radebe told him that he had been assaulted because police 'wanted him to agree to something about bombs'.

Investigating officer Leon van Loggerenberg denied that Radebe had been assaulted. Presiding magistrate Luther rejected Radebe's confession as evidence - but not on the grounds that he had been forced to make it by security police. Luther found that Radebe had made the confession out of his desperation to get out of the solitary confinement he was being held in.

A state witness who may not be named testified that, after spending three weeks in solitary confinement, he was assaulted by security police lieutenant Trollip. The witness admitted that he was scared of the security police, and that he would do anything during interrogation to avoid prolonged detention and assaults.

Another witness admitted under cross-examination that some of his earlier evidence had been false. He claimed that he had lied under instruction from the investigating officer, who threatened him with detention if he did not co-operate. He also said that he had signed a statement which differed from an earlier statement as he did not want to be detained.

Former Mozambican army officer turned police informer, Jim Kelly, also admitted under cross-examination that he had lied in the evidence given earlier. This, he claimed, was on the instruction of a security police major.

Towards the end of the trial, the state produced a transcript of a secretly-recorded conversation between Radebe and his mother at Modder Bee prison. Despite defence objections to its admissibility - on the grounds that it was unfairly obtained - the presiding magistrate accepted it as evidence. Defence counsel argued that the tape contained admissions

from Radebe which were taken down without his knowledge, and were therefore not acceptable as evidence. It was also argued that it was unusual for police to be allowed to tape secretly a discussion inside a prison.

In concluding argument, defence counsel for the accused claimed that during the trial

- * five witnesses had alleged severe assault by the security police during interrogation;

- * nine witnesses said they were told what security police wanted them to say in court;

- * seven said that they were terrified during interrogation, and five that they were threatened with further assault;

- * black ex-Mozambican police agent Jim Kelly said he was explicitly told by a security police major to falsify evidence;

- * and six witnesses said they were kept in isolation before being interrogated.

Verdict: All accused were found not guilty. Presiding magistrate Luther found that state witnesses had been forced to give false evidence by security police, and that some had been assaulted during interrogation. The magistrate recommended that police agent Kelly and the security police major who told him to lie be prosecuted.

(Kempton Park regional court, 07.04.83).

Subsequent to the trial, the Centre for Applied Legal Studies director, Professor John Dugard, commented that the judgement was significant 'because it is the first occasion on which a judicial officer has acquitted people charged under (security legislation) on the grounds that the state witnesses had been ill treated or manipulated by the security police'. According to Dugard, the decision was also of significance because it was made by a magistrate, and not a supreme court judge. 'One hopes judges will follow this fine example', said Dugard.

Shortly after the trial ended, police were reported to be conducting 'an internal investigation' into the magistrate's findings. According to a police spokesman, the findings would be sent to the attorney general. Nearly two months after the trial, there has been no public indication of any further developments.

A witness in the trial, and mother

of accused Stanley Radebe, was detained in connection with her son's activities. Mrs Radebe is suing the Minister of Police for the assaults which she claims were committed on her while in detention. During the course of her son's trial, it was alleged that she was hit on the head and shoulders with a stick, and subsequently laid a charge of assault against investigating officer van Loggerenberg. He denied these allegations, claiming that during interrogation Mrs Radebe complained of dizziness, and on two occasions fell from her chair, hitting her head against a wall. This, according to van Loggerenberg, is how she sustained injuries while in detention.

The amount for which the Minister of Police is being sued is not known.

Andrew Mokone (19), Vulindlela Mapekula (22) and Reginald Mzwandile Nkosi (21).

The accused, all members of the Kwa Thema (Springs) branch of COSAS, were charged with taking part in the activities of the banned ANC in that

- * they conveyed messages and letters from ANC members in Botswana to people in South Africa;
- * they formed a cell of the ANC;
- * they distributed ANC literature;
- * they received money from the ANC for various projects of COSAS.

The court heard that all three accused had been to Botswana on separate occasions where they had met certain exiles from South Africa. It was alleged by the state that these exiles, from whom the accused had received money on each visit, were members of the ANC.

It was on returning from his second visit to Botswana that Mokone was arrested at the border. Police found letters on him from one Billy in Botswana to various people in South Africa. These letters also contained money.

A few days after Mokone was arrested, security police detained the other accused as well as a number of others.

One of the letters written by Billy, which was handed in to court as an exhibit, was addressed to one Julius. This was, according to evidence given, the alias for Mapekula. The letter gave him

instructions about the formation of an ANC cell.

All three accused made statements to a magistrate after their arrest, in which they admitted connections with the ANC. However, the statement of Mokone was ruled inadmissible as evidence. Mokone told the court that he had been tortured by Zeerust security policemen after his arrest.

A significant feature of the trial was the number of witnesses called by the state. Two, Mathlodi Mgia and Mathabala Kabate, refused to testify and were both sentenced to 18 months imprisonment.

On the evidence of the state witnesses, and on the statements of the accused - whom the presiding magistrate found to be unreliable and untruthful witnesses - the court found the man Billy, a woman called Nomi Nomi, a certain Josephine, and one Stella Masuku to be members of the ANC in Botswana. These were people whom the accused allegedly met in Botswana.

Verdict: After a trial lasting six weeks, all three accused were found guilty.

Sentence: Maphekula and Nkosi were sentenced to three years each. Mokone received three years, of which one year was suspended. Mokone's lighter sentence was in view of his youth.

Mokone has since instituted an action against the Minister of Police for damages. This arises out of his alleged assault at the hands of security police.
(Springs regional court, 25.03.83).

Harrison Thembinkosi Noggekele (26), Joseph Nong Thloloe, Veli Truman Mnguni (33), Philip Dlamini (30), Sipho Moffat Ngcobo (28), Nhlanganiso Sibanda (26), Steven Sipho Mzolo (26), Mfana Mtshali (18) and Shadrack Rampete (22).

Considerable pre-publicity was given to this trial, with the press predicting that it would be a major Pan African Congress trial. The accused included banned former vice president of the Media Workers Association (MWASA), Joe Thloloe, and Philip Dlamini, general secretary of the South African Black Municipality Workers Union. At the time of the trial, Dlamini was serving an 18-month sentence for refusing to testify against Lillian Keagile in a

recently concluded ANC trial. Other accused included senior office-bearers of the Azanian National Youth Unity (AZANYU), and a political exile kidnapped from Botswana and brought to Johannesburg in June 1982.

The accused faced charges under the Internal Security and Terrorism Acts, with the state alleging that they had furthered the aims of the banned PAC, and endangered the maintenance of law and order in South Africa. These alleged offences were committed between January 1981 and June 1982 in Johannesburg, Krugersdorp, Tembisa and Pietersburg. Details of the charges included the illegal possession of a firearm and ammunition, assisting guerillas to leave the country, recruiting others to undergo military training, and the distribution of banned literature.

Noggekele initially pleaded guilty to certain charges, admitting that he had passed on a firearm, magazines and a hand grenade to Thloloe. He was, however, subsequently permitted to change his plea to one of not guilty on all charges, and withdraw his earlier admissions.

The state's first witness, Michael Sipho Mtshingana, refused to take the oath, claiming that the evidence he was expected to give was not true. Subsequently, his attorney indicated that he was prepared to testify, but the state declined to call him.

In a surprise move, charges against five of the accused were dropped, and all but one charge dropped against the other four accused. These four pleaded guilty to possession of PAC literature.

Verdict: Noggekele, Mnguni, Dlamini, Mtshali and Rampete were acquitted on all charges.

Thloloe, Ngcobo, Sibanda and Mzolo were found guilty on one count of possessing PAC literature. Sentence: Defence counsel argued that a suspended sentence should be imposed on those found guilty. They had already been in custody as detainees and then awaiting trial prisoners for about ten months. This was punishment enough, it was claimed.

Presiding magistrate Kleinhans disagreed. Thloloe, who was found

guilty of possessing one document was sentenced to two-and-a-half years, as was Ngcobo, who possessed three banned documents. Sibanda and Mzolo, found with boxes containing different PAC documents, were sentenced to three years each. (Johannesburg regional court, 20.04.83).

The harshness of these sentences was criticised by International Press Institute representative, Joel Mervis. Pointing to a punishment out of proportion to the crime (possession of literature), Mervis argued that the law under which the accused had been convicted was 'appalling'. This section of the Internal Security Act makes provision for a sentence of up to ten years for possession of a document produced by a banned organisation. 'The court no doubt acted according to the law', said Mervis. 'But if that is the law, it is an appalling law which brings the utmost discredit to South Africa', he said.

The accused have lodged an appeal against their sentences but bail has been refused pending the outcome of the appeal.

Peter Thabo Moloi (29) and Jacob Mashego (24).

The accused are charged with taking part in the activities of a banned organisation (the ANC), and being in possession of ANC tapes.

The case revolves around an incident of 8 November 1982 at the Diepkloof hotel, where a security policeman overheard the accused and others listening to a tape which the state claims was put out by the ANC.

Mashego has admitted playing the tape, but says he was not aware that it was prohibited.

During evidence, it emerged that a security police colonel who transcribed the tape added 19 lines to the transcript which were not contained on the original recording.

The trial continues in the Johannesburg regional court.

Headley King (27).

A former student of the University of the Western Cape has been charged with being a member and furthering the aims of the ANC.

The charges follow the detention of King, school teachers Daphne

Williams and Zelda Holtzman in early February, and a UWC student, Michael Coetzee, three weeks earlier. Williams has since been released from detention.

The trial is due to begin in Cape Town on 1 August.

Karabo Motlana (22).

Motlana, who was arrested at the Oshoek border post between South Africa and Swaziland, was allegedly found in possession of publications produced by a banned organisation. He was subsequently charged with furthering the aims of a banned organisation, and possession of proscribed literature.

Ninki Malika, arrested with Motlana, was originally charged with the same offences, but the state dropped charges against her.

Motlana, who was released on bail of R500, failed to report to the Orlando police station on 25 May - the day before his trial was due to begin. He also failed to appear in the Ermelo regional court the next day, and a warrant was issued for his arrest.

Malesela Benjamin Moloise (28).

The accused is alleged to have murdered Mamelodi security policeman Phillipus Selepe on 9 November 1982.

He accordingly faces a main count of murder.

The trial proceeds in the Pretoria supreme court.

Joseph Charles (24) and Rufus Radebe (19).

Following a free peoples' concert held by students at the University of Witwatersrand the accused - musicians who played at this concert were charged with promoting the aims of a banned organisation. The state alleges that they sang songs and chanted slogans which advocated violence and created support for the ANC.

The accused have claimed that they were verbally threatened, and that one of them (Radebe) was assaulted in police custody. As a result of this, it is claimed, they made statements to a magistrate. Police have denied that the accused were abused in any

way, or that they were promised release if they made statements.

The trial continues in the Johannesburg regional court.

TREASON TRIALS

Khaya Skweyiya (21).

The accused, originally from New Brighton, Port Elizabeth, faced a total of 12 charges involving allegations of high treason, participation in terroristic activities, unlawful possession of arms, ammunition, grenades and explosives, murder and attempted murder.

Skweyiya's appearance in court was a sequel to a set of incidents in KwaZulu during the first part of October 1982. On 1 October, two alleged guerilla fighters shot and wounded Clement Nkosi at Mahlabatini. On 9 October, police attempted to apprehend those allegedly involved in the Nkosi shooting. In a shoot-out between the two guerillas and police, security policeman sergeant Bekuyise Vitalis Makhaye was shot dead, as was ANC insurgent Lucky Ntsele. The other guerilla, Skweyiya, escaped but was arrested by police the following day near Nkandla.

When Skweyiya appeared in court, he admitted that, after leaving South Africa in 1978, he underwent ANC military training at the Funda camp in Angola. He had been at school at the time of leaving, but had not returned after the school boycotts of that time.

After undergoing political and military training in Angola, he was sent to Mozambique in June 1982. There he and Lucky Ntsele were briefed on a mission to destroy the Mahlabatini fuel pumping station. They crossed into South Africa, and stayed a few days at Ulundi. Skweyiya then collected explosives from a cache, while Ntsele reconnoitred the target. After discussion they decided to abandon the mission because the target was too difficult to attack. They then re-buried the explosives in another armes cache. The two moved on to Mahlabatini where they stayed for several months.

Skweyiya denied that he had attempted to murder Clement Nkosi by shooting him, or that he was responsible for the death of police

sergeant Makhaye. However, he admitted having in his possession two pistols, 17 cartridges, hand-grenades, limpet mines, detonators and timing devices.

Detective constable Cleopas Mazibuko, of the Melmoth security police, told the court that he and sergeant Makhaye had gone to a hut at Mthungwini Reserve in Nkandla district on 9 October 1982, as they believed there were guerilla fighters staying there. When they demanded to search the hut, the door was opened and a woman pushed past them. Makhaye went into the hut and firing started. Mazibuko then fired into the hut, shooting to the left of Makhaye, before leaving for help. On his return he found the bodies of Makhaye and another man later identified as Lucky Ntsele.

Lieutenant WHF Strydom testified that he was part of a search party tracking down the suspected guerilla who had escaped during the shoot-out with Ntsele. He had been issued with a photograph of the suspect they were seeking. He came across the accused fleeing into the bushes, pursued him and, after firing a shot, saw him fall. The accused was found to have been wounded - possibly in the earlier shoot-out. He was in possession of a loaded Makarov pistol.

Colonel GW Earle of the Eshowe police told the court how, after the initial engagement at the hut, he followed a trail of blood to a place where he found the body of Lucky Ntsele. He had been shot in the head.

Skweyiya told the court in his testimony that the planned attack on the Mahlabatini fuel station was abandoned because people were in the vicinity of the target. He said that ANC official Joe Slovo had told him and Ntsele not to 'dirty the ANC's name' by killing people, as this was not ANC policy.

He and Ntsele were given a sketch map showing where they would find limpet mines in South Africa for the proposed mission. But when they examined their target at night, they saw people who seemed to be working there, and therefore abandoned the mission.

Skweyiya explained to the court that he had unintentionally shot and wounded Clement Nkosi through a hut door. He and Ntsele had then decided

to flee to Swaziland, but police caught up with them at Nkandla where they were staying in a hut. When the police arrived, only Ntsele had been armed. Police opened fire and Ntsele fired back. Skweyiya saw Ntsele drop to the ground, and decided to make a run for safety. As he passed Ntsele's body he stepped on the pistol and unthinkingly picked it up. The pistol was found on him when he was arrested the next day.

Verdict: Guilty of high treason. Not guilty of murdering security policeman Makhaye. Not guilty of attempting to murder Clement Nkosi, but guilty of assaulting him with intent to do grievous bodily harm.

Sentence: 15 years for high treason. Two years for the assault on Nkosi, to run concurrently with the treason sentence.

(Pietermaritzburg supreme court, 9.05.83).

Ncimbithi Johnson Lubisi (30),
Petrus Mashego (22) and
Naphtali Manana (26).

These three trialists were sentenced to death for their part in an ANC attack on the Soekmekaar police station in January 1980. Sentence was in respect of a charge of high treason, but they were also found guilty of two counts of attempted murder, and one of robbery with aggravating circumstances. These additional convictions also arose from the Soekmekaar attack.

On sentencing the three accused to death in November 1980, the presiding judge postponed the passing of sentence on the other three counts.

After being kept on death row for 19 months, the death sentences were finally commuted to life imprisonment by the State President. It was in this context that they were brought before court for the passing on sentence on the remaining three counts they had been found guilty of.

According to their defence counsel, the accused suffered intense mental agony during their 19 months on death row. 'They were kept in isolation and were allowed five to 10 minutes exercise a day. They have heard people being taken manacled to the gallows and this has left a scar on their psyche', said their defending

lawyer.

Presiding judge de Villiers - who also sentenced the men to death - sentenced them to a further 15 years for the attempted murder and robbery counts. He noted that this was purely academic, as the men would in any case spend the rest of their natural lives in prison.
(Pretoria supreme court, 20.05.83).

Cedric Radcliffe Mayson (53).

The accused faced a main count of high treason, with alternate charges under the Internal Security and Terrorism Acts.

Detained in November 1981, he first appeared in court with Barbara Hogan and Alan Fine, but subsequently their trials were separated. Held as an awaiting trial prisoner until March 1983, he was finally granted bail of R1 000 when the state applied for a six week postponement of the trial.

The state alleged that Mayson conspired with the banned African National Congress to commit certain acts with the aim of overthrowing or coercing the South African government.

Inter alia, it was alleged that Mayson held discussions with ANC officials; distributed a tape of a speech made by ANC leader Oliver Tambo; and assisted various people to leave South Africa illegally so that they could undertake ANC or SACTU activities.

During July 1981, Mayson allegedly met ANC leader Thabo Mbeki in London, where he received a number of instructions. These included the investigation of setting up area political committees in South Africa to co-ordinate ANC activities; obtaining information about churches and other bodies with a view to infiltrating them on behalf of the ANC; encouraging a boycott of government-created institutions; advising people not to serve in the SADF; recruiting people for ANC activities; examining targets for sabotage; assessing the possibility of storing weapons in churches; and obtaining information about various people in South Africa and passing this on to the ANC.

During September and October 1981, Mayson allegedly held discussions with a number of people about the setting up of ANC political committees within South Africa. Those

with whom he was alleged to have conferred were Jabu Ngwenya, Frank Chikane, Auret van Heerden, CF Beyers Naude and someone listed only as Norman.

When his trial began, Mayson pleaded not guilty to all charges. Former BOSS agent - now security police warrant officer - Karl Edwards testified that he joined the ANC in 1977, and set up an escape route to Botswana, established a courier network and gathered intelligence for the ANC.

During 1976 he assisted a banned person - Chris Wood - to escape from South Africa, and the following year delivered a letter from Wood to Mayson. This letter urged Mayson to make use of the escape route to help people leave South Africa illegally.

Edwards claimed that Mayson admitted to him that he had assisted former Christian Institute official Horst Kleinschmidt to leave South Africa illegally.

Mayson disputed the validity of a confession he made while in security police detention, claiming that it had not been made freely and voluntarily. He told the court that before he made the statement security police forced him to strip naked, handcuffed his hands behind his back, and that he was then verbally abused while in this position. His hair was also pulled out during an interrogation session, leaving him with a bald spot.

The magistrate who took down Mayson's statement admitted in court that he had noticed a red patch on Mayson's head, but had not inquired about it as Mayson had said he was making the statement voluntarily.

Mayson told the presiding judge that he believed there was a role for the ANC in South Africa, and that it should be unbanned. Where the aims of the ANC coincided with the gospel, he supported the ANC. However, it had never been his intention to further the aims of the ANC.

The state called 13 police witnesses on the circumstances in which Mayson came to make a statement to a magistrate. Twelve denied that Mayson had been kept naked in security police offices throughout the first weekend of his detention. However, one witness admitted that the accused had been kept in security police

offices throughout the weekend.

Presiding judge van der Walt ruled that Mayson's statement was not admissible as evidence. He indicated that he would give reasons for this decision at the end of the trial.

It was at this stage that the state applied for a six week adjournment to allow them to find a key witness, Auret van Heerden, on whom they had not been able to serve a subpoena to attend court. Van Heerden is alleged to have received ANC material from Mayson, and discussed the creation of ANC political committees with him.

In view of the postponement, a defence application for bail for the accused was successful, and Mayson was released from custody.

During the adjournment, police were unable to locate the witness van Heerden, but did subpoena Ds Beyers Naude to testify in the trial. Shortly before the trial was due to resume, Mayson broke his bail conditions, and fled the country.

Press speculations of the time suggested that Mayson had left the country to protect people like Ds Naude from having to testify in his trial. However, Naude had been informed by the state that he would not be required to attend court, presumably because Mayson's lawyers had agreed to make certain admissions.

From London, Mayson indicated that he had left the country to protect people like Beyers Naude and others who had been subpoenaed to give evidence. He also indicated that he believed that whatever the outcome of his trial, he would have been harassed by security police. He also admitted that for many years he had remained in contact with organisations like the ANC and Black Consciousness Movement.