

# **SOUTH AFRICAN LABOUR BULLETIN**

## **FOCUS ON RIEKERT**

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# **SOUTH AFRICAN LABOUR BULLETIN**

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**The views expressed in the articles are not necessarily those of the editorial board.  
All contributions, comments and correspondence should be addressed to:**

**The South African Labour Bulletin  
4 Central Court P.O. Box 18109  
125 Gale Street Dalbridge  
Durban 4001 Durban 4000**

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## **Apology**

It has been drawn to my attention that my article 'Focus on Fosatu' in Vol. 5, No. 1, of the **Labour Bulletin** contained a factual inaccuracy and an inference which was open to misinterpretation. One page 18 of that article I assert that Mr. Henry Chipeya went overseas before a meeting of the Consultative National and Branch Presidents and Vice Presidents in the middle of 1978. This is incorrect. Mr. Chipeya went overseas at the beginning of the year. I also infer that certain suggestions made at that meeting represented the 'first whiff of involvement from outside South Africa'. It has been pointed out to me that this could be misinterpreted in such a way as to have implications of a sort that were never intended. I should therefore like to withdraw those remarks and apologise for any inconvenience they may have occasioned.

Phil Bonner



## **Comment 1: Focus on Riekert**

This issue of the Labour Bulletin focusses on the Riekert Commission and attempts to provide a fuller understanding of the Commission's Report. A selective summary of the Report by Copper and Ensor is presented to facilitate reference to any particular area dealt with by the Commission.

It is our view that the Riekert Commission can be better understood if it is seen against the background of events and circumstances which led to its appointment. Dr. P.J. Riekert claims in his Report that political factors fall outside his scope and that the Commission's terms of reference relate only to economic aspects of the utilisation of manpower. Yet, the Riekert Commission is profoundly political in content: it cannot be abstracted from the context of the new political direction in which the government is moving. Central to this is the geographical division of South Africa into separate ethnically-based 'nation-states'. This policy will have severe implications for a vast number of South African citizens who will now be treated as foreigners. Beneath the attempts to persuade the world of the authenticity of these 'national entities', lies the intention to create the preconditions for the **removal** to the outlying ethnic reserves of the latent social tensions developing in the urban African areas.

At the same time, the Commission, along with initiatives from other quarters, is attempting to clear the way for the growth of a black middle class. On the basis of newly emerging material interests the state is hoping to foster a relatively 'privileged' section of the black population which has a 'stake in the system'.

Over and above these wider political concerns, three developments in particular have shaped the findings of the Riekert Commission. The first concerns the structural changes which have taken place in the South African economy since the Second World War. These changes, dealt with in greater detail by Marè in his article on relocation, involve investment in capital-intensive technology which has contributed heavily to unemployment in the country. Coupled with this, the extensive relocation of Africans in the homelands and the natural increases in their population, have created a landless people who are compelled to find work in the urban industrial complexes in order to survive.

A second development was the 1976 student led disturbances which rocked the country and still reverberate through the political system. The subsequent resurgence of black political organisations presents, from the point of view of the state, an undesirable threat.

The third factor was the mounting international pressure for the elimination of unjust social, political and economic structures and practices in South Africa. Foreign investors want to guarantee good returns on their capital and therefore require a stable political system and a controlled labour force. In order to neutralise the disinvestment lobby overseas, they also require that discriminatory practices be eliminated and that their subsidiaries conform to their respective Codes of Conduct.

International pressure also comes from another source, namely, international worker solidarity. This has already taken the form of an economic boycott: the law suit by the American Mineworkers' Union to stop the importation of South African coal, on the basis that it was mined under conditions of forced labour led to the repeal of the Masters and Servants Act. (See D. Massey in **SALB** Vol. 5 No.1)

In the light of these developments, the Riekert Report's recommendations can more easily be understood. The Report seeks to avoid the potential urban unrest arising from structural unemployment not only by retaining influx control for Africans, but by endeavouring to make this system more efficient. Its strategy, in this regard, which Duncan clearly spells out in this Bulletin, is to establish preferential employment for permanent urban residents and to improve their living conditions.

With regard to the growing number of workers who are being permanently excluded from employment in the central economy, the Commission endorses their continued relocation and resettlement. Their removal from the towns, formerly under the label of 'idles and undesirables' is now to be termed 'repatriation'.

Riekert has completely ignored the economic consequences of his recommendations for contract workers, their families and the regions from which they come. The economic analysis provided by Nattrass clearly demonstrates that the population of the homelands is almost wholly dependent for its survival on the remittances of contract labourers engaged in production in the 'white' areas. Indeed, as Claassens shows in this Bulletin, the more remote districts of KwaZulu are already completely isolated in that no labour

is recruited from them at all. The consequences of Riekert's strategy would therefore be untold hardship and outright starvation in certain areas.

Riekert's apparent attempt to remove discriminatory measures from the legislation has to be seen in the context of placating international criticism of South Africa. The elimination of discriminatory legislation regarding the removal of Africans from the urban areas is, however, only recommended when apparently non-discriminatory legislation exists that can achieve the same results. This is borne out by le Roux's article as well as the summary by Cooper and Ensor.

The Riekert Commission therefore does not herald a fundamental departure from the existing system. It represents a tightening up of influx control over the majority of African workers in order to locate the unemployed in the homelands. Thus, the recommendations are in line with the objectives of the pass laws over the past two centuries, namely the control and allocation of African labour to meet employers' requirements. (See de Villiers in this issue).

These recommendations stand little chance of being successfully implemented because people facing starvation in the homelands will most likely move into the cities in order to survive regardless of the risks they take. The steeply increased penalties they and employers now face for 'illegal' employment, will force them into informal economic activity and crime as a means of survival. Riekert has not dealt with the causes of structural unemployment, urban unrest and international pressures, but only with the symptoms, while at the same time attempting to render the causes invisible. The solution to these problems does not lie merely in the removal of all racial restrictions on land ownership and freedom of movement. Unless the rural unemployed are given access to their own means of survival - which goes further than the extension of job opportunities and the provision of basic goods and services - changes in the rural areas are bound to touch only a small minority of the stricken population. What is required for the economy as a whole is fundamental economic and political restructuring that will not merely displace the problems of South Africa, but will eliminate the basic causes of its injustices.



## **Comment 2: Riekert, Wiehahn and the Unions**

It is instructive to consider the Riekert and Wiehahn Commissions together because they present a co-ordinated response on the part of the state to changing circumstances in South Africa.

The changed circumstances confronting the Riekert Commission were outlined in our first Comment. The Wiehahn Commission likewise had to consider the growth of structural unemployment and international pressure on the state for change. In addition, the Wiehahn Commission was faced with the growing importance of African workers in the production process, the resurgence of unregistered trade unions since the early 1970s and the likelihood of uncontrolled labour disputes. (See **SALB**, Vol. 5, No. 2, Focus on Wiehahn).

The co-ordinated task of the Riekert and Wiehahn Commissions has been to formulate the institutional and political framework through which the state could attempt the twin strategies of co-optation and control of the African working class. For both Wiehahn and Riekert, control is to be achieved essentially through the division of the working class into those workers with permanent residence in the urban areas and those without. Thus, the Riekert Commission intends unemployment to be located predominantly in the more remote 'homeland' districts by means of a more efficient allocation of labour by the state which grants employment priority to permanently resident African workers. Although a Wiehahn Commission majority recommended that trade union rights be extended to all African workers, the debate within the Commission itself on whether frontier commuters and contract workers should be granted these rights or not, opened the door for the government to exclude these workers unless ministerial exemption were granted. The Wiehahn Commission also suggested a number of methods of fostering the difference between permanent and other residents within trade unions. These methods remain available to the state in spite of the recent change in the definition of employee to include frontier commuters and migrants. The Commission furthermore suggests that control can be achieved by means of closer state regulation and surveillance of trade unions. Along with the host of available control measures under security and other legislation, this includes the watchful eye of the recommended and newly established National Manpower Commission.

The intended state control of the African working class by means of division is also formulated by both the Commissions on the conceptual level. They both refer to the 'homelands' as 'Black States', even when these have not opted for independence. Political boundaries that have been arbitrarily drawn by the state are thus used to justify the division of Africans into distinct groups. It then appears quite legitimate for the state to discriminate in favour of permanent residents against 'frontier' commuters and contract workers. (See Nattrass and Duncan in this Bulletin).

Co-optation of a part of the working class can be achieved by the state, according to Wiehahn, by permitting registered unions for African workers, while increasing the state's direct and indirect involvement in union affairs by such means as the training of trade unionists. Riekert's suggestion to achieve the co-optation of permanent residents is for the state to grant them priority in employment. At the workplace, such preferential employment may easily foster different views between permanent residents and 'non-residents' of their respective interests. Riekert also suggests that the state should attempt to improve the permanent residents' living conditions. This involves easier access to housing, the right to have families present and greater mobility between cities (provided suitable accommodation is available). Preferential treatment of permanent residents can also reinforce a belief that they are a class distinct from 'non-residents' at the community level. If this were to happen, the state will now have scored a major success in creating the framework and practices recommended by the two Commissions to beguile African workers into accepting the ethnically based policy of separate development.

The central question then, is whether this strategy of control and co-optation will succeed. It would be a mistake to assume that the state or employers are necessarily omniscient or all-powerful in neutralising worker action. Obviously, it would be equally erroneous to underestimate the dangers inherent in the Wiehahn/Riekert strategy. So what room is there for manoeuvre? As far as the strategy to control workers is concerned, the common experiences of African workers on the shop floor tend to work against the development of distinct interests based on their legal status with regard to residence rights. Trade unions have an important contribution to make in ensuring that African workers perceive their common interests instead of being convinced by the state and employers that their interests conflict. The more trade unions are based on shop floor issues and active worker participation, the less likely it is that the sophisticated divisive strategies proposed by Riekert and Wiehahn will succeed. With

regard to the strategy to co-opt a part of the working class, the trade unions can again counter this by ensuring that they remain independent with democratic workers' control of their organisations. Most of the registered unions in existence at present have sorely neglected this requirement. But the role of unions should not stop there. They should strive to build up strong non-racial unions which endeavour to make all workers aware of their common interests. Only in this way will trade unions be able to present a strong united front against management in their negotiations.



# **Summary of the Recommendations of the Riekert Commission**

**Linda Ensor  
Carole Cooper**

## **Introduction**

In acclaiming the recommendations of the Riekert Commission as indicating a liberalisation of the system of influx control, the liberal press and academics failed to appreciate that the underlying intention of these recommendations was to make the system more repressive. Even those apparent reforms recommended (for example the removal of the 72-hour restriction on the stay of visitors in urban areas and the transferability of section 10 rights in urban areas), while relaxing control in the immediate sense, are repressive when viewed in the context of the system as a whole.

Liberals also took at face value the aim of the Commission to eliminate, where possible, legislation which was racially discriminatory and were deceived by the mystificatory language in which the Commission couched its recommendations. Thus, as an example, the Commission recommends that influx control be applied to all races, ignoring the fact that the ready access of whites to jobs and housing means in effect that influx control will apply only to Africans and possibly to Indians and Coloureds. By 'overlooking' the existing social and economic realities, and yet recommending the elimination of racially discriminatory laws, the Commission was proposing a subtle guise for the implementation of these same laws.

The Commission considered that the political factors underlying the legislation examined were outside of its frame of reference; that is, the political objectives of the system of influx control were accepted, the Commission's task being to examine whether these were being achieved in practice, as well as suggesting ways in which the system could be rationalised and inefficiencies and bottlenecks removed so that the labour needs of capital could be better provided for. The Commission defined its aim as 'making recommendations for the improvement, modernisation and reform of the existing institutional and statutory framework of the labour market in South Africa with the view to the better utilisation especially of black manpower and the attainment of the goals of the South African government labour policy' . (p1). The central objective of this labour policy 'is to offer opportunities for employment to our entire population white and non-white' .(p35).



It could be said that the most important problem to which the Commission gave its attention was that of the social and political problems of unemployment both in the urban areas and the homelands. The solution offered was to tighten the control of entry of migrant workers into the industrial centres and the removal of those measures inhibiting the full use of workers in the urban areas. The effect of all the recommendations regarding labour bureaux, recruitment, passes, etc., would be to modernise the system of influx control with a view to increasing its effectiveness in stemming the influx of workers into the urban areas and to export the unemployed to the rural areas. The recommendations suggest not a liberalisation but increased control. The recommendation that the restriction of section 10 rights to specified administration board areas be removed is an example of the way in which the increased use of urban workers was to be facilitated. Given that social and political unrest on the part of the unemployed would be located in the urban areas, priority was given to the employment of urban workers to the exclusion factors which formed the point of departure for its investigations, including 'the rapid urbanisation of the population and the labour force and the considerable potential for further urbanisation in the case of the black population with the economic and social problems to which it must necessarily give rise'.(p 245) It also noted the rapid growth of the black labour force which raised the problem of unemployment and the necessity for rapid economic growth.

However, the exclusion of migrant workers would only operate with respect to the secondary and tertiary industries. Their use on the mines and on the farms was fully endorsed. Thus urban workers would not only form a privileged section of the working class in the sense of having protected rights to employment, but would, in addition, have a monopoly over jobs in secondary industry. This can be related to another problem to which the Commission addressed itself, namely the capital intensification of industry and the need for skilled labour. The division between urban and migrant workers also becomes a division between skilled and unskilled. The Commission made several recommendations concerning the training of skilled workers, noting 'the changes in the industrial and occupational structure of the labour force and the need for professional, technical, administrative and clerical workers', the constant shortages of skilled manpower in these fields and the 'low educational level of a great section of the South African economically active population which not only makes training essential, but also hampers it considerably in various respects'.(p245)

In order to further achieve the aim of the 'stability' of the urban working

class, the Commission made other recommendations on the provision of housing, transport and other facilities. To achieve this aim it also made several recommendations to promote the development of an urban black middle class by the removal of those measures restricting its activities.

Regarding the political implications of unemployment in the homelands, the Commission recommended that the ideological structure of apartheid be used to shift the problems of unemployment to the homeland government. In this way the discontent of the unemployed in the homelands would be directed away from the South African government. Thus it suggested, for example, that labour agreements, governing the recruitment of workers be undertaken with homeland governments in preparation for independence and that the administrative structure of influx control be withdrawn from the homelands. These would be shifted to 'assembly centres' within 'South Africa's' borders. Thus, the 'independence' of the homelands to export labour to 'South Africa' and the status of these workers as **immigrant foreigners** is entrenched, thereby promoting a further division in the working class.

The recommendations concerning the above aspects of the report have been included in this summary, which is not intended to be exhaustive. The Commission made lengthy recommendations on the reorganisation and consolidation of the legislative framework, suggesting that the various laws controlling the movement and allocation of labour either be incorporated into other existing laws or into two new proposed laws:- the Employment and Training Act and the Black Community Development Act. It also made recommendations on the reorganisation of the functions of several government departments. These parts of the report have been excluded.

## **Urban Africans**

The recommendations of the Commission regarding Africans with section 10 rights in the urban areas were intended to deal with certain problems relating to the working class, as well as to the development of an African middle class. (See following section) Among these problems, are the following:- the creation of a skilled labour force to provide for the changing needs of capital; the need to eradicate the problem of unemployment in urban areas; the need to create a stable, relatively privileged urban working class, and finally the need to grant more legitimacy to the community councils by decentralisation of power.

## 1. Skilled Labour

The Commission recommend that:-

- (a) Section 20A of the Black Labour Act 1964 which provides for job reservation be deleted.

White Paper: Accepted

- (b) The in-service training of all racial groups be controlled by the Department of Labour in terms of the proposed Employment and Training Act. This was based on the finding that the Department of Labour was the best equipped and able to determine the total manpower and training requirements; that the training of Africans could not be readily divorced from that of other workers, that the separation of training facilities tended to raise costs and that divided control of industrial training hampered coordination, standardisation and planning.

White Paper: Accepted

- (c) A National Coordinating Council for Manpower Matters (NCCM) should be established to furnish the Minister of Labour with advice on the Administration of the Employment and Training Act, and on policy matters arising therefrom, in addition to determining the training requirements and shortages of skilled manpower. All interested departments and national employers and employees organisations should be represented on the NCCM.

White Paper: Accepted

- (d) Employers should be responsible for the in-service training of workers and should not be granted tax concessions for this. Industrial Councils should be motivated to establish training schemes and to impose levies on employers and should be allowed to purchase existing training centres for this purpose.

White Paper: Accepted

- (e) The state should provide training for persons whose existing skills prevent them from competing effectively on the labour market and in fields where shortages are experienced or expected.

White Paper: Accepted

- (f) The eight existing public training centres erected in terms of the Black Employees In-Service Training Act 1976 should be used for training purposes on condition that such training did not give rise to 'friction'. Governing bodies of training schemes should obtain prior cooperation of organised labour and employers.



Where the training institution is situated in an area governed by the Group Areas Act, (this excludes industrial areas) people disqualified to be in that area must apply for permits to attend classes. Before considering these applications the department concerned must ascertain the opinions of the local community, the employers concerned and organised labour, and where permits are issued conditions must be imposed to prevent friction.

White Paper: Accepted

(g) The provisions of section 11(1) of the Black Employees In-Service Training Act 1976 to the effect that no person may provide training for the employees of any other person except in an approved private training centre, should be incorporated in the proposed Employment and Training Act and this definition of training should be extended to include training in labour relations (trade union training).

White Paper: Accepted

(h) Proclamations R3, R4 and R5 (1968) of the Group Areas Act should be amended so as to allow all categories of employees to occupy the premises of their employers with the object of performing work for which they are employed. These proclamations required permits for Africans to work as chargehand, manager, supervisor or executive professional technical or administrative employee in a trading or business undertaking in a group area allocated to whites unless the person worked under the full time personal supervision or control of a white person, and for a white to be employed by an African in a trading or business undertaking. The Commission found that this was a form of job reservation which restricted the job opportunities of skilled Africans.

## 2. Urban Unemployment

Together with the tightening up of influx control, the Commission made several recommendations in connection with unemployment in the urban areas. The conclusion was reached that urban Africans attached great significance to their possession of section 10 rights in terms of the Black (Urban Areas) Consolidation Act, and the Commission recommended that these rights be recognised and not tampered with, as their removal would result in political unrest. Having accepted the permanence of the existing African urban population, the Commission did not consider exporting the urban unemployed to the homelands, prescribing other ways to combat the problem. The Commission recommended that:-

(a) The provisions of section 10(1)(a)(b)(c) and (d) of the Black (Urban Areas) Consolidation Act should be included in an appropriate form and without

the 72-hour prohibition in the proposed Black Community Development Act with a view to regulating the stay of Africans in residential areas. The suspension of section 10 qualifications was considered but was found to be a political issue falling outside the Commission's terms of reference. Suspension would elicit opposition from urban Africans who could then be endorsed out of urban areas. This issue would be exploited for political purposes. The Commission recommended that the Cabinet Committee investigating the position of Africans in urban areas should be informed of the evidence which the Commission received regarding the attitude of Africans to the possession and obtaining of section 10 qualifications.

White paper: (See section on influx control).

(b) Section 10 1(a)(b) and (c) qualifications should be transferable from one urban area to another, subject to the approval of the labour bureau concerned and provided that approved housing and work are available. The Commission found that the provisions of section 10 of the Black (Urban Areas) Consolidation Act restricted the regional mobility of workers and were not conducive to the optimal use of manpower in the 'white' area of South Africa. Evidence presented to the Commission indicated that those provisions were the cause of the damming up of African workers in rural towns and cities within the 'white' area. As a result large numbers of contract workers entered into the industrial centres of South Africa which contradicted the policy of giving priority to African workers living in the 'white' area.

White Paper: Accepted

(c) Labour bureaux should exercise strict control over the admission of contract workers and in such a way as to provide a positive incentive for employers to use local labour. Strict action should be taken against employers unlawfully employing workers.

The Commission found that employers are prejudiced against African workers with section 10 1(a) or (b) qualifications. Preference has been given by many employers to contract workers (section 10 1(d)) or those unlawfully in the area as it was felt that they were less choosy about the work they were prepared to do, more inclined to stick to one job and prepared to accept lower wages. Employers were particularly prejudiced against African juveniles. Thus, fullest use was not made of available labour permanently in urban areas. This, the Commission found to be neither in the national interest nor that of the African community as it led to urban unemployment. (Although no recommendation was made, the Commission felt that there was some merit in the argument of certain witnesses that urban Africans should bear a greater share of the financial burden in respect of housing services and transport in

order to combat the 'work choosiness' of urban workers. This would make it necessary for a regular monthly income to be earned. The Commission found that workers with section 10 rights would rather remain unemployed than accept work not to their liking, especially manual work.)

- (d) Proclamation 70 of 1970 of the Group Areas Act which prohibits the employment of domestic servants in proclaimed Indian and coloured group areas except on the authority of a permit should be amended. The exemption granted to domestic servants to live-in 'white' areas should be extended to 'Indian' and 'coloured' group areas.

White Paper: Accepted

- (e) Control over the establishment or extension of factories is provided for in section 3 of the Environment Planning Act (1967) and in subsequent proclamations. 'Extension' of a factory means an increase in the number of African workers employed and 'permissible' African-white worker ratios have been laid down as guidelines. Both section 3 and the proclamations should be repealed. The Commission found that the enforcement of section 3 had detrimentally affected the clothing industry in the Pretoria/Witwatersrand/Vereeniging area and hampered the creation of job opportunities particularly for African women permanently resident in the area. Unemployment, particularly among Africans and especially juveniles, had increased considerably owing to the general economic situation. Any measure designed to curb the creation of job opportunities in a particular area and prevent a person from working where his/her presence is lawful and housing is available was considered unrealistic, indefensible and likely to harm the country. Job opportunities particularly in the metropolitan areas should become a priority. The restrictive measures were found to be irreconcilable with the Commission's overall aim that the presence of a worker in an area should be governed by the availability of work and housing, on the one hand, and the non-availability of unemployed persons who could fill vacancies on the other hand.

White Paper: Accepted with qualifications

- (f) Where decentralisation concessions do not appear to be adequate, active steps should be taken to augment them so that they will serve as a positive incentive for industrialists to decentralise.

White Paper: to be investigated

- (g) The Black Labour Act should be amended to allow scholars or students to work over weekends or during school holidays without the prior authorisation of the labour bureau.

The following measures were recommended to remove certain sources of frustration and discontent experienced by urban workers where these were



not in conflict with government policy. The effect of permitting the entry of women should also be to expand the female work force permanently resident in urban areas, though this would be inhibited by the severe housing shortage.

(h) African persons who obtain section 10 1(a) or (b) qualifications and who marry or are already married should be allowed to have their families join them, provided approved housing is available, irrespective of the area of origin of their families. In so far as the allocation of housing is concerned, no distinction should be made between section 1(a) or (b) persons on the ground of the area of origin of their lawful wives and legitimate dependents. The Commission found that preference was given in the allocation of housing to a man who married a woman already qualified to live in the area.

White Paper: Accepted

(i) Section 31 of the Black (Urban Areas) Consolidated Act, which provides for night permits for Africans to be in 'white areas' between specified times during the night should be repealed.

White Paper: Accepted

### **3. Measures for the Removal of Africans from Urban Areas [Black [Urban Areas] Consolidation Act]**

In this regard, the Commission, while seeming to introduce progressive changes, merely pointed out the existence of 'non-discriminatory' laws which could be used to achieve the same purpose as those measures in the Black (Urban Areas) Consolidation Act which were intended to exercise control. The Commission recommended that:-

(a) Section 29 of the Black (Urban Areas) Consolidation Act 1945, should be repealed. This section provides for removal procedures from prescribed and non-prescribed areas of those defined as 'idle' or 'undesirable' in terms of the Act; that is, an African person over the age of 15 and under 60 (female) and 65 (male) who not being a housewife, student, self-employed or a registered workseeker who was not lawfully offered employment in the preceding 122 days, is not lawfully employed and was not so employed for at least 122 days during the preceding 12 months. The Commission recommended that this section should be repealed and the appropriate provisions of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 should be applied in its place. In terms of this Act, a person dependent on drugs or habitually failing to provide for his own or his dependents' support through default may be referred to a rehabilitation centre. The Commission felt that the application of this



Act to Africans would stress the idea of rehabilitation rather than removal. (This is in line with the recognition of section 10 qualifications and would provide greater security for unemployed urban workers).

White Paper: Accepted with qualifications

(b) Section 29 **bis** of the Act, which provides for the removal of African persons whose presence in urban or proclaimed areas is deemed to be detrimental to the maintenance of peace and order, should be repealed. The Commission found that this section was superfluous as there were other Acts in terms of which such a person could be convicted. Section 10 of the Internal Security Act (preventive detention) could be used against people engaged in activities regarded as endangering the security of the state or the maintenance of public order.

White Paper: Accepted this recommendation in principle provided that further investigation showed that other existing legislation could serve the same purpose effectively.

(c) Section 38 **bis** of the Black (Urban Areas) Consolidation Act provides for the removal of a person who a commissioner or magistrate finds has failed to observe any term or condition imposed on his/her residence in an African residential area. Most of the conditions applicable, including non-payment of rent, are contained in the Black Residential Area Regulations (GN R1036, 1968) which also provide for steps to be taken in the event of non-compliance.

The Commission recommended that section 38 **bis** of the Act be amended in so far as it was not compatible with leasehold rights or might hamper its practical application. Chapter two of the Black Residential Area Regulations 1968 should also be revised to remove those ineffective provisions that necessitate recourse to section 38 **bis** of the Act, and in particular regulation 47 (1) (t) which makes it a punishable offence to fail, neglect, or refuse to pay a sum of money that is due and payable in terms of the Regulations.

(d) Section 14 of the Black (Urban Areas) Consolidation Act provides for the repatriation of people illegally employed in an urban area. The Commission found that in the light of its recommendations on influx control, it could not recommend the repeal of this section, but suggested that it be amended in the following respects; (i) the offences in respect of which the section 14 procedure has to be applied should comprise the unlawful occupation of accommodation by persons who do not have residential qualifications in the area concerned, or the offence now embodied in section 12(2) of the Act. It should also be possible to apply the repatriation procedure without the commission of an offence being a pre-requisite, in the case of persons who are in the area concerned who do not have residential qualifications and who are working in that area without authori-

sation. (ii) Additional provision should be made for the court, which finding anyone guilty of the offences referred to in paragraph (i), should be able to issue an order for the offender together with his dependents to be repatriated to his place of residence or his last place of residence or, in the case of a person contemplated in the present section 12 of the Act, to the country or area from which he entered the Republic or a place in the Republic nearest to his place of origin. This order would replace any sentence which could be imposed for that offence. (iii) The **reference** in the present section 14 of the Act to the removal to a rural village, settlement, rehabilitation scheme; institution or other place indicated by the Secretary, either generally or specially, within a scheduled Black area or a released area as defined in the Development Trust and Land Act, 1936, should be deleted.

White Paper: Recommendation (i) is accepted by the Government in so far as unlawful employment and the unlawful occupation of accommodation should also be grounds for repatriation. Recommendation (ii) is accepted and is in fact in most respects in line with already existing practice. Regarding recommendation (iii) it should be pointed out that the deletion in its entirety of the passage concerned in section 14 of the Act could mean that a person who was, for example, charged with being in a given area unlawfully could not be sent to an undesignated area. The passage concerned with section 14 of the Act should therefore empower the Secretary for Plural Relations and Development to indicate in general or specifically the place to which such person is to be sent.

#### **4. Administration of Urban Areas, Housing and Resettlement**

The Commission recommended that:-

- (a) The contributions which are levied in terms of the Black Labour Act 1972 in all 'white' areas from employers of Africans, and self-employed Africans and which are paid into the Black Revenue Account of the Administration Board should be progressively reduced. The private sector expressed opposition to this tax in its evidence to the Commission, employers organisations holding the belief that the levies and subsidies in respect of African workers should be added to wages so that workers themselves paid for their services and that the Central government should finance influx control and employment services. While the Commission found it to be desirable in principle for Africans to bear more of the burden of their own community services, it found that it would be difficult to abolish the contributions immediately because the economic recession had slowed the growth of central government revenue, there was a great



and increasing demand for housing and services and direct income taxes from Africans in white areas were paid to the governments of 'black states'.

White Paper: to be considered

- (b) The Department of Plural Relations and Development, the administration boards and community councils should initiate programmes of action in order to recover an increasing proportion of the cost of services from the African communities themselves.

White Paper: Accepted

- (c) The subsidising of transport costs in those areas where group areas are unfavourably situated should be continued. There should be differentiation on the basis of the circumstances of each area. The improvement of transport facilities in such unfavourably situated areas should receive active attention.

The Commission found that in some cases an inadequate transport system caused disruption and frustration which detrimentally affected production.

White Paper: to be considered

- (d) With respect to the Black Affairs Administration Act (1971), the Commission recommended that where distances to be travelled made this possible and where the necessary transport services are already in existence or can be established, African workers in 'white' areas should be encouraged, as at present, to obtain their own houses in the homelands. This recommendation was made despite the fact that the Commission considered the state policy of giving priority to the provision of family housing in the homelands rather than in the African urban residential areas, as being an inhibiting factor in the mobility, allocation and canalisation of labour. The housing shortage was one of the factors found to impede the movement of labour between administration board areas, with the result that the unemployed were dammed up in some prescribed areas while contract labour was imported from the homelands.

White Paper: Accepted

- (e) As regards the Group Areas Act, one of the recommendations made was that full ownership rights should be granted to employers by means of permits in those cases where they wish to provide housing for their employees in the respective group areas of the employees. Such permits should be issued subject to conditions that such houses are only occupied by employees.

The Commission found that employers objected to providing housing for employees in Coloured and Indian areas because they could not obtain freehold ownership of land and thus security for the financing of capital.

Employees expressed misgivings about 'tied' housing. The Commission felt that if employers could obtain ownership, many more would provide housing and consequently the hold on employees would diminish with the passage of time.

White Paper: Accepted

(f) Ownership should be granted to employers who wish to provide accommodation for their employees in African residential areas

White Paper: Accepted

(g) The private sector should be permitted to finance housing schemes in African residential areas on a business basis and to develop them for allocation in accordance with the leasehold system.

White Paper: Accepted

(h) Erven with the necessary services should be allotted to Africans in their residential areas on a leasehold basis so that they can build their own houses according to prescribed standards, even if only piecemeal. The necessary technical assistance and standard building plans should be supplied where desired.

White Paper: Already practised

(i) The capital gains obtained from the sale of houses to Africans should be applied only for the provision of housing in African residential areas.

White Paper: Already practised

(j) The state should subsidise the housing of its African employees on the same basis as the housing of its employees belonging to other racial groups.

White Paper: Accepted

(k) Consideration should be given to placing the subsidisation of African housing by government bodies on the same basis as that for other racial groups where the emphasis falls on the lower income groups.

White Paper: Accepted

(l) Provision should be made for a greater variety in housing by (i) the establishment of residential areas with larger erven for the higher income groups who wish to build their own houses. (already applied), (ii) securing the availability of sites for better types of hostels, boarding houses and the issuing of licences freely to persons qualified to run such establishments (already applied) (iii) the building of flats of a better quality for small families with high incomes (accepted) (iv) erection of homes for the aged.

White Paper: Accepted

(m) Service industries and larger business centres should be planned and developed in African residential areas.

White Paper: Accepted

- (n) The repeal of the Better Administration of Designated Areas Act (1963) in its entirety as soon as possible. The Commission found that the Act was originally passed for a limited purpose, namely the administration, control and government of designated areas where there are large numbers of Africans and other racial groups having the right to ownership of land in, for example, Alexandra. As these areas are being taken over, the Act will no longer be necessary.

White Paper: Accepted - as soon as the Act is no longer required.

- (o) The Blacks Resettlement Act (1954) should be repealed in its entirety as soon as possible. The Act provides for the removal of Africans from any area in the magisterial district of Johannesburg or any adjoining magisterial district and their settlement elsewhere. It was used in particular to expropriate African-owned land in the Western Areas of Johannesburg and to resettle the population of these areas in Soweto. Currently, the Resettlement Board is concerned with the expropriation of African-owned properties in the designated area of Alexandra.

White Paper: Accepted as soon as Act is no longer required

Regarding the administration of African residential areas, the Commission recommended that powers and functions be transferred from the administration boards to the community councils which should be developed as local authorities for the areas.

## **5. Promoting the Development of an African middle class**

The Commission recommended that:-

- (a) The allocation of trading sites in terms of the Black (Urban Areas) Consolidation Act to African individuals, partnerships in which all the partners are African and companies, the issued shares of which are owned exclusively by Africans, should (i) be vested in the community councils and (ii) not be made dependent on some requirement or other in connection with birth, employment, or residence of the person concerned in a prescribed area. The Commission found that this requirement had a restrictive effect on the development of trade.

White Paper: Already in practice

- (b) It should be left to community councils to make recommendations on (i) the admission of whites, coloured and Indians to trade in African urban residential areas on a permit basis and (ii) the creation of delimited free trade areas in these residential areas.

White Paper: Accepted with qualification



- (c) Employment in trade in African urban residential areas should be placed on the same basis as employment in any sphere in the urban area concerned; that is, employment should be subject to the authorisation of the labour bureau concerned and should not be restricted to Africans only.

White Paper; Accepted

- (d) The issue of trading licences in African residential areas should be placed on the same basis as that in group areas for other population groups.
- (e) The restriction in respect of sites as embodied in Regulation 12 of Chapter 3 of the Black Residential Area Regulations, 1968 should be removed; that is, a trader should be able to obtain more than one trading site in a residential area without ministerial approval.

White Paper: Accepted

- (f) The provision that a trader should personally exercise supervision over his business should be deleted.

White Paper: Accepted

- (g) The Group Areas Act, 1966 should be amended so that the restrictive provisions on acquisition, ownership or occupation by disqualified persons in specific demarcated areas in the central business areas of cities and towns not be applicable to buildings, land and premises in such areas which are used exclusively for trading commercial or professional purposes. This is subject to the provision that the institution of such areas shall not be refused by the Minister concerned if a formal request for such institution has been received from a local authority (including a management committee and a consultative committee in Indian and Coloured group areas).

White Paper: Partially implemented already: accepted in principle

## **Migrant Workers**

### **1. Influx Control**

The Commission stated that owing to the potential extent and nature of the migration of Africans from rural to urban areas, severe 'social and sociological problems' would arise in urban areas if the process was uncontrolled. Influx control was seen as an essential 'social security' measure in order to avoid, as a result of this process, the development of slum conditions, large scale unemployment in urban areas, the paying of lower wages and the threat to the interests of established residents who already had financial obligations regarding housing, services, etc.

It also found that the provision that no African other than those referred to in section 10(1)(a)(b)(c) or (d) of the Act may remain for more than 72-hours in a prescribed area was discriminatory as there was no such restriction in respect of whites, coloureds and Asians. This provision also led to large-scale arrests which disturbed relations and harmed South Africa's image.

The Commission recommended that:-

- (a) Influx control be linked with the availability of work and of approved housing;
- (b) There should exist a provision in the proposed Employment and Training Act to the effect that no employment may take place without the authorisation of the labour bureau concerned. Distinction should be drawn between permanent and contract workers. With regard to the latter group the authorisation of the labour bureau should, subject to any requirements in connection with the attestation of contracts of employment and authorisation of the government concerned, be subject to the availability of housing, a firm offer of employment, and the non-availability of suitable local workseekers.
- (c) The provisions of section 10(1)(a)(b)(c) and (d) of the Act should be included in an appropriate form and without the 72-hour provision in the proposed Black Community Development Act, with a view to regulating the stay of Africans in residential areas. Provisions for exemption should be made for **bona fide** visitors, guests in hotels, etc.

White Paper: The government accepted the first two recommendations. It felt, however, that although the 72-hour provision expressly discriminated against Africans and led to large-scale arrests, short-term imprisonments, etc., its repeal would also have drawbacks. It felt that if the burden of influx control rested entirely on control at the place of employment and residence, the application of this control would have to be exceptionally strict. The government thus declined to commit itself to repealing the 72-hour provision, but would reconsider the issue once the other two mechanisms had been introduced and were proving effective.

## 2. Unlawful Employment

A fundamental viewpoint underlying the Riekert Commission's recommendations was that the conditions of urban Africans should be improved. The Commission argued that in order to achieve this, it was essential that this group should have preference to existing job opportunities, housing and facilities. The main effect of influx control would be to protect these facilities for



urban Africans by regulating the admission of rural Africans into urban areas. The Commission, however, voiced concern that this system was being undermined by employers employing Africans with no legal rights to be in the area.

In investigating the illegal employment of African workers, it found *inter alia* that this phenomenon was largescale, and both undermined the system of influx control and cultivated a 'contemptuous attitude' towards legal procedures amongst offenders. It found that employers were not complying with the statutory requirements in connection with the employment of African workers and felt this could only be checked if there was 'a real shift of emphasis to the prosecution of employers'.

It recommended that:

- (a) (i) penalties applicable to employers employing 'illegal' workers should be strictly enforced and made more effective by higher fines;
- (ii) terms of imprisonment should be in proportion to the proposed increase in fines;
- (iii) fines should be proportional to the period during which the worker was unlawfully employed;
- (iv) employers should not, as a general practice, be given the opportunity to pay admissions of guilt for the offence in question;
- (v) the employer should forfeit benefits accruing to him; and
- (vi) employers should be held liable for the costs of repatriating African workers who were unlawfully in their employ.
- (b) penalty provisions payable by the workers should be abolished.

The White Paper accepted recommendations a(i)(ii) and (vi). It had no objections in principle to recommendations a (iii),(iv) and (v), but doubted that they could be put into practice or would be worth the trouble, and thus were rejected.

The government found recommendation (b) unacceptable since it felt that the employee, having entered the area unlawfully, is also culpable.

### **3. Admission of workers from 'independent states'**

The Commission also delineated the position of workers from 'independent states' wishing to enter the Republic. It stated that if the recommendations made elsewhere in the report were adopted, in effect any citizen of an 'independent state', irrespective of race, wishing to work in the Republic would have to obtain authorisation:-

- (a) To enter the Republic in terms of the Admission of Persons to the Republic Regulation Act,1972 and/or the Aliens Act,1937;

- (b) To work in the area of a particular labour bureau in terms of the proposed Employment and Training Act. Such permission would be given only if the worker's travel documents were in order, he had a firm offer of employment, suitable housing was available and there were no suitable local workseekers;
- (c) To remain in a particular place in terms of the Group Areas Act, 1966 or the proposed Black Community Development Act.

Non-workers would be exempt from obtaining the authorisation to work. The Commission maintained that the above system would eliminate racial discrimination but would be conducive to more effective control. In the light of the above, no further recommendations were made.

#### 4. **Entry of Citizens of Bophuthatswana and Transkei into the Republic**

Agreements entered into with these territories and the government regulate, over and above existing legislation, movement over borders. These exist in conjunction with the labour agreements between these territories and the Republic. The Designated Neighbouring States Act (1978) can be made applicable to Bophuthatswana and Transkei, in which case the provisions of any legislation in connection with the entry, sojourn in and departure from the Republic will be superseded by provisions of agreements on these matters insofar as they are irreconcilable with the terms of such agreements.

The following arrangements exist between the Transkei and the government in terms of an agreement concerning the movement over common borders:

- For visits not exceeding 14 days, no special permission is required except a suitable endorsement in the person's document by a border official or by a **Magistrate or Commissioner**.
- Workers enter or leave the Republic in terms of the Labour Agreement between the government and the Transkei.
- Officials are to be issued with diplomatic or official passports and treated in the same way as all other foreign officials visiting South Africa.
- Other visitors, entering through controlled border posts with valid Transkeian passports and temporary residence permits, are dealt with in terms of the Aliens Act and, as temporary visitors, are treated in the same way

as all other foreigners.

It was the intention to offer these arrangements to Bophuthatswana and other states upon the attainment of independence. These arrangements are irreconcilable with the retention of the 72-hour prohibition and might in practice give rise to confusion and 'interstate' friction. For these and other reasons the Commission recommended elsewhere that this prohibition be removed.

The Commission recommended that:

- (a) The Designated Neighbouring States Act (1978), should be made applicable to Bophuthatswana as soon as possible so as to give statutory effect to the agreements in connection with the movement of 'citizens' over common borders.
- (b) The arrangements offered to the government of the Transkei in connection with the practical application of the agreements in the abovementioned connection should be offered as soon as possible to the government of Bophuthatswana.
- (c) For the convenience of 'citizens' of the Transkei and Bophuthatswana, consideration should be given to granting to officers of other government bodies, over and above Magistrates (or Commissioners, where Magistrates are not available), the power to stamp travel documents as required.

White Paper: Recommendation (a) was accepted by the government. Recommendation (b) has a bearing on the Commission's view expressed earlier that the retention of the 72-hour provision was irreconcilable with the agreements on the movement of 'citizens' over common borders concluded between the government on the one hand, and Bophuthatswana and the Transkei on the other hand and which provide for a period of entry without prior authorisation of 14 days. The Departments of Cooperation and Development, of the Interior and Immigration and of Foreign Affairs would hold consultations in order to clear up any possible uncertainty in this regard.

As far as recommendation (c) was concerned, arrangements had already been made for any office of an administration board to be permitted to grant authority to remain in an area. If, in practice, it should be found necessary for the officers of other government institutions to be given the same authority, the South African government would have no objection.



## 5. Labour Agreements

### 5.1 'Independent States'

The government has concluded labour agreements with all neighbouring 'states' including Bophuthatswana and the Transkei.

The Commission recommended that:

- (a) Labour agreements with 'independent states' should be retained, expanded and from time to time reviewed as part of the system for the orderly canalisation and utilisation of labour and the maintenance of sound labour and inter-state relations.
- (b) The provision that contracts be attested in the area of recruitment should be retained, but, in the case of 'independent' states that formerly constituted part of the Republic of South Africa, administrative arrangements should be made for the waiving of the attestation of contracts of employment in the farming sector that are entered into for periods of less than six months. When existing labour agreements are revised, consideration should be given to including appropriate provisions in this connection in the revised agreements.

White Paper: Both these recommendations were accepted.

### 5.2 Homelands

Apart from statutory measures, the first arrangement concerning the movement of workers was finalised in November 1977, although it had not been fully implemented as yet. Its provisions dealt, *inter alia*, with the issue of travel documents instead of reference books (such documents, however, would serve the same purpose, i.e. documenting permission to be in the area concerned and a worker's record); the entry of contract workers to urban areas through requisitions or call-in cards; and the granting of permission to special categories of workers for their families to join them in urban areas, e.g., school principals.

The Commission noted that in terms of the agreement, the attestation of contracts need no longer take place in the home district. This differed from the agreements with Bophuthatswana and the Transkei, where attestation was at the place of recruitment. (Presumably, in the light of its recommendations on the attestation of contracts, it would envisage a requirement that attestation be affected at the place of recruitment in future agreements).

The Commission felt that there were advantages in concluding labour agreements with the governments of individual homelands as they already had the power to legislate on labour matters, and such agreements could serve as a basis for the conclusion of agreements on the attainment of independence.

The Commission recommended that:

- (a) Consideration should be given to concluding labour and other agreements with the governments of individual homelands, and the Department of Foreign Affairs should be involved in the negotiations as an observer or adviser.
- (b) See page 13 for recommendation on workers' rights to housing.

White Paper: Accepted

## 6. Recruiting of Workers

The main effects of the Commission's recommendations on recruiting would be to modernise the system by abolishing anomalies, streamline procedures and to enforce greater control over recruiting undertaken by the various bodies/individuals by reinforcing certain procedures (i.e. requisitioning of contract labour through labour bureaux) leading to a more effective control over the influx of rural workers into urban areas. Under the present system recruiting is undertaken by labour agents, farmers, individual employees and employer's groups.

### Labour Agents

In 1977 there were 79 licensed labour agents in 'white' South Africa, 70 of whom recruited for TEBA or NCOLA, and a further unspecified number in the homelands.

In its findings on labour recruitment, the Commission condemned the payment of labour agents on a per capita basis on the grounds that this system led to abuses. Consequently it recommended that only salaried agents should be licensed and licences should be issued in respect of all prescribed areas within the area of jurisdiction of an administration board. It stated that licensing of runners in the 'white' area of South Africa should not be considered and the licensing of conductors (i.e. persons who conduct labour to the place of employment) was no longer necessary. Labour agents' licences should be issued by administration boards as agents of the Department of Labour.

**Individual Employers** may recruit labourers who report voluntarily for service in the area for which the employer is licensed. In 1976/77, 114 licences were issued in respect of 52 districts in the 'white' area, mainly to non-affiliated mines and certain large employers.

The Commission pointed out elsewhere that, apart from mining, the sectors for which most contract labour was imported by labour bureaux, agents and employers was the manufacturing industry where manual labour was unpopular with urban Africans, and the construction industry which was also unpopular. As at 30 June 1977, 893 691 contract workers were recruited to work in prescribed areas. (RC page 54)

**Farmers** may recruit with permission from a Commissioner in the area in which they wish to recruit.

**Employers Groups** may recruit for agriculture or mining. There were 11 such groups registered with the Director of Labour and recruiting in the Republic and neighbouring states, mainly for the mining industry. The Commission found that employers groups played an important role in complementing the labour bureaux in the recruitment of labour (in fact they were seen as performing the functions of labour bureaux themselves).

It recommended that:

- (a) The licensing of employers for recruiting purposes and permits for farmers be abolished. Labour bureaux should inform employers/farmers that labour, according to the need and subject to the non-availability of local labour, may be recruited by way of requisition elsewhere in the 'white' area or in the homelands; in other words, that requisitions render employers' recruiting licences, farmers' permits unnecessary.
- (b) Recruiting by employers' groups should be continued and even expanded where necessary.
- (c) The provisions of regulation 10 of Chapter V of the Black Labour Regulations of 1965, which prohibited an employer from using a worker admitted to an area on various premises within the area, should be abolished.

**White Paper:** The government accepted all recommendations excepting that relating to farmers' permits. It argued that because of the seasonal demand for labour in agriculture and the obligation to requisition labour repeatedly throughout the year, this would cause farmers unnecessary inconvenience.



## **6.1 Recruiting in Homelands**

The Commission found that recruiting through tribal labour bureaux was not functioning optimally.

It recommended that:

- (a) Governments of homelands should be consulted regarding the easing of problems and bottlenecks experienced by employers in their negotiations with tribal labour bureaux.
- (b) After consultation with homeland governments, central assembly centres should be established near to homelands, which would be under the control of the administration board in whose centre they are situated.
- (c) They should be at the disposal of all employers and financially self-sufficient.
- (d) Attestation of contracts (on agreement of homelands) would be affected at the centres.
- (e) The controlling administration board should arrange for services i.e. selection, medical examinations etc., to be rendered at the centres.
- (f) The administration board would liaise with the centre regarding labour requirements in the 'white' area generally.
- (g) Assembly centres should ensure that requirements regarding documentation and entry have been complied with.
- (h) Provision should be made legislatively for the repatriation by employers of workers on the termination of their contracts (costs to be borne by the employer).
- (i) Homeland governments should be consulted regarding the possibility of administration boards themselves recruiting within homeland areas.

White Paper: The government accepted all the recommendations with the acceptance of (i) being subject to the agreement of homeland governments.

## **7. Administrative Procedures**

### **7.1 Labour Zoning**

The Commission found that labour zoning - i.e., the admission of contract workers from a specific homeland to the area of jurisdiction of a particular administration board - took place to a limited extent and had certain advantages.

It recommended that:

- (a) Provision for such zoning should not be written into the legislation, but that administration boards be instructed to follow the most effective



procedures in regard to the import of contract labour in their areas.

## **7.2 Attestation of Contracts of Employment**

The Commission found that the attestation of contracts at the place of recruitment ensured proper control over contract workers and ensured that homelands would be kept informed of the exact conditions under which their citizens would work in the 'white' areas. This would also enable them to insist at 'interstate' level on satisfactory conditions, e.g., when negotiating binding labour agreements. It felt, however, that the conditions of contract were not always properly explained or understood; the procedure was time-consuming, and that the 12-month period of validity of contracts was too short.

The Commission recommended that:

- (a) The attestation of contracts at the place of recruitment should be strictly enforced;
- (b) The procedure simplified; and
- (c) The 12-month period of validity reviewed and negotiations entered into with homeland governments for longer contract periods;
- (d) Administration boards should provide facilities within African urban residential areas for the temporary sojourn of dependants who wished to visit the head of the family while he is working in the 'white' area.
- (e) Outside urban residential areas the employer should make suitable arrangements.

White Paper: Accepted

## **7.3 Deferred Wages**

The Commission recommended that:

The withholding of wages be affected on a voluntary basis, but in those cases where other governments insist on compulsory deferment, this should be arranged by means of 'interstate' agreements.

White Paper: Accepted

## **The Administration of Influx Control**

Labour bureaux, passes and aid centres are all aspects of the administration of the influx control system. In its recommendations the Commission was concerned to increase their effectiveness as instruments in maintaining such a system.

## 1. Labour Bureaux

Labour bureaux form the basis of the system of influx control: they control the entry of workers from rural to urban areas; the inter-urban movement of workers and movement between different non-prescribed areas. The intent of the Commission's recommendations is to maximize their efficiency and effectiveness as instruments of influx-control and as job placement centres, involving, *inter alia*, their modernisation. Certain recommendations i.e., those concerning the decentralisation of bureaux to 'black' areas and the improvement of their 'image' are designed to make the system more palatable to Africans. The Commission's concern with social stability in urban areas and which involves, *inter alia*, containing the unemployment problem and the according of a better deal to urban Africans, is also evident (c.f. recommendations (c) (i) (1) (m) and (n)).

The Commission found that labour bureaux fulfilled an important need as regards the provision of information for particular groups of workers and a service for certain employers. However, substantial evidence was received that in certain areas bureaux were avoided by workseekers and employers. They were identified with influx control, did not have trained staff, did not make an adequate distinction between types of workseekers, and were mainly used by unpopular employers and workseekers who were difficult to place. The agricultural sector was critical of the time and money involved in travelling to bureaux.

It found that compulsory registration by workseekers (in practice applicable to workers with section 10(1)(a)(b) or (c) qualifications) was impracticable to enforce. It felt the linking of unemployment insurance benefits to registration and the improvement of bureaux services would encourage voluntary registration. The same considerations applied to the compulsory registration of vacancies.

Decentralised bureaux providing for Africans with section 10(1)(a)(b) or (c) qualifications and giving separate attention to school-leavers and first workseekers, unskilled, semi-skilled and skilled workers and those with higher qualifications were considered to be in the interests of the African public.

Unemployment insurance payments and employment services were at present dealt with by separate departments. The Commission felt they were linked functions and the administration boards could deal with unem-

ployment applications and benefits as agent of the Department of Labour. This should not be done in such a way as to be to the detriment of the image of employment services.

The Commission recommended that:

- (a) The official labour bureau system for Africans should continue in existence because it fulfils an important role in connection with the orderly canalisation of labour and the supply of labour in accordance with the demand for it.
- (b) A programme of action should be initiated to ensure the efficient functioning of the labour bureau system and particular emphasis should be laid on the improvement of the quality of the services rendered, the training of the labour bureaux staff, and the establishment of separate service points for different categories of workers.
- (c) Private employment offices should also be permitted to render employment services to African workers. Such offices should be subject to registration and control by the Department of Labour in order to ensure that they concentrated purely on the rendering of employment services in respect of those Africans who are authorised to work in a particular area.
- (d) The Registration for Employment Act (1945) now applicable to other race groups should also be made applicable to Africans.
- (e) The administration of the Act, in so far as Africans are concerned, should be vested in the Department of Labour, which can use Administration Boards as its agents.
- (f) No obligation should be placed on workseekers to register, and voluntary registration should be encouraged by publicity and the improvement of the services of labour bureaux, as recommended above.
- (g) No obligation should be placed on employers to register vacancies, but labour bureaux should switch positively to the canvassing of vacancies in accordance with needs, as determined by workseekers reporting at labour bureaux.
- (h) Government institutions should be encouraged to work more closely with labour bureaux in connection with the filling of vacancies than is the case at present.
- (i) Steps should be taken towards decentralising employment offices to African residential areas or areas adjacent to them.
- (j) Labour bureaux should deal with applications for and the payment of unemployment insurance benefits at decentralised offices as recommended in (i) above, but the work involved should be separated from employment services, i.e., it should be done at different counters or at different offices by different staff where at all possible.



- (k) Employers should be fully informed by means of pamphlets etc., on what precisely they can and cannot expect in the way of services from labour bureaux.
- (l) Established African workers who have lived continuously in certain areas (persons having section 10(1)(a) or (b) or (c) qualifications) should be given a standing authorisation by means of an endorsement made once only in travel documents so that they may change employers without reporting to a labour bureau, but subject to the normal registration procedures to be observed by the employer.
- (m) Scholars or students should be permitted to work over weekends or during school holidays without the prior authorisation of the labour bureau.
- (n) Workers who are already in registered employment should be permitted to work when off duty, for other employers if they so wish without the authorisation of the labour bureau and provided the registered employer has no objection. The onus would rest on the worker himself to obtain written proof in this connection.
- (o) The registration procedure, in so far as authorised workseekers are concerned, should be so adjusted that it is not necessary for the employer or the employee or both to go to the labour bureau to get registration effected.

White Paper: Recommendations (a),(b) and (f) to (o) were accepted without reservation. The government was prepared to accept recommendation (c) as it could lead to a more effective operation of the labour market provided, however, that satisfactory precautions could be taken to prevent possible malpractices. The remaining recommendations were accepted with qualification.

## 2. Passes

As with labour bureaux, the Commission's intention in its recommendations on passes was not to change the system of influx control (i.e., phase it out etc.), but to entrench it and ensure its effective functioning. All the information (i.e., rights to be in an area, details of employment and housing) fundamental to the administration of influx control will still appear in the documents - whether reference books or travel documents, which Africans are required to carry. The Commission's recommendations on this issue were merely designed to streamline this system of documentation and re-organise its administration in line with the Commission's concern with re-allocating functions of departments and the consolidation of legislation.

The Commission found that the reference book (pass) was a very unpopular document amongst Africans but, as it was to be phased out by the homelands and substituted by travel documents, it did not recommend any changes here. It did find that provisions in the Act for making endorsements in passports, etc., of African citizens of 'independent' homelands were discriminatory in the sense that non-Africans were dealt with in terms of the Admission of Persons to the Republic Regulation Act and the Aliens Act administered by the Department of the Interior and Immigration.

The Commission recommended that:

- (a) Fees payable on application for the issue of duplicate reference books should be in line with the direct and indirect costs attached to the issuing of such books.
- (b) Provisions in connection with the making of endorsements in documents of
- (c) African 'citizens' of 'independent African States' and
- (d) of homelands in the Republic should be deleted from the Act.
- (e) Entry requirements for (c) should be in terms of the Admissions of Persons to the Republic Regulation Act, 1972 and for the Aliens Act, 1937.
- (f) Provision for endorsements in the documents of citizens referred to in (c) and (d) in connection with employment should be made in the proposed Employment and Training Act.
- (g) The administration of the Blacks (Abolition of Passes and Co-ordination of Documents) Act (1952) should be vested with the Department of the Interior.

The government accepted recommendation (a) and was prepared to consider (b). As far as recommendations (c), (d) and (e) were concerned, the White Paper stated that effective border control was not applied in respect of the 'citizens' of 'independent African states' that were formerly part of the Republic because of the nature of the geographical borders. Those citizens were at present entering the country over a widespread area and, therefore, some form of control **after** entry was necessary. It was also difficult and impractical to distinguish between South African and non-South African inhabitants and their status in terms of rights of residence. The government did, however, agree with the Commissioner's recommendation that provisions relating to African 'citizens' of 'independent African states' should be provided for under the relevant legislation of the Department of the Interior and Immigration.

### 3. Aid Centres

There are 19 Aid Centres, 9 of which are in the PWV area, all established between 1971 and 1975. In 1977 the centre handled 176 797 cases of which 91 832 were not prosecuted.

The Commission found that Aid Centres were of benefit to control measure offenders and the economy as workers were not withdrawn from their work for long periods. The Centres were, however, a product of the present influx control system and the question to what extent the arrest of a large number of control measure offenders was necessary in the first instance would have to be looked into. The Commission also found that the administration of the system was inefficient, due to a number of different reasons. It recommended that:

- (a) Aid Centres should be temporarily retained to reduce the number of Africans who were referred to the courts and landed in prison. However, the system should eventually be phased out as offences declined due to the implementation of other regulations.
- (b) Section 25 of the Black Labour Act (1964) should be amended to ensure that all persons charged with a contravention of the control measures first be referred to Aid Centres.
- (c) Arrangements should be made whereby Aid Centre managers might summarily discharge accused persons who under the present system were detained pending the withdrawal in the criminal court of the case against them or their discharge with a warning after conviction.
- (d) Aid Centres that were managed by Administration Boards should continue to be so managed. However, services rendered by Aid Centres at Commissioners' offices should continue, and the system be decentralised as much as possible.
- (e) Other recommendations dealt with the powers of Aid Centre managers, labour officers and appeals against their decisions. It recommended that the staff of Aid Centres should be especially selected and trained for the execution of their duties.

**White Paper:** The government accepted the recommendations excepting those relating to the delimitation of powers of Aid Centre managers and labour officers.

## **Rural Workers**

The Commission also turned its attention to investigating the conditions under which Africans worked and resided in rural areas in white South Africa. Sections 1, 2, 3 and 5 below relate to the provisions in Chapter IV of the Development Trust and Land Act (1936).



## **1. Labour Tenants**

From 1966 to 1970 a series of government notices in respect of specified districts, finally including the whole Republic, were published declaring that no further labour tenant contracts could be entered into and no further labour tenants registered. The system is consequently in the process of extinction.

The Commission recommended that:

- (i) The provisions of the Development Trust and Land Act (1936) relating to the labour tenant system be repealed as they are outmoded.

**White Paper:** The government accepted the recommendation which it felt could be put into effect as soon as the system was totally abolished (it still was operative in parts of Natal).

## **2. Labour Control Boards**

There were 188 such Boards determining how many workers were needed by farmers and enforcing the removal of workers who were declared redundant. In 1977, 9 894 determinations were made and 203 workers declared redundant. This represented a considerable decline over previous years and showed, the Commission stated, how few redundant workers there were in the agricultural sector.

The Commission found that for economic reasons farmers employed only as many workers as were essential. It concluded that, in any case, the existence of the Boards and the determination of labour quotas were no prerequisite for the effective checking of the problem of unauthorised accommodation of African persons and were in conflict with the free enterprise system. It was mentioned in evidence that the removal of redundant persons was hampered by the fact that alternative places of settlement, for which provision was made in section 38 of the Act, were not readily available.

The Commission recommended that:

- (a) Labour Control Boards, as well as the determination of labour quotas for farmers, be abolished.

**White Paper:** It could not accept the recommendation without further investigation and consultation with organised agriculture.

## **3. Squatters**

The Act makes provision for the licensing of squatters who were registered as such on 31 August 1936 and were continually resident on the land

concerned. Most of these have reached retirement age.

The Commission recommended that:

- (a) The statutory provisions in Chapter IV of the Act relating to squatters be repealed.

White Paper: Accepted

#### **4. Share Cropping [Regulation 16 of Chapter III of the Black Labour Regulations, 1965.]**

The Commission found that the restrictions imposed on the use by owners of land, of stock or equipment of their African employees and on the cultivation by employees of any land of their employers and the retention in consideration thereof of a portion of the crops reaped were outmoded.

The Commission recommended that:

Regulation 16 of Chapter III of the Black Labour Regulations 1965 be repealed

White Paper: Accepted

#### **5. Occupation of Land by Aged Persons**

The Commission found that there is a real need for accommodating aged African persons on farms both in and outside prescribed areas as there was insufficient accommodation for them in the 'white' areas or the homelands and it was undesirable to uproot the aged by removing them from their previous environment. The Commissioner's permission required for their continued residence by the farmers concerned, was an unnecessary formality.

The Commission recommended that:

- (a) African aged persons should be able, merely with the permission of the land-owner concerned, to settle on farms, no matter where situated, if they were in the employ of the land-owner prior to their retirement or if they were dependants of **bona fide** employees of the land-owner. Section 35(1)(b) of the Act could be amended to permit particulars of aged persons so accommodated being called for, by way of return, by the body concerned with rural African community development, and for purposes of effective rural African community development.

White Paper: The government did not see its way clear to accepting this recommendation until further investigation had been undertaken and certainty had been obtained that acceptance of the recommendation would not lead to large-scale squatting on farms.

## **Relocation and Riekert : attempts at rural and urban stabilization**

**Gerhard Maré**

### **Introduction**

It has been said that if the apartheid period up to the end of the 1950s can be broadly characterised as that of allocation of labour, then the 1960s and 1970s are the decades of relocation of labour (or, more correctly, of the unemployed). This statement draws attention to one of the distinguishing features of this period and stresses changes in the dynamics operative, both in the economic sphere and in the South African social formation generally in the post-1960 period.

Of the most important of those dynamics is the greater incorporation of South African capitalism into a world system of **production**, as against a system of finance. Capital invested in South Africa after the political turmoil of the late 1950s and early 1960s increasingly served to establish productive branches of multi-national capital locally. This tied local capital more directly into a world system, both in terms of commodities produced and technology employed - ties that arise from having to compete in the same field at the same or equivalent levels of productivity.

The integration of local and multi-national capital has had two consequences of relevance to what I want to discuss in this paper: firstly, that a great deal of concentration and centralization of capital has taken place; in other words, that some businesses have grown both within their own field of activity (e.g. Anglo-American within mining), and that they have diversified into other activities.<sup>1</sup> The Mouton Commission into the Regulation of Monopolistic Conditions Act (report completed in March, 1977) found that their investigation 'confirms an exceptionally high degree of concentration of economic power in the four major divisions of the South African economy that were analysed (manufacturing, wholesale and retail, construction, and transport - GM).'<sup>2</sup> This implies that fewer firms are dominating the economy, and possibly the political and social fields as well. The control, influence and effect is, of course, also felt in the field of labour utilisation (both quantitatively and qualitatively).

This leads to the second consequence of the greater internationalisation of capital in South Africa - especially of productive capital - namely, an increa-



sing marginalisation of a section of the labour force due to the technology<sup>3</sup> employed and the commodities produced within this dominant monopolistic and internationalised level of the economy. It is important to note that the concept of marginalisation in this context refers to the exclusion of a section of the workforce or potential workforce from employment in the dominant level of the economy, with the concomitant need for stability of a section of the workforce employed by this level. Also, the marginalised labour force and marginal pole of the economy are not 'dualistically' separate from the capitalist economy but are linked in a variety of ways, with implications for struggle and conflict between the working class and capital.<sup>4</sup>

A concrete manifestation in South Africa of these trends has been massively growing unemployment, from at least as early as the 1960s, (but probably even before that). Various estimates, based on different methods of calculation and estimation and different conceptual and ideological presuppositions, have been made as to the extent and rate of unemployment in South Africa over the past two decades. (See Claassens in this issue p61) Much less work has been done on explaining such unemployment.<sup>5</sup>

It is not my intention to reproduce the various arguments and figures<sup>6</sup> other than to say that these range from Simpkins' 2,3-million (un- and under-employed, brought to a single unit)<sup>7</sup> to Van der Merwe's figures of 151 000 unemployed in urban areas, 377 000 in white-owned rural areas, and 396 000 in 'homelands'.<sup>8</sup> However, what is important is the structural nature of such unemployment and the implications of this on political and economic stability within the South African social formation.

'At present, if the unemployment rate is to be stabilised, the economy needs to grow at 5,3% and if the number is to be stabilised a 6,7% growth is required. Compared with the permanent **structural** unemployment, cyclical variations are relatively unimportant (with the exception of the current deep recession which has lasted since late 1974'.<sup>9</sup>

In this situation the **location and relocation** of the unemployed becomes crucially important. Professor Van der Merwe, in an explanation of the method he used in arriving at the estimate of some 600 000 African unemployed in urban and 'white' rural areas, said that

'it is very clear that **unemployment was insignificant in urban areas** except during the recession of 1971/72 and that which started in 1975' (emphasis added).<sup>10</sup>

He suggested that a cutback in the number of foreign migrants could offer a long-term solution, but would be 'little more than a stopgap measure when it comes to migrants from South African homelands or rural areas'. The latter measure is, of course, exactly what is being achieved through rendering South African workers foreigners within South Africa, allowing for future measures of exclusion.

Many individuals and groups have warned of the danger inherent in such a situation of massive unemployment. Labour, the church, state and opposition spokesmen, the press, and many other groups have pointed to the need for drastic remedial measures, and some small-scale efforts are being made to alleviate for some the effects of unemployment. It is, however, the larger scale response that I wish to concern myself with in this article.

## **Relocation and Control**

In a very direct way the Riekert Commission Report and the preliminary indications of the state's legislative response are aimed at meeting the economic and political crisis of South Africa in the mid-1970s through further and more efficient control over location and relocation of people. As Sheena Duncan argued in a press article,<sup>11</sup> 'It is essential to understand that the Riekert Report does **not** herald any change whatsoever to the policy of separate development. Its recommendations are steps which have to be taken because the policy is now far advanced in its execution'.

She points out, for example, that the Commission accepts the policy of 'separate development' and 'separate black states', and consequently does not offer any 'proper planning for the whole of the Republic and pays no attention to the desperate plight of people who are confined inside the Bantustans...' Here (in the Bantustans/reserves/homelands) is, of course, exactly where the results of the effectiveness of the policy of apartheid during the present period have to be sought - and effectiveness not to be measured in terms of 'independent states' but in levels of unemployment, starvation, overcrowding, etc.

The **Financial Mail**, in two analytical articles on the Riekert Report,<sup>12</sup> comes to very similar conclusions, namely that along with the 99-year leasehold scheme (and other signs of the recognition of the 'Urban Black' by both the state and bodies such as the Urban Foundation -GM), the Riekert Commission has a central motivation the 'building up (of) a privileged labour aristocracy among blacks in urban areas' - 'The real victims of Riekert's blue-

prints are going to be blacks without these (urban residence) rights, for the implication of Riekert for them is that laagers are going to be erected around the towns to keep outsiders out'.

One first has to establish with some degree of accuracy who is inside the laager at any specific moment. It is in the light of this, that the moratorium allowing for the registration of illegally employed African people in urban areas (to last until end-October 1979) must be seen. These people are being registered as migrant workers, with residential and other links to a supposed 'homeland'. The moratorium is thus a way in extending control rather than providing relief. The period of grace is to be followed by the implementation of one of Riekert's proposals - an amendment to the 1945 Urban Areas Consolidation Act to increase the maximum fine for employers who give work to 'illegals'.<sup>13</sup>

It is, however, outside the urban areas that the policy of apartheid in its essence as a system of control over the location of people, especially of the African working class, continues. Riekert found that this control had to be continued:-

- '(e) There was virtually consensus among the witnesses that control over the urbanisation of the Black population was essential....
- (f) Control over the rate of urbanisation is, in the light of circumstances in South Africa, an absolutely essential security measure...'<sup>14</sup>

with the 'homelands' brought into the system wherever possible -

- '(a) Labour agreements with independent states should be retained, expanded and from time to time reviewed as part of the system for the orderly canalisation and utilisation of labour and the maintenance of sound labour and interstate relations.'<sup>15</sup>

If one prong of the policy of apartheid in its present form is the establishment of a stable urban-based labour force, then the other prong is the continuation of relocation and control of those excluded as migrants and the unemployed within the reserves. The 'insiders' are supposedly to benefit from the 99-year lease scheme, a measure of local autonomy, possibly improved facilities (sporting, electrification, higher salaries, etc), and other favours. For the 'outsiders' there are none of these 'benefits', but greater control over migrancy (the registration of 'illegals') and the unemployed or future unemployed, largely located in the 'homelands'.



In a previous paper (1979) and in the results of research into relocation (to be published by the SAIRR later this year) I have argued for a categorisation of relocation in order to understand the different dynamics that have fallen under the umbrella term of 'resettlement' - a 'complex, comprehensive and effective way of exercising political control, arising from the present form of South African capitalism as a whole' . 16

The elements of the economic context within which relocation occurs have been briefly sketched above. Let us now turn directly to the processes of relocation. The categories referred to above are as follows:

1. Clearance of 'black spots';
2. Relocation due to the abolition of the labour tenant system and 'squatting' on white-owned farms;
3. Relocation through the operation of the influx control legislation;
4. Urban relocation ( 'the removal of urban townships and the resettling of their inhabitants in a reserve township' or in another urban area, and squatter clearance);
5. Relocation due to the institution of 'betterment schemes';
6. Relocation for strategic and infrastructural schemes;
7. Relocation as resistance:
  - (a) family reunification;
  - (b) subsistence costs reduction;
  - (c) response to a housing shortage;
  - (d) relocation and mass unemployment;
  - (e) search for access to agricultural land;
  - (f) avoidance of political repression;
8. 'Homeland' consolidation;
9. Other - such as banishment.

There are two major aspects to this categorisation of relocation that I wish to take up in the rest of this paper, bearing in mind the framework within

which such removal of people is taking place. Firstly, not all these categories of relocation can be explained in terms of either 'ideological' (the 'irrationality of apartheid as a political policy' argument), or economic factors (the attempt to relate every aspect of state policy to economic factors such as changes in the structure of the economy); the concept of **reproduction** of the conditions for production is more adequate in coming to grips with the complexity of relocation. Secondly, relocation must not be seen purely in terms of the execution of policy by the state on a passive African population, but that this policy is being **resisted** both directly and indirectly, the latter taking the form of 'relocation as resistance'.

There are a wide range of activities of the state that relate to reproduction of the society in such a way as to ensure continued production (and profitable production) - such activities as regulating society through legislation, and enforcing such legislation, entering into infrastructural developments that would not have been undertaken by individual capitalists, maintaining an army and police force to act or threaten to act against any disruptive or potentially disruptive force. In South Africa the policy of 'separate development' is partially an attempt to reproduce the society as a whole by displacing demands into regions removed from the centres of production, to fragment and weaken the African working class through ethnic divisions, while at the same time maintaining the spatial separation that is essential to a system of migrant labour - in itself necessary for the weakening of the working class in its struggle for better conditions.

Whereas the early history of the development of the South African working class revolved around measures to remove people from the land and into relations of wage labour, it is now the history of maintaining those relations between capital and labour, in a situation where an ever-growing proportion of the working class are excluded from direct participation in production. Whereas working class history had been that of resistance to efforts to remove them from direct control over the means of production (land), it is now that of the attempts to gain access to the means of production. These demands, and those for central political participation, are being **removed** into geographically and administratively separate areas, to be contained within boundaries as tight as the physical boundaries of the 'homeland' regions.

Categories 1 and 8 are primarily those that relate to relocation which is necessary if the policy of 'independent black states' is to have any credibility. 'Black spots' are the areas of African freehold occupation within 'white' South Africa; mainly farming areas with a number of owners and culti-

vators who in turn have taken tenants. These tenants reside on and, in most cases, cultivate the land. While in certain cases in the last two decades these 'farmers' may have competed with white farmers on the produce market, relocation has been motivated primarily by the necessity to eliminate African land ownership within 'white' South Africa. Figures from the annual **Survey of Race Relations** (SAIRR) indicate that from 1948-1976 approximately 250 000 people have been relocated in order to clear 'black spots'. However, many still remain, largely in Natal. These people are moved to 'homeland' areas.

Related to removal of 'black spots' is the category of 'homeland' consolidation. In 1975, proposals for consolidation were put forward that were considered final. These concerned the areas still to be allocated in terms of the 1936 Native Trust and Land Act. In terms of the 1975 proposals BENBO<sup>17</sup> estimated that about 175 000 African families 'will have to be removed and resettled, a total of more than a million individuals'. In September the preliminary proposals of the Van der Walt Commission into consolidation started leaking out. These proposals affect BophutaTswana which, it is suggested, should be consolidated into one block. If the proposals relating to the other 'homelands' are as drastic it will dramatically increase the number of Africans to be relocated.

Category 3 (the operation of the 'pass laws') is partly a 'necessity' in terms of the need for politically separate units, the 'homelands'. However, these laws, in their present function of both allocation and relocation, primarily serve to maintain a migrant and weakened working class, allocated to sectors and areas or relocated if the needs of the economy fluctuate and labour is made 'superfluous'. The category of 'relocation through the operation of influx control legislation' increasingly reflects the dominance of monopoly capital, while the category of movement of people due to the abolition of the labour tenant system and 'squatting' on white-owned farms points to changes in labour utilisation on those farms. Riekert believed that the labour tenant system had been abolished and recommended the repeal of the section of the Development Trust and Land Act dealing with this category of labour utilisation. However, as the removals in the Weenen district in Natal indicate, this system has not died out. The White Paper on the Riekert Commission Report stated that the Commission recommendation would be accepted 'as soon as the labour tenant system has been abolished after the necessary consultation with the interest groups concerned, also in certain parts of Natal where it is still in operation at present....'<sup>18</sup> A Government Gazette in September 1979, declared labour tenants to be 'prohibited occupants'



and that all exemptions would fall away.

Baldwin quoted figures for the period 1960-70:<sup>19</sup> '340 000 people were removed by the abolition of labour tenancies on white farms; 656 000 were removed by laws preventing squatters living on white farms' .

Morris states that 'an estimated 400 000 labour tenants were removed between 1971 and 1974' .<sup>20</sup> (this figure most probably includes dependants - GM).

An indication of the enormity of the effect of the 'pass laws' is given by the figures for arrests in main urban areas:<sup>21</sup>

1976: 197 670 (of whom 24 719 females) (250 030 whole country)

1977: 173 571 (of whom 22 955 females) (224 308 whole country)

1978: 272 887 (of whom 47 977 females)

The final major category I wish briefly to deal with, is that of urban relocation. The scale of relocation here is indicated by the figures for increase in the urban population within 'homelands'.<sup>22</sup>

Increase in urban population in 'homelands':<sup>23</sup>

1960: 33 486

1970: 594 420

1975: 984 271

The increase in the number of commuters also offer an indication:<sup>24</sup>

1970: 290 000

1975: 557 000

1976: 638 000

The ideological value of such relocation is obvious. Smit and Booysen<sup>25</sup> comment on the '**artificial reasons** for urban development in the homelands... (as) reflected in the **location** and **functional composition** of most of these towns' (emphasis in original):

'An analysis of most of these Black homeland towns inevitably leads to the conclusion that they generally lack a sound economic base and that, on the whole, they are little more than economic appendices to or dormitory towns for White urban areas. If the borders of independent homelands should ever be closed to commuter traffic, these towns would inevitably die' .

My point then is that while not all categories of relocation can be reduced to purely economic factors, all major categories relate, during the 1960s and 1970s, to reproduction or to changes in production. Attempts are made at ideological and political control by dividing the working class ethnically and fragmenting it through migrant labour. As Laclau has argued,<sup>26</sup> in relation to reproduction of social relations on an ideological level:

‘A class is hegemonic not so much to the extent that it is able to impose a uniform conception of the world on the rest of society, but to the extent that it can articulate different visions of the world in such a way that their potential antagonism is neutralised’ .

So in South Africa the antagonism in the relations between capital and labour is presented in terms of different ‘nations’ with their own areas for political and economic expression. Furthermore, attempts are made to transform the antagonism against the central apparatuses of control into conflicts within the ‘homelands’ and directed against the ‘homeland’ branches of the state - sometimes without any success, as the statement from a resident of the Winterveld complex indicates ; ‘Mangope is maar net GG se voor-man’. Along with the relocation of the working class or the unemployed goes an increase in the powers given to the ‘homeland’ branches of the state.  
27

Resistance to relocation, or relocation as resistance, can take many forms. In the same way that all industrial struggle cannot be reduced to strikes, but includes such activities as sabotage, absenteeism, etc., this category ranges from individual acts of defiance of the influx control regulations and theft and forgery of pass books and/or the classification contained in them to the movement of thousands of people from the Transkei Herschel district to Thornhill in the Ciskei in order to avoid political repression by the Matanzima authorities.

This resistance can be direct, as in the case of attacks upon officials undertaking the removals, court cases to slow down or halt removals, rebellions such as those against ‘betterment schemes’; or it can be indirect, when for example, people move in defiance of state attempts at control. This might take the form of families attempting to live together as in Crossroads or Malukazi (the latter being outside Durban), or families moving away from relocation areas in order to find some accommodation closer to urban areas and possible employment. A new dimension is being added with the mention (during a trial at present in progress in Pietermaritzburg) of two notorious

relocation areas of Msinga and Whittlesea in connection with alleged ANC activity.

There is no reason to suspect that this category is going to decrease in importance. On the contrary, relocation as resistance can only increase as attempts are made to make the urban areas safe for capital and keep the unemployed out. At the same time, resistance to relocation in the form of direct action against those responsible for removals can be expected to occur with greater frequency. The residents of Crossroad, the population of the Upper-Tugela reserve, the Batlokwa people in the Transvaal, have all shown that the state's policy of forced location and relocation of people is not completely passively and submissively accepted. No more than reference can be made here to protests at relocation that take the form of bus boycotts after attempts to increase fares. The long routes are a direct result of the state's policy of separate settlement with regard to the African working class.

The attempts at stabilisation of the urban areas as envisaged by the Riekerk Commission and the activities of the Urban Foundation (whether successful or not) do not mean that the problems of the social formation have been solved. The state policy of 'independent black states' and mass relocation of people has to be seen as the other side of the coin of policy relating to urban areas, and both have to be analysed in terms of changes that have occurred in the South African economic structure over the past two decades and in terms of the opposition to the implications (economic, political and ideological) of these changes.

#### Footnotes and References

1. Tony Koenderman noted in the **Sunday Times** (77-06-05) that Anglo-American's investment in industry had grown to R847-million in 1976 - in such areas as iron, steel alloy, chemicals and explosives, civil engineering and construction, drilling tools, textiles, computers and rail locomotives .
2. Republic of South Africa - **Report of the Commission of Inquiry into the Regulation of Monopolistic Conditions Act** (1955) (RP 64/1977, Government Printer, Pretoria) (Mouton Commission).
3. Technology is used in the sense of 'a complex of activities of institutionally organised knowledge' Quijana Obregon (1974:396).
4. It is not possible to discuss this vast field in any detail in this paper. Readers are referred to such articles as Quijano Obregon 1974; Erwin 1977 and 1978, Maree 1978; on technological reliance in the South African case, for example, Weber 1969; First 1972; Poolman 1973; Brown 1975; Nattrass and Brown 1977).
5. See, however, articles by Erwin and Maree referred to above.
6. These include Simkins 1976, 1978, 1978a; Van der Merwe 1976; Sadie 1977.



7. Simkins (1978:41).
8. P.J. Van der Merwe (1976:73).
9. Simkins (1978:41) see also **SALB**, Vol. 3, No. 3 editorial
10. **Star**, 12 November 1976.
11. **Star**, 19 May 1979.
12. **Financial Mail**, 11 May 1979, 18 May 1979.
13. See **Riekert Commission Report** (1978:156, para 4.153).
14. *ibid*, p 167.
15. *ibid*, p 213 para 4.445.
16. Desmond (1978:25).
17. **BENBO** (1976:23).
18. **White Paper** (1979:9).
19. **Baldwin** (1975:216).
20. **Morris** (1977:71).
21. (Sheena Duncan of the **Black Sash** attributes the incredible increase in the number of female pass law 'offenders' from 1977 to 1978 (nearly 110% to the 'full registration of blacks (Africans) promised by the former Deputy Minister of Bantu Administration, Mr. Punt Jansen. It was caused also by unemployment in the homelands'. - **RDM** 79-03-05).
22. This is not to say that all these people have been relocated by the state - in some cases borders have been redrawn to include townships previously outside the 'homelands', and the increases are partly due to 'voluntary' movement within the 'homelands'.
23. Calculated from Smith and Booyesen (1977:19 and Appendix C).
24. **Riekert Report** (1978:6-7) and Smit and Booyesen (1977:32).
25. Smit and Booyesen (1977:27).
26. Laclau(1977:161).
27. This is an aspect that I can unfortunately not enter into other than to point out that the **Black States Constitution Act of 1971** has been amended in **Government Gazette of 79-07-27** to give powers to **Legislative Assemblies** to remove 'any tribe, portion of a tribe, Black community or Black from any place within the area of a legislative assembly to any other place in that area'.

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# **The Riekert Commission and Unemployment: the KwaZulu case**

**Aninka Claassens**

## **Introduction**

In this paper, I focus on those aspects of Riekert's recommendations which concern unemployment and its 'exportation' to the reserves as a result of the restrictions on the employment of migrants in the towns and industrial complexes. The Riekert Report completely ignores the situation of increasing unemployment in the reserves, nor does it mention that its provisions protecting urban workers against the pressure of a reserve army of unemployed leads to a deterioration of the situation in the reserves.

Research done in districts of KwaZulu in late 1978 illustrates certain of the effects of Riekert's proposals. This is because many of his recommendations in regard to influx control merely entrench what has been the existing practice for at least two years.

The situation in these more isolated districts is one of increasing unemployment with a consequent sectional shift in the employment patterns of migrant labour. As unemployment increases and workseekers' job options are further limited by the new influx controls, they begin to accept work in those sectors which they had previously rejected. Those employers still allowed to recruit are able to get labour on terms very favourable to themselves and to dictate certain skill requirements from recruits. Mining and farming are now assured of a more than adequate labour supply without channelisation measures having to be used.

Migrant labour in South Africa has always played a central role in supplying labour to unpopular sectors, particularly mining and farming. The recent changes in KwaZulu illustrate the connection between changes in the economic base, influx restrictions and patterns of migrancy to these sectors.

The changes also illustrate the way in which migrants are drawn into or excluded from the economy in terms of economic cycles of boom and slump. Riekert's provisions are a very clear expression of state policy in this regard.



However, Riekert's exclusion of migrants from the urban areas must not be analysed purely in terms of the present cyclical recession of the economy. In this paper I argue that increasing unemployment is an inevitable feature of the way in which the South African economy is structured and that there is fairly comprehensive evidence suggesting that a growing number of people in the reserves will never be absorbed into wage labour in the capitalist economy.

### **New Patterns of Employment**

The Reikert Commission must be seen in the context of the steady increase of African unemployment, especially evident in the last 5 years. This increasing unemployment has clearly been an important contributory factor to the 1976 and 1977 largely township-based disturbances which have substantially threatened the *status quo*. This is not only because of their disrupture effect locally, but also because foreign companies have seen them as a manifestation of the crisis in South Africa, and have thus been less willing to invest their capital in the country.

It is largely in response to the threat of the 1976 disturbances that the new government policy of stabilising permanent Africans, as evidenced in the Wiehahn and Riekert Commissions, should be understood. Africans considered to be permanently in South Africa are to be given more mobility in terms of influx control, more stability in terms of family life and increased access to training. An important feature of the Riekert Commission is that this group is to be protected from unemployment through restrictions on the employment of migrant labour in urban areas. Furthermore, it is possible that the wages of urban Africans will go up as a result of the increasing protection afforded to them against competition from migrants.

The 'liberalising' policy of stabilising urban Africans must be seen in conjunction with the increasing repression and control exercised over migrant workers. In recent years migrant workers' access to jobs has been severely threatened by the fact that unless there is nlocal labour available, they will not be allowed into certain cities. This practice has been entrenched as one of Riekert's central recommendations.

Migrant labour in South Africa clearly fulfils the functions of a reserve army of labour: wages are kept low and the intensity of work can be increased because workers are threatened by others prepared to accept inferior conditions. Riekert argues for the tightening-up of influx controls.

He focusses not only on squatting and the instability to which this leads, but particularly on the fact that the existence of an industrial reserve army adversely affects the conditions of all workers and so leads to politically dangerous social problems.<sup>1</sup>

Migrant workers are only allowed to be registered for very unpopular jobs (for example domestic work). The fact that administration boards no longer allow migrant labour into sections where it was previously used (for example stevedoring and construction<sup>2</sup>), has the effect of forcing up labour costs in these sectors, since employers are forced to use more expensive local labour. This seriously affects the viability of certain firms. Riekert's attitude seems to be that marginal employers, who are not involved in sectors crucial to the economy, should be jettisoned.<sup>3</sup>

It is interesting that throughout the Report the increasing control and exclusion of migrants and the resulting stabilisation of the permanent workforce is conceptualised as politically<sup>4</sup> necessary, rather than as important in economic terms.

**'Control over the rate of urbanisation is, in the light of circumstances in South Africa, an absolutely essential social security measure. Even though, as some witnesses contend, the abolition of such control would lead to faster economic growth, the price to be paid for it in terms of direct and indirect social costs would be too high'.<sup>5</sup>**

Whether or not Riekert conceptualises the need for stabilising the permanent African workforce in purely political terms, his proposals in this regard provide the economic conditions for a more advanced type of capitalism in South Africa. Various authors<sup>6</sup> and companies<sup>7</sup> have emphasised the fact that a more stable labour force is economically necessary for South Africa. They hold that South African capitalism is backward because of its low productivity of labour. A fairly common argument is that the availability of cheap labour has meant that capitalists have not mechanised to the same extent as in other countries. This view is born out by a spokesman from the Sugar Cane Growers' Association in Natal who said there was no labour shortage at all and that real wages for cane cutters were not going up. He said that due to the labour surplus there was very little emphasis on mechanisation and that in fact some machines had been set aside.<sup>8</sup> Trevor Bell provides evidence which shows that some correlation exists between rising wage rates and an increase in the use of capital intensive technology in the manufacturing sector.<sup>9</sup>

Another aspect of the argument is that the quality of labour in South Africa

is low and so new technology cannot be used to its full capacity and is therefore not introduced. Cheap labour is not enough to ensure that South African manufactured goods are competitive. The productivity of labour must be increased through mechanisation for which a more stable workforce is required. Some views stress that this workforce must be more skilled<sup>10</sup>, others emphasize the importance of workers acclimatisation to factory life and discipline, as well as general educational requirements such as numeracy and literacy.<sup>11</sup>

Here one enters the debate as to whether mechanisation leads to increased skill requirements as opposed to generalised deskilling. It can be argued that a process of generalised deskilling will create the need for new skills in the labour process. Deskilled work may still require a certain degree of familiarity with industrial processes which uninitiated migrants may lack. However, it does seem that the 'skills shortage' in South Africa may have been considerably over-emphasized.<sup>12</sup> The question of skill is crucial in considering the migrant labour force as an industrial reserve army. It can only function as such if it has the right level of training so as to replace workers already employed. This issue can only be adequately examined in terms of detailed studies of different labour processes and the levels of training required. However, it is informative to look at incidents where a particularly high percentage of the labour force is replaced after strike action (for example Heineman, Fattis & Monis and Eveready) or to look at industries which permit large numbers of new migrants. Cases like these suggest that a high proportion of the workforce in various industries can easily be replaced by unskilled labour (although obviously at the loss of some productivity). This is not to generalise for all industries; some labour processes will require a fairly high percentage of permanent trained workers and in others the general level of skill may make replacement by untrained workers an unfeasible option.

It would, of course, be a gross oversimplification to consider migrants as unskilled workers; working under the 'call-in-card' system (i.e. those who return annually to the same job) and those living near cities with job mobility in manufacturing are just as skilled as any other workers. However, I am specifically considering the situation in isolated homeland districts, where the reserve army is largest and employers place open requisitions for a specific number of men.

The Reikert Report focusses on the shortage of 'skilled' workers in the midst of increasing unemployment and so recommends training programmes



and the increased mobility of 10(1)(a) and (b) qualifiers. It also places the question of training in the context of youth unemployment and political instability.

Therefore, although the issue of political stability is crucial for the state, it should be noted that the measures recommended by Riekert *vis-à-vis* stabilising a permanent workforce (many of which are already being implemented) also have the economic effect of forcing capitalism in South Africa into a more progressive phase (that is, in terms of increasing the relative cost of labour to constant capital, and so providing an impetus to mechanisation).

### **Mining and Agriculture**

The above analysis applies specifically to the relationship between the state and manufacturing capital. Agriculture and mining are in a very different position. Although both these sectors are increasingly employing a stabilised workforce, they still rely heavily on migrant labour. Most agricultural areas are still dependent on migrants for seasonal labour and the gold mines' stabilised workforce is also largely migrants being secured and controlled through channels of recruitment.<sup>13</sup>

Mining and farm labour are extremely unpopular jobs and people will generally only accept them when they have no alternatives.<sup>14</sup> Thus, even with the permanently high level of unemployment in South Africa there may still be labour shortages in certain sectors. The labour bureaux system was designed to redress this situation, but it has never functioned very efficiently in this regard.

In general, the farming and mining sectors have used more efficient recruiting methods than those provided by the state, drawing on pools of very poor people with no alternative employment opportunities.<sup>15</sup> For example, in Enseleni, a district near Empangeni in the sugar area of Natal, recruitment by TEBA is prohibited, in order to protect the cane farmers' labour supply. Nevertheless, very few Enseleni people work in the sugar fields. They have rights to work in Richards Bay and Empangeni and so hold out for the jobs offered there. Even though there is substantial unemployment in the district, the labour bureau has never been able to meet local farmers' requests for labour. The vast majority of sugar cane workers are people illegally in the area who have come from isolated districts such as Mahlabtini, Ubombo, Ingwavuma or Mozambique and Swaziland. There has been virtually no recruitment in these areas apart from that undertaken by TEBA, and because of influx controls the local inhabitants have no hope of finding work in the

towns. Hence, they come to work illegally on the farms. It should be noted that the farms which fall under the same Administration Boards as Richards Bay and Empangeni, where particularly strict influx controls are applied, are left to their own discretion in the employment of illegal labour.

Riekert recommended that the same strict influx controls apply to farming as to entry into prescribed areas; that individual employers should not be allowed to recruit labour, but should be forced to register vacancies with the nearest labour bureau, which would then either provide a local worker, or, if none was available, requisition from a district or homeland bureau.<sup>16</sup> The government, however, rejected this recommendation and ruled that farmers should continue to be allowed to pick up their own labour on a permit system rather than apply for it through the labour bureaux.<sup>17</sup> It should be noted here that Riekert recommended that there should **not** be free mobility of Africans living in 'white' rural areas to 'white' towns.

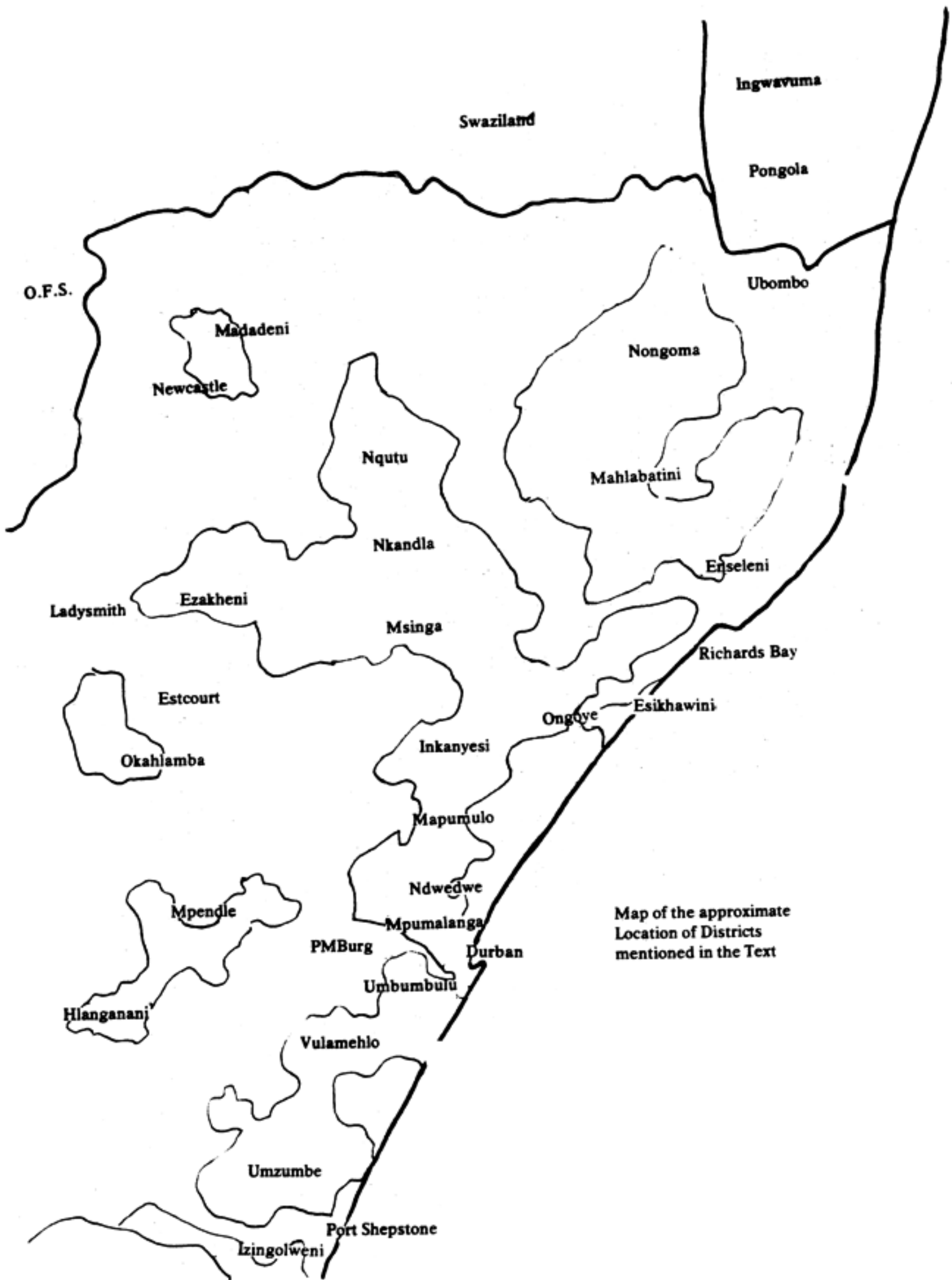
As regards mining, Riekert recommended that large employer groups (referring specifically to TEBA, the former Native Recruiting Corporation) should continue to be allowed to recruit their own labour and should not have to use the labour bureau network.<sup>18</sup>

Mining and farming are crucial sectors in the South African economy. This is because manufacturing is still dependent on the importation of capital goods and the resulting adverse effects on the balance of payments causes it to rely heavily on exports of minerals and agricultural products.

These sectors have been and always will be dependent on a supply of cheap migrant labour and it seems that the state will not interfere with this supply.<sup>19</sup>

### **Changes in Sectorial Employment**

The obvious fact that it is the level of poverty which forces people into unpopular sectors is borne out by the changes in Natal and KwaZulu that have accompanied the recession over the last 4 years. It is commonly known that Zulus have been very reluctant to accept mine work and have generally only accepted employment as clerks, mine policemen or team leaders (boss-boys). However, in late 1978 when TEBA was managing to recruit people in Durban, and just outside Pietermaritzburg in the rural areas, they were turning away would-be recruits. In Port Shepstone in 1974/75, for example, only 300 people were recruited, whereas in 1978 6 000 were recruited under quota.<sup>20</sup>



Map of the approximate Location of Districts mentioned in the Text



Farmers I spoke to in different districts of Natal, who used to employ casual labour by driving to the Transkei and loading people up on trucks, all said they could now obtain sufficient workers (mainly women) in nearer KwaZulu districts.

Since it was so difficult to recruit local (Zulu) workers to work as cane cutters, the sugar industry set up a recruiting corporation, SILO, which recruited Pondos. However, as unemployment became more serious, individual Pondos did not wait to be recruited, but found their own way to the sugar estates. At the same time, increasing numbers of local Zulus began to offer themselves for employment on the estates. SILO, then became redundant and ceased to operate.

The present situation is such that, even when wages on private farms are actually dropping, people continue to seek work here. There has been a reversal of the traditional pattern of Pondos accepting work refused by Zulus. The Pondos are firmly entrenched in their jobs on the better paying miller-planter estates, where it is believed that they are more productive than Zulu workers. Thus Zulus are being forced to accept work in the poorer paying northern and inland areas.

A Newcastle authority described how, during the peak of the building activity in 1975, construction companies operating in the area had been forced to import workers from Lesotho, Qwa-Qwa and the Transkei. Local people refused to do certain jobs like work on the roads. However, at present, unemployment in Newcastle and Madadeni is so serious that no outsiders may work in the area, and the local authorities have requested TEBA to recruit there.

### **The Decline of Recruitment**

As the unemployment situation deteriorates, employers have found that they need not recruit far afield. On the one hand, local workers are now accepting jobs they have previously refused; on the other hand, contract workers who have jobs in manufacturing return to the same jobs of their own accord. I found in some districts that where hundreds of workers work in one textile factory, or one sugar mill, there is no recruitment, but an informal network whereby people from the district obtain work in the enterprise. (With the tightening-up of influx control, however, new work-seekers can no longer find employment in this manner.

Although recruitment from manufacturing used to occur, in the 17 out of 25 KwaZulu districts visited, no evidence of this could be found. The only types of jobs for which workers were recruited in 1978 were: nightwatchmen, night soil removers, in foundries, the railways, Iscor, Escom and Sasol. (This list excludes private recruiting corporations such as TEBA and Vesamafa). In 1976 and 1977 other sectors recruited which no longer do so now. These were construction, government departments (forestry), municipalities, stevedores and dairies. Firms like Coronation Brick and Tile, Dunlop, Pietermaritzburg Cold Storage and Union Flour, also recruited.

Information from KwaZulu certainly indicates that in certain districts a process of 'marginalisation' is occurring - a process whereby a growing number of unemployed join the ranks of those who will never be absorbed in the capitalist economy. (See Marè p 38)

In Mahlabitini, for example, there were 23 bulk requisitions for labour from employers outside the district in 1968. From 1974 this number started to decline: <sup>21</sup>

1974 - 23 requisitions  
 1975 - 18 requisitions  
 1976 - 16 requisitions  
 1977 - 6 requisitions  
 1978 - 7 requisitions

Until 1978 the numbers of people recruited for work do not constitute an accurate index of unemployment because the majority of migrants found their own employment, thereafter obtaining permission from the local Administration Board to be registered (and then returned to their District Labour Bureau for the necessary forms). However, with the stricter influx control since 1978, people can no longer follow this procedure, and thus the low number of requisitions in districts of KwaZulu becomes highly significant.

#### **Number of Requisitions in 1978** <sup>22</sup>

Nqutu 5  
 Mahlabatini 6  
 Simolangentsha 3 or 4  
 Mpendle 1  
 Nongoma 10  
 Msinga 11  
 Ingwavuma 0

In Nongoma observers estimate that when Iscor comes to requisition, two to four thousand people arrive. In the Emnambithi district, where there are various resettlement schemes, such as Limehill, the employment offices here get up to ten times the number of applicants they need. In Pongola it is estimated that 45-50% of local males were unemployed.

### **Unemployment and Skill Requirements**

Since they have so many workseekers to choose from, employers are able to insist on certain skill levels from recruits.

In Nongoma district, Iscor is the largest employer and, although it recruits there annually, there are apparently only about ten people on call-in cards. Iscor gives first preference to people who have worked for them previously and in a situation where 4 000 people arrive in response to an advertisement for 300 workers, they are able to refuse all but re-recruits.

<sup>23</sup> Thus, while the workers have no job security or seniority benefits, Iscor is assured of a trained workforce. There was similar evidence relating to other employers in Pongola, and in Bergville where a water supply firm (Drakon) said they would only take workers who had previously worked in the mines.

The situation is most clearly illustrated with reference to the mines. Since 1976 no novices have been accepted from Mozambique. (This also applies to Swaziland and Lesotho and various homeland districts). Only people with re-engagement certificates will be recruited and 'according to clerks at the Wenela offices, orders for labour from specific mines willing to waive the clause requiring return within the 8-month period are filled in a matter of a day or two, **even when the orders are for very specific skills**'<sup>24</sup> (Emphasis added). One can well understand this in the context of the Chamber of Mines' policy to simultaneously reduce dependence on foreign labour and maximise the number of supplier states around South Africa.

As the size of the reserve army of labour grows, capital is assured not only of a supply of labour to the most unpopular sectors, but also of a relatively skilled supply.

### **The Role of the Migrant Reserve Army of Labour in terms of cycles**

A central function of a migrant reserve army of labour is its availability for sudden periods of economic expansion, while, at the same time, it can be



fairly easily disposed of in periods of recession at much less political cost (i.e., urban instability) than a local workforce.

As Riekert documents, there have been influx controls since 1760 and the Black Labour Act (1964) made provisions designed to ensure that there would be no excess labour in the cities and workers could be channeled to particular sectors. (See de Villiers p87) These controls have never worked as was intended (it is in this context that one must understand Riekert's new emphasis on influx control and the elimination of illegal employment), however in certain periods there has been strong emphasis on influx control and re-settlement. Labour Bureaux function differently depending on the economic climate. Strict influx controls are applied in periods of oversupply, whereas their channelisation function comes to the fore when there are labour shortages in certain sectors.

In Richards Bay while the harbour was being built during the boom period, employers were required to register workers only 6 months after taking them on. In effect, this meant that registration was never enforced because the beginning of the 6-months period could not be established. There were no restrictions according to the geographical origin of the employee and there was a particularly large contingent of workers from the Mahlabatini district.

However, in the last couple of years as unemployment increased, strict controls have been introduced and only people from the adjacent districts of Ongoye and Enseleni have been employed. The following changes have occurred in the situation of workseekers from outlying districts (specifically people from Mahlabatini).<sup>25</sup> First they had walked the streets and found their own jobs, then they had been warned that they must wait for job offers at the BAAB offices in town or they would be arrested. Then they were informed that they must wait for job offers at the Magistrates Office (District Labour Bureau) in the Ongoye district rather than wait in town. Now they are being told that they will never be allowed the jobs offered here and they must go home.

The local labour bureau in town sends employers to the district labour bureau to collect workers. The workers are listed according to skill or education and the employer interviews the first few people whose names are on the list. If an employer attempts to register a worker he has previously taken on, the worker is made to go into the labour pool at the bottom of the list and the employer must choose someone nearer the top. While I was at Ongoye some people, obviously not from the district, pleaded to get some very low

paying construction jobs which nobody from the district would accept. However, they were not accepted. My research has shown that over the last two years most major Administration Boards tend to follow this procedure.

The way in which the reserve army is used and then discarded was well illustrated by the method used by the Pietermaritzburg Administration Board. Work is first offered to the people from the municipal location, then to the people from the two adjacent homeland districts, then to Mpendle and Hlanganani, two isolated areas with very few (other) employment prospects. A small percentage of workers are recruited from the Transkei. During periods of unemployment, they contract the circle to exclude the most isolated areas first. This example described a general pattern of which Riekert has approved in his recommendation on 'labour zoning'.

'The Commission recommends that provision should not be made for labour zoning by way of legislation, but that administration boards be instructed to follow, in the light of the particular circumstances in their areas, the most effective procedures in regard to the import of contract labour'.<sup>26</sup>

### **The Context of Growing Unemployment in South Africa**

All Riekert's recommendations relating to contract labour are open ended in the sense that discretion as to whether contract labour is allowed in is vested in the Administration Boards. Thus, while influx control may be the main emphasis at the moment, the system can also allow for the importation of migrant labour on a wide-spread scale. This must, however, be subject to the control of Administration Boards, rather than individual employers. The new provisions allow for the old system to be made workable through a revamp in efficiency, rather than subjecting it to fundamental changes. Riekerk obviously does not consider that there will be a **permanent** exclusion of labour from isolated reserve areas. Indeed, the Commission recommends that 'assembly centres' be established in 'white areas' adjoining homelands, so that those employers who have been given permission to use migrant labour may acquire this labour more easily.<sup>27</sup>

While these provisions indicate that Riekert does not foresee a permanent and irreversible trend towards increasing unemployment, it should be noted that other government economists (for example Simon Brand, economic advisor to the Prime Minister) are beginning to use a 'structural unemployment' analysis.

The recession has worsened the unemployment situation, however, it has not caused it. There is a particularly high level of structural unemployment in South Africa irrespective of fluctuations caused by booms and slumps in the economy. It should be noted that in the boom period of 1960-1969 when there was a growth rate of 5,9% there was no improvement in unemployment. The rate of unemployment remained constant at 19% while the number of unemployed people increased (due to population increase). During the period 1969-1977 the growth of national output fell to 3,9% and the rate of unemployment rose to 22%.<sup>28</sup>

'Between 1946 and 1970, the annual rate of growth of output was 5,2% while the annual employment growth rate was only 2,7%.'<sup>29</sup> Thus we see that increased growth does not cause a **proportional** increase in employment. This is largely due to the fact that the increased productivity of labour is caused by mechanisation and so less labour is needed to produce the same output. (It should be noted that South Africa imports a high percentage of her capital goods which are designed in more advanced countries and are highly mechanised. Furthermore, for South Africa to be able to compete with international monopoly capital, even insofar as the home market is concerned, the productivity of labour here must be improved, obviously improved technology is by far the most important variable in this sphere).

The above figures show that merely to keep the level of unemployment constant, the economy as presently structured would require a very high growth rate, and the prospects for this are not promising. As discussed earlier, South Africa is in a disadvantageous position *vis-à-vis* her balance of payments because a high percentage of capital goods used in manufacturing are imported. Furthermore, the way in which our economy is financially linked to advanced capitalist countries (especially in the monopoly sector) means that a percentage of profits generated here are repatriated to other countries and not reinvested locally. Another factor which inhibits the creation of local employment is that the foreign and local monopoly sector undercuts smaller, more labour intensive enterprises by producing goods more cheaply.

Maree's figures for 1946-1970 indicate that during this period there was only a 2,7% annual increase in the employment growth rate. In the context of increasing population growth and continuing proletarianisation in the reserves this growth rate probably indicates an increase in the rate of unemployment.



All this indicates that an excess labour force is being created in South Africa that will never be absorbed into the economy.<sup>30</sup> Nevertheless the role of cycles in capital accumulation should not be under-estimated. These have made a dramatic difference to the manner in which reserve army of labour has been used during different periods in South Africa, notwithstanding the fact that this seems to be occurring around a steadily increasing level of structural unemployment.

## **Conclusion**

The situation in KwaZulu in late 1978 certainly indicated that a process of 'marginalisation' is occurring in certain districts, although this situation is probably not as serious as in other poorer homelands. The position is particularly serious in those isolated areas where people have never had the choice of better jobs and always worked in the least popular sectors of the economy, such as mining and agriculture and are now beginning to be excluded from even these jobs.

The Riekert Commission makes absolutely no mention of what will happen to the migrants excluded by the policy of displacing unemployment to the reserves. The policy is clearly aimed at stabilising the volatile political situation in urban areas by reducing the reserve army of labour and so forcing employers to pay better wages and provide better conditions.

However, the increasing unemployment and poverty in the reserves which results from this must surely also have political consequences. While the Riekert Commission does not concern itself with these, the army does, again focussing on the social security aspect: '....in terms of defence strategy, social upliftment in border and rural areas is as important as in urban areas'. (Brig. C.J. Lloyd, Officer Commanding, Natal Command speaking at a conference on rural development organised by the Urban Foundation in Natal).<sup>31</sup>

## **Notes and References**

1. Riekert Report (RR) p 153 para 4.14.1 states: 'The unlawful employment of Blacks gives rise to
  - (a) squatting
  - (b) further deprivation of the worker who is taken into employment unlawfully
  - (c) unemployment among and depression of the wages of Black workers to whom authority has been granted to work in a prescribed area where unlawful employment occurs.
  - (d) the social costs and problems that are the concomitants of the foregoing''.

2. This obviously varies from one Administration Board to another.
3. 'The view that the repeal of the section will be tantamount to a breach of faith in respect of the industrialist who has already decentralised can only carry weight if it is accepted that the enforcement of the section resulted in uneconomic projects being decentralised and, if this was so, this is a very good reason why the section should be repealed'. RR para 5.74
4. In his Report, Riekert does not speak of **political** factors, since these are **stated** to be beyond the scope of the Commission. The Report is, however, profoundly political and one must read for the term 'social'. political factors.
5. RR page 167 para 4.204 (my emphasis)
6. Legassick M. & Innes D. 'Capital Restructuring and Apartheid : A Critique of Constructive Engagement' **African Affairs** 1977 p 470.  
Clarke, Simon 'Notes on the Current South African Crisis' Mimeo 1977 p 45, University of Warwick  
Mar'e, Gerhard Hons. Dissertation 'Marginalisation in South Africa' Wits 1977 pp 14 & 15  
Ervin, Alec 'Unemployment and Marginalisation' : A Framework for the South African Case'. D.S.R.G. Natal - Workshop in unemployment and labour reallocation March 1977 p 10.
7. These include Anglo American Corporation, The Urban Foundation, Federated Chamber of Industries, Transvaal.
8. Tony Ardington :Vice Chairman of the Cane Growers' Association Interview 23.11.78.
9. R.T. Bell 'Capital Intensity and Employment in South African Industry.' **South African Journal of Economics**, Vol. 46, Nol 1 March 1978 p 54.
10. For example SEIFSA.
11. For example Simon Clarke **op cit** p 45. He writes that South African capital is backward because it has not introduced modern technology. 'This was certainly partly because labour was fairly cheap, industry was protected, and labour was not highly skilled; but the most important factor was the lack of discipline characterised by the South African working class'.
12. See Charles Meth 'Are There Skill Shortages in the Furniture Industry!' in **SALB**, No. 4 No. 7 November 1978 and 'Trade Unions and Skill Shortages' in **SALB**, Vol. 5 No. 3.
13. See page 58
14. In view of the fact that people only accept jobs they do not like when forced to by economic necessity, consider Riekert's view 'There is some merit in the argument of certain witnesses that urban Blacks should themselves bear a greater share of the financial burden in respect of housing, services and transport. If this were done, the necessity for a regular monthly wage income would be heightened and persons could hardly afford to stay unemployed' RR p 169 para 4.208(b).
15. Generally people who think they have the possibility of alternative employment will not accept farming work. Thus there is the seemingly contradictory situation that farmers' request for labour at labour bureaux are seldom, if ever, met, while in the same districts, farmers illegally pick up casual workers, mainly women and children, but sometimes also men.

16. RR p 133.
17. White Paper on the Report p 2.
18. RR p 134.
19. In terms of Riekert's framework of analysis the location of mining and agriculture is important. They are generally outside prescribed areas and thus the urban instability, which he focusses on with reference to manufacturing, is not an issue.
20. Interview with TEBA official. November 1978.
21. Mahlabatini - Labour Clerk. Interview 28 November 1978.
22. Information for the districts. Other districts which have had no bulk requisitions for labour are near cities and workers from these districts have the right to be employed in the adjacent city so the absence of bulk requisitions means nothing. (For example Umbumbulu, Enseleni, Maphumula, Vulamehlo, Ndwedwe, Inkanyesi and Okahlamba).
23. In the above incident Iscor took only 7 people who had not previously worked for them.
24. **Mozambican Miner** Universidade Eduardo Mandlane Centro de Eskudos Africanos : Maputo 1977.
25. Interview with a group of workers 30 November 1978.
26. Riekert p 170 para 4.219.
27. Riekert p 134.
28. Charles Simkins 'Structural Unemployment in Southern Africa' **Development Studies Series 1**, University of Natal Press 1978 p 41.
29. Johann Maree 'The Dimensions and Causes of Unemployment and Underemployment in South Africa' **SALB** Vol. 4 No. 4 July 1978 p 30.
30. In fact this trend is most clearly illustrated with reference to foreign labour.
31. **Star** Tuesday 4 September 1979



# **The Effects of the Riekert Report on the African Population**

**Sheena Duncan**

The Riekert Report must be seen as being part of an ongoing process which began in response to the 1976 disturbances and which has now become an integral part of the Prime Minister's 'total strategy'. Some of the recommendations had been put into effect even before the report was published and the report anticipated and reflects much of what government, in co-operation with white economic interest groups, is now doing.

There appears to be an acceleration of the 'divide and rule' policy, whether one calls it 'apartheid' 'separate development' or 'vertical differentiation', but with a new element now being incorporated in order to avert violent change and to damp down black political demands by attempting to co-opt a significant middle-class leadership group into support of the existing economic and political system.

Some changes can now be allowed because the policy has advanced so far along the road to fulfillment that the government believes that there is no danger of limited changes affecting the overall character of South African society or that such changes will alter the existing political power structure.

It is, in my view, quite incorrect to regard the recommendations as a major change to the policy, or a complete turnaround by government, or a crumbling of the apartheid edifice, as has been claimed by some commentators. The recommendations encompass necessary steps which must be taken if the present political dispensation is to be maintained.

The changes may reduce immediate tensions, but only at the cost of creating even greater antagonisms in the future. The increased privileges (rather than legal rights) allowed to a select group of persons in urban areas and the improvements which will undoubtedly be made to the quality of their daily lives will result in a substantial deterioration in the conditions of life for the majority of less privileged people, at the same time as hopes and aspirations are raised by promises of change.

The privileged may well become temporarily less urgent in their demand for political power but the majority will inevitably become more vociferous and even more inclined to reject **in toto** the capitalist system and Western democratic values and to turn to other ideologies for support and rescue.

The reasons for the above statements are given in the following analysis of the recommendations, but may perhaps be summed up by saying that the Commissioner, in line with government policy, has not considered South Africa as a political, economic and geographical whole. He has paid much attention to black people who live and work permanently in the urban areas of the South African 'mainland', but little to those 5,5 million South African citizens who live in the non-independent bantustans, or to the 4 million people who live in Transkei, Bophuthatswana and Venda who had had their South African citizenship taken away from them with 'independence'. For these people, the Commissioner's recommendations will make life infinitely more difficult - to the point of actual physical starvation for many of them.

### **Moving away from Discrimination?**

The Commissioner repeatedly refers to the necessity to move away from discrimination. To this end he proposes that various functions be moved from the Department of Plural Relations, which has generally been the target of the attack against discrimination, to other departments. Thus labour matters will be dealt with by the Department of Labour (now Manpower Utilisation) - using Administration Boards as agents, Commissioner's Courts will fall under the Department of Justice, admission of African aliens under the Department of Interior, and so on. Administration Boards will be used as agents wherever necessary and should be paid from the Exchequer for services thus rendered.

The Commissioner does not suggest that other race groups should be required to qualify in terms of section 10 before they will be allowed to move from one town to another, nor does he explain how discrimination can be removed when laws such as the Group Areas Act remain. His whole report is based on a distinction between African and other race groups.

The recommended criteria for mobility, a firm offer of employment, accommodation and the unavailability of local labour, will clearly not impose any restriction on the movement of whites within South Africa or even on the entry of white immigrants (subject to the other criteria of acceptability), but could have serious effects on the so-called coloured and Asian groups who may now be subject to influx controls which have not restricted them before.

At the moment, such people can move freely, but should they in future require to obtain accommodation before moving, they will be severely restricted due to the totally inadequate provision of housing for these groups.

The Commissioner claims to have made no recommendations where political factors were involved, however, 'politics' lies at the root of the whole Report which is grounded in apartheid policy and no fundamental changes to this policy are considered or recommended. This was confirmed by Dr. Koornhof's unequivocal statement to the recent Free State Congress of the National Party that the political rights of the urban African would not be divorced from the homelands and he would not obtain political rights in 'white' South Africa.

The non-independent homelands are referred to throughout the Report as the 'Black States', which is now the official designation. This terminology is dealt with in some detail here because it is this which has caused a profound shift in emphasis in white thinking on both government and opposition sides. People domiciled in the homelands **are already** regarded as aliens with a consequent shrugging off of responsibility for their welfare.

The Commissioner quotes at length from a policy statement made in 1967 and again in 1972 by the Minister of Bantu Administration. The policy, as set out then, is not deviated from in the Report. This leads to some very curious statements, for example: 'The term Black States is used to indicate the self-governing Black territories forming part of the Republic' and 'control over the admission of Blacks coming from Black States which are still part of the Republic of South Africa is therefore not one of the functions of the Department of the Interior and Immigration'. The Commissioner recommends that labour agreements with the 'Black States' should be entered into and that the Department of Foreign Affairs should be involved as an observer or advisor.

Following the logic of this line of thought, the Commissioner compares legislation used in countries in Western Europe dealing with the unlawful employment of aliens and relates this to unlawful employment in South Africa. Here, however, he is in fact dealing with the unlawful employment, mainly of South African citizens.

The government has thus reached a position where it will not be too great a set back to this policy if the remaining homelands continue to refuse to ask for independence.



## **Effects on Various Sections of the African Population**

The Commissioner divides the African labour force into three categories:

### **1. Migrant Workers**

In 1970 at least 1,1 million male migrants were employed in the 'white' areas. This group and their dependants together with the large number of people who are now living and working unlawfully in the urban areas will be the main victims of the recommendations. For many of them their means of physical survival will quite literally be removed. This is further discussed later in this paper.

There are contradictory statements in the Report with regard to the urban status of these workers. On the one hand, the Commissioner writes of the possibility of workers becoming urbanised and acquiring section 10(1)(b) rights. On the other hand, he reasserts the 1968 labour bureau regulations which make the acquisition of 10(1)(b) rights through continuous employment and residence impossible because contracts are for one year only and employment is thus never continuous. The latter interpretation is the one most commonly held by authorities in the prescribed areas. The prevention of further urbanisation was one of the purposes for which those regulations were introduced.

### **2. Commuters**

This is the term used for those people who live in the homelands, both 'independent' and non-independent, and who travel to work in the 'white' areas, on a daily basis. 'The commuting system makes it impossible for a commuter to qualify in terms of section 10(1)(b) or for his children to qualify in terms of section 10(1)(a)'. This group is the least affected by the Commissioner's recommendations. Its existence is one of the reasons for the need for adjustments to be made to present administrative procedures. It is embarrassing to the government if citizens of 'independent' homelands are constantly stopped in pass round-ups.

This use of the term 'commuter' again illustrates the dangerous shedding of responsibility for South Africans resident in homeland areas. It makes a distinction between people who commute between, for example, Mduntsane and East London and those who commute between Soweto and Johannesburg, a distinction which is not justified in 'non-political' economic planning.

### 3. People Permanently Living in the 'white' Areas

#### (a) Africans on Farms

These people are dealt with fairly briefly. The Commissioner recommends the abolition of Labour Control Boards because economic factors are now ensuring that white farmers do not employ more labour than they really need. (The government White Paper does not accept this recommendation). The Commission feels it essential that the distinction between prescribed and non-prescribed areas remains in force. Farmers should no longer be required to obtain permits to recruit because the use of requisitions through labour bureaux can supply the labour they need.

As the labour tenant system is now extinct, according to Riekert, he recommends that provisions in laws dealing with it should be removed, as should those dealing with registered squatters. ★

Aged persons, who have either been employed on a particular farm or are **bona fide** dependants of workers, on that farm should be allowed to live on the farm with no more formality than the consent of the owner of the land. This too has been turned down in the White Paper.

The Commission finds that 'apparently there are not many redundant Black workers in the agricultural sector'. The finding is probably the result of the large-scale removal and resettlement of 'superfluous' Africans into the homelands, which has already taken place. If this is the case, it is unlikely that much requisitioning of labour from 'white' rural areas for work in the towns will be allowed. This supposition is borne out by the finding that only a small number of agents have been licensed to recruit in 'white' rural areas.

Africans resident on farms in non-prescribed areas of the 'white' Republic are not dealt with in terms of section 10(1) of the Urban Areas Act and do not 'qualify' as permanent urban dwellers. They will not be affected by the main recommendations of the Commission dealing with urban people and the Report holds out little hope that they will be able to move themselves out of their present tied situation where they are condemned to do 'farm labour only' for the foreseeable future.

In Black Sash experience the only way out for such people in the past, has been for the young men, as they enter the labour market, to find some Chief in the homeland to which they belong, according to Pretoria's computer, who

★ The system is, in fact, not extinct, see Maré's article in this Bulletin.

will accept them and allow them to register as workseekers. They can then (in theory anyway) choose the category in which they wish to work and then await recruitment. Their chances of such recruitment will be remote in the extreme if the Commissioner's recommendations are accepted.

#### (b) Africans in Urban Areas

The main thrust of the recommendations are directed at those people in this group who have section 10(1)(a)(b) or (c) rights. These legal rights are exceedingly difficult to obtain, as it has always been the policy that they are not offered or encouraged, but that people must prove their entitlement. In the PWV area for example, every difficulty is put in the way, although there is evidence that such qualifications are more readily endorsed in Reference Books in smaller towns.

People whose section 10(1) rights are not recognised, but who are accepted as being lawfully resident in urban areas, are able to register in employment in terms of section 10(1)(d) and can change jobs within the same prescribed area with relative freedom, but they do not qualify to rent or buy family accommodation. The report does not deal at all with their situation, but they may experience greater difficulties in the future should they become unemployed.

The Commissioner quotes figures from the 1970 population censuses showing that the African urban population in the 'white' areas at that time was 4 475 000. Of these, 1 747 000 men and 719 000 women - totalling 2 466 000 people - were economically active. Of these economically active registered workers, approximately 57% of the men and 73% of the women had section 10 qualifications.

This is the group at the top of the African pile which will now experience a considerable improvement in their everyday lives, provided that they can afford to pay for it.

The legislation providing 99-year leasehold rights has already launched the process of isolating this group in terms of privilege from the rest of the African community. These people will be able to bring their wives and children into the area in which they qualify, subject only to the condition that suitable accommodation is available. Accommodation will become more readily available than it has been in the past when the Commission's recommendation that employers be allowed to own property in African residential areas is put into effect. It will mean that some of those qualified workers who cannot



afford to purchase a house of their own, will be provided with family accommodation by their employers, thus enabling them to lead normal family lives. The Commission does not deal with the undesirable principle of tying a man to his job because he cannot afford to risk losing his accommodation.

People with section 10(1) qualifications will no longer be compelled to register regularly as workseekers, but will have only one endorsement in their identity document. This will be of benefit in terms of the removal of the sheer irritation of having to report to the labour bureau at fortnightly intervals.

Qualified people will now enjoy the relative freedom of being able to move between one urban centre and another without losing their legal rights, provided they have employment and accommodation. This will be of great advantage to the people concerned, but the following points must be noted. The whole report is rooted in these factors:

The Commission accepted evidence that '...the Black population in rural cities and towns seems to have dammed up, in other words there was a lack of mobility between urban areas'.

What has happened is that, through natural increase, large numbers of qualified Africans are now established in small towns throughout 'white' South Africa. These people are unemployed because the towns in which they live have no prospects for economic growth or development.

If such people are now to be allowed to move to other urban centres provided they have a firm offer of employment and accommodation in the new centre, there will be a reduction in the number of workers who have to be recruited from homelands. In this way, the overall number of Africans living in 'white' areas will not increase. It is clear that the Commissioner plans that there shall be such a reduction in recruitment from the homelands.

In his findings on 'the choosiness' of employers in respect of Africans workers, he recommends that 'Labour Bureaux should exercise strict control over the admission of contract workers and in such a way as to provide a positive incentive for employers to use local labour'. For 'local' one can justifiably read 'qualified' in this context.

The result of this for people in the homelands is likely to be horrifying. There has already been a significant reduction in recruitment from home-

lands because of unemployment in urban areas and the Black Sash has many cases on record of men from the homelands who have waited for months or even years to be requisitioned for any kind of job anywhere. They report that no recruiting at all is being done in many places. (See Aninka Claassens in this Bulletin, p59) Their children are hungry and they have no means of survival except by accepting illegal employment in so-called 'white' areas or by using their initiative. Another means of survival is illegal involvement in the informal sector in cities where such activity is possible. This is not possible in the areas where they come from because the communities in which they live are poverty stricken. There are almost no consumers in such areas - merely pensioners and dependants.

### **Increased Efficiency of Influx Control**

Influx control will now be more efficiently enforced than it has been in the past. The penalties imposed on Africans for being in a prescribed area without permission have not been effective in preventing them from coming to the cities to earn money. The constant pass raids, arrests, detentions for investigation and serving of prison sentences or payment of fines have been 'worth' the suffering in order to earn money in illegal employment to feed one's children. Convicted people have merely gone back to work on release and waited for the next raid. The Black Sash has talked with hundreds of such people who have no alternative. There are thousands of men and women all over South Africa who have been able to support children and aged and disabled dependants in this manner.

The Financial Mail of 12 October 1979 quotes a table compiled by Dr. Jan Lange of Unisa showing how workers benefit from urban work even if they have to go to prison as a consequence. The figures range between a 702,7% improvement in living standards for a worker from Ciskei, who works illegally in Pietermaritzburg for 9 months and then spends 3 months in prison, to 28,5% for a person from Bophuthatswana, who works illegally in Pretoria for 3 months and spends 9 months in prison. A person from Lebowa who works illegally in Johannesburg for 6 months and spends 6 months in prison improves his living standards by 170%.

Now even this will be taken away from them. Following on the Commission's recommendation the penalties to be imposed on employers of unregistered workers are so severe that illegal employment is likely to become a thing of the past. The government has legislated for a possible fine of R500 for a first offence and a **minimum** fine of R500 for a second offence. The moratorium which was announced at the time this legislation was gazetted has

enabled thousands of people to register but will have a very limited effect. Registration is made for one year only and people are tied in their present jobs. When they are discharged or resign they will not be registered again and only if they are still in the same employment at the end of the year will they be able to attest a contract for a further year. Registration in terms of the concession does not confer any permanent right to remain in the town concerned.

This legislation coupled, with the Commission's recommendation that people found in occupation of illegal accommodation should be 'repatriated' means that the condition of many people in the rural areas can only deteriorate to the point of disaster. As Dr. Riekert claims, control over the entry of people into towns and cities will be much more efficient, and this will probably result in all avenues to survival being completely closed off for thousands of families.

### **The Removal of Legal Rights**

The Commission claims that there will be no 'interference with any existing rights of Black inhabitants of prescribed areas'.

This is specious. In other sections of the Report he refers to the value African people place on section 10(1) rights and the political implications of altering them. He appears to take it for granted that all homelands eventually accept their independence. However, he nowhere points out that, if this happens, section 10 will wither away altogether. Every African person born after the date of independence of his computed homeland will be dealt with in terms of section 12, and section 10 will have no relevance. Africans will only be able to enter or remain in prescribed areas with the written permission of the Secretary, which permission may be withdrawn at any time without reason being given. In the past, this provision only applied to foreign Africans from neighbouring countries.

Eventually there will be no legal **rights**, only privileges and permission. Leasehold title, inter-city mobility, permission for wives and children to live with qualified breadwinners will be controlled by permits, which is a very different thing from protective legal rights which can be enforced in a court of law.

### **Conclusion**

Recent figures released by the Department of Statistics show that there



has been an average annual decline of 5,7% in the volume of food sales since 1977, in spite of an approximate 3% annual growth in population. That can only mean increasing hunger. All economic projections foretell a great increase in unemployment and the impossibility of creating sufficient jobs for the number of workers entering the labour market each year. The Minister of Manpower Utilisation has said that there are already one million unemployed in South Africa and that six million more workers would have to be provided for in the next twenty years, 83% of them African. Such official figures are generally agreed to be very conservative.

Whites go on talking about the imperative of 'providing jobs' for Africans, knowing it to be impossible, but denying African people the freedom of movement necessary to enable those who have the initiative to survive and flourish in the informal sector and in small scale businesses. That freedom in itself would create more jobs for other people.

Whites continue to make more and more people entirely dependent on jobs provided for them by removing them from land where they are surviving, sometimes with a degree of prosperity, into closer settlements where independent subsistence is impossible. Only the removal of all racial restrictions on ownership of all land in South Africa and a massive effort to encourage small scale farming can give the solid base necessary, if there is to be economic justice and equity. This is one of the messages spelt out in the World Bank's Second World Development Report in dealing with middle income countries.

Because land reform and freedom of movement are unlikely to be achieved in South Africa for many years, it is absolutely essential that a comprehensive system of welfare benefits be introduced as a matter of urgency.

The Riekert Report is a very clever and highly sophisticated piece of work which will probably result in a longer period in which the **status quo** will be maintained through the creation of a relatively small African privileged group which may serve as a buffer against unrest. In the interim, dreadful human suffering in the homelands, and problems experienced by migrant and non-permanent workers will increase.

## **The Impact of the Riekert Commission's Recommendations on the 'Black States'**

**Jill Nattrass**

The Riekert Commission was given a mandate to examine certain specified Acts of Parliament, Provincial Ordinances and Local Authority By-Laws **insofar as they relate directly or indirectly to any economic aspect of the utilisation of manpower**, with a view to eliminating bottle-necks and any other problems experienced by both employers and employees in the utilisation of labour.

Unfortunately, the Commission interpreted this mandate as referring to the need to investigate the efficient utilisation of manpower exclusively from the viewpoint of the needs of the modern sector of the South African economy. Indeed, apart from a general recommendation, made early on in the Report, that efforts should be made to create employment opportunities in the 'Black States', at no other point is any consideration given to the problems of labour utilisation in the peripheral areas.

The Commission also failed to take cognizance of the possible impact of its recommendations on conditions within areas outside the economic centre. The South African modern sector makes extensive use of labour drawn from the peripheral areas in Southern Africa, both those within its political boundaries and those beyond. In 1970, 36 per cent of the African workforce employed in the modern economy was drawn either from the 'Black States' or from countries outside South Africa's boundaries.<sup>2</sup> Consequently, changes in domestic labour policies, even those ostensibly aimed solely at the modern centre economy, are highly likely to have widespread effects, from both the geographical and economic viewpoints.

The Commission made a large number of recommendations of which only relatively few are likely to have a direct impact on economic conditions in the areas outside the centre economy. The recommendations made can be roughly grouped into four major categories:

1. Those designed to improve the utilisation of manpower.
2. Those aimed at eliminating racial discrimination from the Statute Books.
3. Those recommendations aimed at protecting urban Africans from the ill effects of unemployment.

4. Those designed to improve the general level of welfare amongst Africans particularly, but not exclusively, those living in urban communities situated in 'white' areas.

It is the recommendations in the third category that are most likely to affect conditions in the peripheral areas.

### **The Relevant Policy Recommendations**

The Commission based its assessment of the prevailing labour market conditions on evidence submitted to it by interested parties, together with its own findings concerning likely changes in conditions in the immediate future. In this respect it is important to note that the Commission was of the opinion that:<sup>3</sup>

'from a purely quantitative point of view that there will be an adequate supply of labour to meet the expected demand and that there will be a considerable surplus of Black labour'.(p27)

also

'The migrant labour system is assuming large proportions in the case of certain Black States and that this system has special implications for the functioning of the labour market'. (p.25)

and further

'The migration of Blacks to urban areas will be regulated...so as to regulate occupation in Black residential areas in the interests of orderly and stable community development, the protection of material living standards of the established Black inhabitants...' (p.183)

These quotations from the Report clearly spell out the underlying beliefs held by the Commission, namely, that African unemployment levels are likely to grow, at least over the next few years and that unemployment should, as far as possible, be contained in the rural areas.

To protect the economic position of Africans, who had permanent residence rights in 'white' areas (i.e., section 10(1)a or (1)b rights), against any inroads that might be made by the effects of competition, particularly in the labour market, from Africans living outside these regions, the Commission recommended the following:

1. That influx control measures should be retained.
2. That the penalties for infringement should be transferred to employers and substantially increased.



3. That a migrant worker should be allowed into an area if it was possible to show that he had a job, housing and that there **was no suitable labour available locally**.
4. That the limitations on the expansion of African jobs in South Africa's major metropolitan regions, imposed by the Environmental Planning Act, be removed to help to reduce the growing unemployment amongst urban Africans.
5. That Africans already in possession of section 10(1)a or (1)b rights be granted greater mobility within 'white' areas to enable this workforce to respond more quickly to changes in the geographical patterns of demand for labour.

The government has accepted most of these recommendations, but it has not accepted the proposition that grounds for entry into a 'white' area by a migrant should be restricted **only** in terms of the availability of work and housing. The authorities opted instead to retain the 72-hour limit on non-resident visitors to 'white' areas.

### **The Impact of the Recommendations on the Peripheral Economies**

Changes in conditions within South African labour markets may affect the economic circumstances in all the peripheral areas that supply labour to the centre, but the extent of the impact can be expected to vary from one supplying region to another and will largely be determined by such things as:

1. The precise nature of the policy recommendations.
2. The extent of the labour links between the centre and the peripheral economy.
3. The structure of the peripheral economy itself.
4. The impact that the labour supply process has on the peripheral economy.

The Commission's recommendations, together with the manner in which they have been accepted by government, will place Africans, who are permanent residents in 'white' areas, in a preferential position in the labour market **vis-a-vis** both members of the rural-urban migrant workforce and those of the commuter workforce. This preference may well channel the expected rise in African unemployment into the 'Black States'. If this happens, the economic impact on these peripheral areas is likely to be severe, as firstly, the labour links that at present exist between the centre and the peripheral economies are in most cases very strong. Secondly, the economic structures of the supplying regions are, in the main, neither sufficiently

buoyant nor well enough developed to enable them to absorb the consequent rapid increase in their domestic labour supplies. These aspects are considered in more detail in the following sections.

### **The Extent of the Labour Links between the Centre and the 'Black States'**

In 1970 there were approximately 6 million economically active Africans in South Africa and by 1979 this workforce will have grown to approximately 8,3 million people.<sup>4</sup> In most economies, the process of industrialisation implies the increased urbanisation of the population. In South Africa, however, legislative controls over the movements of the African population have perpetuated a growing system of oscillating rural-urban labour migration, which exists alongside the expanding African urban proletariat. The economic centre is heavily dependent for its labour supply on the continuing flows of labour from the peripheral areas. Table 1 contains an estimate of the relative magnitudes of the components of the African workforce on the census date in 1970; the latest date for which it is possible to obtain sufficient information to make such an estimate.

In terms of these estimates, in 1970, migrants comprised 59 per cent of the working African men employed in the white controlled urban areas, a further 6 per cent commuted daily into the 'white' towns from neighbouring black areas, whilst only 35 per cent were permanently resident with their families in 'white' towns. As far as the urban female workforce was concerned, migrants and commuters made up 36 per cent. The recommendations made by the Riekert Commission in respect of Africans who have permanent settlement rights in 'white' areas seem likely, on the basis of the data in Table 1, to apply to only approximately 26 per cent of the total African workforce (or 34 per cent of the workforce outside the 'Black States').

The magnitudes of the components of the labour force in Table 1 show that the sheer size of the workforce that will not benefit from the recommendations of the Report (the outsiders) may well be sufficient to afford these workers some protection. It will obviously not be possible to favour the 'insider' workforce to the point at which the outsiders are excluded from participating in the modern economy altogether.

Nevertheless, the recommendations of the Commission suggest that although the labour links with the peripheral areas will be maintained, the relative position of this outsider workforce will be weakened *vis-a-vis* the insiders (the African workforce that is settled in 'white' areas). The means

used to effect this change in the relative status of the two groups, will be the increasing use of institutional measures aimed at reducing unemployment amongst urbanised Africans in 'white' areas.

**Table 1. Estimate of the Origin and Components of the African Workforce 1970**

<b>Area of Origin</b>			<b>Labour Supply Components</b>		
<b>'White' Areas</b>			<b>'White' Areas</b>		
<b>Urban (Section 10 (1)a &amp; (1)b)</b>			<b>Urban</b>		
Men	889 000		Men		
Women	<u>635 000</u>	1 524 000	Settled	889 000	
<b>Rural</b>			Migrant	1 490 000	
Men	512 000		Commuter	<u>156 000</u>	2 535 000
Women	<u>573 000</u>	1 085 000			
<b>'Black' States</b>			<b>Women</b>		
<b>Urban</b>			Settled	635 000	
Men	156 000		Migrant	260 000	
Women	<u>98 000</u>	254 000	Commuter	<u>98 000</u>	993 000
<b>Rural</b>			<b>Rural</b>		
Men	1 857 000		Men	445 000	
Women	<u>806 000</u>	2 663 000	Women	<u>460 000</u>	905 000
<b>Foreign States</b>			<b>'Black' States</b>		
Men		393 000	Men	827 000	
			Women	<u>659 000</u>	1 486 000
		<u>5 919 000</u>			
					<u>5 919 000</u>

Source:

Report 02.05.07, **Population Census 1970**, Department of Statistics, Pretoria, 1976.

Migrant workers taken from J. Nattrass, **Migrant Labour and South African Economic Development 1936-1970**, unpublished Ph.D. Thesis, University of Natal, 1976.

Urban settled workforce from the above source Table A.11.

In view of the fact that the Commission did not at any stage consider fully, the labour markets within South Africa's 'Black States', it is not possible to determine what changes are likely to occur in the relationships between the migrant and the commuter workforces coming into the centre economy from these areas. In view of the weight the Commission placed on the need to upgrade the standards of living of Africans in 'white' areas, however, it



is possible that over time, the commuter workforce will also receive preference, through such things as the upgrading of the physical conditions in the large African towns which border on to 'white' areas, such as Umlazi and KwaMashu in the Durban metropolitan region.

### **The Economic Structure of South Africa's Peripheral Economies - The 'Black States'**

The outstanding characteristics of the peripheral regions of the South African economy are that they are very underdeveloped and contain significant amounts of surplus labour, mainly underemployed in subsistence agriculture and in the informal manufacturing and service sectors.

In 1970, the 9 self-governing African homeland areas housed 34 per cent of South Africa's population and, when ranked in terms of the level of average output per head, with the 263 magisterial districts controlled by whites, they filled 9 of the 10 lowest places in the order. In this same year the average output per head for the homeland areas as a group was R39. By 1975 the position had improved slightly and the average real output per head had risen to R53 in 1970 prices.

From an economic viewpoint, all these areas were underdeveloped and depended heavily on the agricultural sector. In 1970 agriculture provided, on average, 21 per cent of the Gross Domestic Product and employed 77 per cent of the economically active people in the 'Black States'. Agricultural productivity is very low and average output per worker in agriculture in the Homelands in 1970 was R59.

All these peripheral economies supplied large numbers of migrant workers to the economic core and in 1970, 37 per cent of the economically active members of the communities, who were normally resident in these regions, were absent from their homes, working as migrants in the centre economy. Over the period 1970-1975, the migrant workforce from the areas as a group, grew at an average annual rate of approximately 3,5 per cent, which was faster than the growth rate of their labour supply. In addition to the migrant workforce, some areas also supply large numbers of daily commuters to the centre economy, in particular KwaZulu, Ciskei, Lebowa and Bophuthatswana. The Riekert Commission estimated that in 1976 there were approximately 640 000 commuters from 'Black States', of whom 51 per cent came from KwaZulu, 24 per cent from Bophuthatswana, 9 per cent from Lebowa and 7 per cent from Ciskei.<sup>5</sup>

Although there has been a significant increase in the period since 1970 in the development efforts made by the South African central government in the 'Black States', relatively little progress has been made in the field of job creation. Development efforts undertaken in the Third World over the past 20-year period have in general highlighted the difficulties inherent in the field of employment generation and South Africa's underdeveloped areas seem unlikely to prove an exception. Table 2 contains an estimate of the increase in the labour supply in the 9 'Black States', contrasted with the average number of jobs created in these regions in a twelve month period for the years 1973-1975.

According to these estimates, the outcome of an average year's development activity within the homelands was the creation of employment opportunities for only 28 per cent of the annual increase in work seekers from these regions. A further 37 per cent of these new work seekers were able to find jobs in the centre economy within commuting distance from their homes, whilst the remaining 35 per cent were faced with the necessity of either joining the migrant workforce, or becoming part of the disguised unemployment backing up in these peripheral economies. The present lack of what could perhaps be termed 'real development' in the 'Black States' is underlined by the fact that, of the 28 400 jobs created per year over the period 1973-1975, approximately 21 900, or 77 per cent, were created in the public sector.

**Table 2. The Average Annual Growth in Jobs and Job Seekers in the Homeland Areas for the Period 1973-1975**

	Increase in the Workforce	Jobs Created in Homeland	Within Commtg Distance	Difference bet ween job seekers and jobs created
Transkei	25 430	3 870	60	21 500
Ciskei	7 970	2 978	3 503	1 489
KwaZulu	29 930	7 410	18 143	4 377
Bophuthatswana	12 200	3 970	10 485	2 255
Lebowa	14 870	5 920	2 601	6 349
Venda	3 100	1 700	50	1 350
KaNgwane	1 670	1 440	1 070	840
Gazankulu	3 730	730	856	2 144
QwaQwa	1 200	410	90	700
	<u>100 100</u>	<u>28 428</u>	<u>36 858</u>	<u>34 814</u>

Source:

**Black Development in South Africa**, Bureau for Economic Research re Bantu Development and Co-operation, 1976.

## **The Labour Links with the Centre**

The extent of the dependence of the peripheral areas on the labour links with the centre is further illustrated by the fact that in 1975 the Net National Income (computed as the sum of the Net Domestic Product, the earnings of the commuter workforce and the earnings of the migrants) for the homeland areas as a whole was 4,6 times greater than the output produced in the regions themselves. Not only were earnings from outside the homelands the largest elements in the personal incomes of the people living in these areas, but over the period from 1971 to 1975, they became increasingly dominant. Whilst output in the homeland areas grew at an annual average rate of 20 per cent in money terms over this period, total income grew at a yearly average rate of 26,6 per cent and the earnings of migrant workers and commuters at 28,6 per cent.<sup>6</sup>

Although Gross Domestic Product in money terms grew rapidly in the homeland areas over the period 1971-1975, the output of the subsistence sector, the major source of employment for people in these regions, grew more slowly at 14,8 per cent per year. This slower rate of growth, coupled with high population growth rates and the failure to generate sufficient employment opportunities outside subsistence agriculture, means that both the earnings of the commuter workforce and the remittances from the migrants make a very significant contribution to family living levels in the 'Black States'.

The rapid rate of growth in migrant earnings over the period reflects the increases that took place in both the size of the migrant workforce and the average African wage rates paid in the modern economy. Estimates suggest that the number of homeland migrants grew at between 3,0 and 3,9 per cent per year over this period, whilst average African real wage rates paid in the modern economy grew at 6,6 per cent<sup>7</sup> per year. If the changes in labour policy resulting from the recommendations of the Riekert Commission succeed in establishing a preferential position for the urban African workforce, the extent of any future increases in rural living standards resulting from the growth in the numbers of migrants could well be reduced, limiting increases in welfare in these regions to those gained from increased rural development and rising urban wage rates.

Many writers have pointed to the social and economic costs flowing from the migrant labour system.<sup>8</sup> It has also been argued that the system has contributed to the underdevelopment of the African homeland areas.<sup>9</sup>



However, despite these adverse effects, such views should not in any way be interpreted as being an argument in favour of the sudden exclusion of Africans from the homelands, from further participation in the migrant labour system. In the African rural areas, low productivity in subsistence agriculture, together with the growing numbers of people who are landless, has resulted in a situation in which the survival of many African families now depends on some of their members continuing to work in the centre economy as migrants. In the absence of the creation of alternative employment opportunities within the homelands themselves any exclusion of such migrants from the modern sector workforce can only mean increased hardship in the areas now supplying the migrant workforce.

Despite the increased participation by members of the rural African workforce in the migrant labour system, there is a growing gap between the average standards of living of urban and rural African families. It has been estimated that average per capita incomes of urban Africans in both black and white controlled areas were 3,8 times those of Africans living in rural areas in 1975 (despite increases in both the number of migrants and their earnings)<sup>10</sup>. This pattern is repeated in the 'Black States' themselves, although the extent of the rural-urban differential appears to be smaller. As Table 3 shows in KwaZulu, in 1975, the estimated average urban-rural income differential was 2,75:1.

From the estimates in Table 3, it seems that the nature of the labour links between the centre and the periphery themselves contribute to this rural urban income differential. Commuter income accrues largely to Africans living in dormitory towns situated within the 'Black States', but close to the centre economy, whilst the remittances from the migrant workforce largely accrue to the inhabitants of the rural areas. Commuter income, in the main, benefits the families of the commuter workforce directly, whilst the migrants' families only benefit from the remittances that are sent home to them.

Bureau of Market Research Expenditure studies undertaken in urban areas suggest that in 1975, whilst the earnings of migrants were on average the equivalent of 70 per cent of those of urban Africans, typical cash remittance rates averaged only 15 per cent of their earnings. Despite these low remittance rates, the official national income estimates still show that the receipts from migrants in 1975 exceeded the total value of subsistence production in the 'Black States'.<sup>11</sup>

The impact of the changes in labour policies in the centre economy that

**Table 3. Estimate of Income Generated in the Urban and Rural Areas of KwaZulu in 1975 [12]**

Sector	Urban		Rural	
	Amount	Per Cent	Amount	Per Cent
Agriculture			52 064	100
Mining	702	100		
Manufacturing and Water	3 860	21	13 878	79
Construction	11 032	77	2 450	23
Trade	1 690	13	11 292	87
Transport	945	13	6 326	87
Finance and Business Services	11 871	13		
Social Services				
Administration	3 008	13	20 134	87
Education	2 642	13	17 684	87
Health	1 985	13	13 286	87
Other	356	13	2 385	87
Home Ownership			3 387	100
Gross Domestic Product	38 091	23	142 886	77
Population	803 400	28,5	2 015 400	71,5
Gross Domestic Product Per Capita	47		71	
Commuter Income				
Migrant Remittances	182 200		58 850	
Area Income	220 281		201 736	
Income per Head	274		100	

Source:

**Report No. 09.17.03, National Accounts of the Bantu Homelands, 1971-1975, Department of Statistics, Pretoria, 1978.**

Thorrington-Smith, Rosenberg and McCrystal, **Towards a Plan for KwaZulu**, KwaZulu Government, Ulundi, 1978.

flow from the recommendations of the Riekert Commission seem likely to widen both these rural-urban income differentials, unless they are offset by a determined development effort in the 'Black States', designed to create jobs and to try to mop up the growing labour surplus in these areas. The Commission's emphasis on the need to upgrade African urban areas, together with its general failure to consider conditions in the rural areas adequately, particularly with respect of the African rural areas, is symptomatic of what

seems to be a growing urban bias in South African policy-making in general.

<sup>13</sup> It is vitally important that this trend is reversed and that a far greater development effort is made in the 'Black States'. This effort should mainly be centered on the provision of goods and services to meet the basic needs of the rural dwellers, who make up the major proportion of the population in these areas. If this is not done, the socio-economic outlook for people living in these peripheral economies, following the implementation of the labour policy changes in the centre economy, will be bleak. As was shown in Table 1, South Africa employs nearly half a million Africans who come from areas beyond her political boundaries, the majority of whom work in the mining industry. The areas supplying these workers will be affected in a similar way to South Africa's 'Black States'.

### **Conclusion**

The Recommendations of the Commission seem set to improve the living conditions of Africans resident in 'white' urban areas, the majority of whom live and work in the Vaal Triangle region. This region is by far the most important area, in terms of its contribution to South Africa's Gross Domestic Product and it seems that it was this economic significance that influenced the Commission.

The average living standards of Africans in urban areas, particularly those situated in white-controlled areas, like the Pretoria-Johannesburg region, are considerably higher than those of people living in the rural areas of the 'Black States'. The Commission's failure to consider the wider South African economy and the interrelated nature of its different economic regions had led it to recommend changes that are likely to widen the gaps between those who have and those who do not. The impact of the recommendations on the African rural areas seems certain to increase both unemployment and under-employment in these regions. Average living levels in these areas are already very low and unless there is a very much larger infusion of development capital and technical assistance, poverty levels seem destined to increase amongst South Africa's African rural communities concomitantly with the rising standards of living of urban Africans.

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5. These estimates will, however, include some migrant workers; those who have migrated from the rural areas to the towns close to the 'white' areas and have then joined the stream of African urban commuters.
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10. Jill Nattrass, 'Towards Racial Justice - What Can the Private Sector Do?', in **Negotiable Priorities for South Africa**, South African Institute of Race Relations, forthcoming.
11. Report 09.17.03, *op cit*.
12. **Assumptions for Estimates in Table 3.**
  - (a) Agricultural output is generated in the rural areas only and accrues solely to rural inhabitants. This overstates the position in so far as the South African Bantu Trust activities are concerned.
  - (b) Mining - assumed 100 per cent urban.
  - (c) Manufacturing and Water; non-marketed output taken as rural, and monetary sector assumed all urban.
  - (d) Construction as manufacturing.
  - (e) Trade, Transport and Social Services have all been allocated on the basis of population densities. This basis probably overstates rural incomes as services tend to concentrate in urban areas and trade to locate on an income basis.
  - (f) Business Services all urban.
  - (g) Home ownership all urban.
  - (h) Commuter income assumed to accrue entirely to people in the urban areas.
  - (i) Migrant remittances all assumed to accrue to rural families.
  - (j) 1975 population estimates have been used.
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## **The Pass-laws : Allocation and Control (1760-1979)**

**Richard de Villiers**

### **I. Introduction**

A major characteristic of the state in South Africa has been its intervention in the African labour market. The African working class is subject to a vast number of state controls which materially affect its economic well-being; and the intervention of the state in the labour market is the principal form of such control. It operates through the network of influx control mechanisms whose parameters are set by a complex system of inter-locking legislation. As such, the exact aims of the system are not always clear, since each piece of legislation ostensibly serves a different function. Yet taken as an entity, it can be said of the system that it has very negative consequences for the African labour force.

In general, the system ensures that the different sectors of the economy do not compete over labour supplies. This is done by preventing the free movement of Africans, particularly into the urban areas. Consequently, Africans are unable to take advantage of competition between sectors of the economy, (e.g., agriculture and manufacture) to force up wages and obtain better working conditions. As an effect of influx control, Africans are unable to sell their labour to the highest bidder; in fact, no bidding occurs, and because there is no possibility of competition for labour, wage-rates remain low. Furthermore, differential wages between sectors are a direct result of the influx control system which guarantees an adequate labour supply to low-paying sectors.

Influx control therefore not only regulates the supply of labour with the demand, but it influences the conditions under which the supply is made available. However, a supply of labour needs to be created and this creation of the labour pool is the process of proletarianisation.

'In order for the capitalist mode of production to be dominant in any social formation you need two conditions. Firstly, you need men and women who do not own the means of production, i.e. you

need a class of men and women who are dependent on wages for their survival. Secondly, the wage the worker receives for the sale of his labour-power must only be a portion of the value created by him. The problem, then, for the capitalist is how to create a class of men and women who do not own the means of production, i.e., who are forced to sell their labour-power for wages. This process of creating a labour supply is called proletarianisation, i.e., the historic process of divorcing the producer from the means of production, the transformation of peasant to worker'.<sup>1</sup>

Influx control has played a central role in this process of proletarianisation in South Africa. This process has been structured by the continued existence of the pre-capitalist sector, which is perpetuated to provide part of the means whereby the working class is reproduced.<sup>2</sup> Thus, in South Africa the capitalist sector has been able to feed off the pre-capitalist sector with the contradictory result that this sector is simultaneously perpetuated (since the social relations which hold it together are maintained) and progressively destroyed (since the material conditions for production in the reserves are continuously being eroded).<sup>3</sup> Influx control ensures that when people do sell their labour-power, they do so under circumstances of extreme coercion and control.

Mike Morris<sup>4</sup> amongst others, has argued that the need for the state to serve this function of allocation and control was a significant factor in the change of government in 1948. He argues that due to a variety of factors, white agriculture was going through a period of crisis in the late 1930s. This crisis was exacerbated by a loss of labour to the booming secondary industrial sector. Vast numbers of Africans took advantage of the relatively lenient influx controls exercised under the United Party, and left the farms for the cities and the higher wages offered by secondary industry. Discontent with United Party influx control policy ran high in the agricultural sector. During the 1948 election, the Nationalist Party, representing a particular alliance of forces including white agriculture, was able to mobilise enough electoral support to unseat the United Party. In the period which followed this change of government, there was a tightening-up of the influx control machinery in order to facilitate the provision of an adequate supply of labour to the white farms.

Of course, influx control mechanisms, as such as pass laws, existed before the Nationalist Party came to power; yet after the 1940s it was a more comprehensive system which the state instituted. This paper will not only concern itself with passes under the Nationalists, but will trace some of the



changes which the system has undergone since passes were first introduced some 219 years ago, as well as analyse some of the modifications to the present system proposed by the Riekert Commission. It will be shown that generally, influx control has functioned to ensure that highly exploitable labour supplies have been available to dominant sectors of the economy.

## **II. The Mechanisms of Influx Control**

The influx control system consists of a number of statutes, regulations and statutory bodies, all of which dovetail to ensure the efficient functioning of the system. The statutes include the Black Abolition of Passes and Coordination of Documents Act (1952), the Black Urban Areas Consolidation Act (1945) as amended, the Black Labour Act and the Black Affairs Administration Act; the regulations consist of all those issued by the Minister of Labour in terms of the powers granted him in the Bantu Labour Act; and the statutory bodies include the Departments of Labour (now Manpower Utilisation) and of Co-operation and Development, as well as the various labour bureaux and Administration Boards.

In essence, however, influx control operates through the labour bureaux, which, whether they are situated in the prescribed (urban) areas or the rural areas, link the supply of labour with the demand for labour. These bureaux, more than any other individual aspect of influx control, embody the state's attempts to control bureaucratically the African labour market. In order to ensure that workseekers and employers comply with the system, means must be provided for policing the activities of individual employers and workseekers. In the case of workseekers the back-up system to the labour bureaux is provided by pass control. As all Africans over the age of 16 are required to carry a pass on them at all times, it is relatively easy for members of the police-force, prospective employers or Administration Board officials to check whether an African has complied with the requirements of influx control.

Further, Proclamation R270 provides that:

'a member of the South African Police, or an authorised official employed by an Urban Local Authority may enter into and search any premises on which it is reasonably suspected that an African is residing in contravention of the Urban Areas Act or a regulation made under the said Act. Such entry may be made without a warrant at all reasonable hours'.<sup>5</sup>

This aspect of the pass system is of central importance as it has, up to the present, constituted the principal method of ensuring that the workforce complies with influx control regulations.

In the case of employers, the Black Affairs Administration Act provides that Administration Boards may inspect any industrial premises and ensure that the employers and employees are complying with labour bureaux requirements.

As other papers in this edition deal with these various mechanisms of influx control, this paper focusses on the pass system. There is some difficulty in defining what is meant by 'passes', especially since they were **officially** abolished in 1952. In this paper the term 'pass' will be used to mean any kind of permit which relates to the freedom of movement of African workers.

The pass system embodies a number of principles which enable it to serve its function within the influx control network. The first of these, as already mentioned, is the principle of 'pass-on-demand' - the requirement to carry and produce a pass when demanded. Further, a pass-book shows where and for how long the bearer may be in a particular place, who he works for, who he has worked for, and whence he may travel. Section 10 of the Urban Areas Act contains a system of differential rights according to place of birth or work record, and this is used to determine a person's eligibility for a house and for particular types of employment in particular areas.

Over the years, thousands of Africans have been convicted in terms of the laws which restrict their movement, as the table below indicates. The convictions do not only indicate the degree to which pass laws are broken predominantly by the working class, but they also indicate the extent to which the state is prepared to enforce these laws. Thus fluctuations in the number of convictions indicate changes in the level of state determination to impose passes on Africans, rather than merely African resistance to passes.

### **III. The History of the Pass System**

The Abolition of Passes Act (1952) and the Urban Areas Act (1942) as amended are the two most important statutes in which the pass laws are enshrined. From these Acts we can derive the basic principles of the pass system as it now operates. The Abolition of Passes Act plays the most important role, together with the labour bureaux, in maintaining influx control. This Act lays down the requirements whereby passes must be produced on

Table I Pass Laws Convictions

	1951	'53	'55	'57	'58	'59	'60	'61	'62	'63	'64 <sup>o</sup>	'65	'66	'67	'68	'68-'69	'69-'70	'73-'74	'74-'75	'75-'76	'76-'77
(1) Offences in terms of Curfew Regulations							45 367	46 014	42 815	115 312				17 245				95 219	66 334	58 022	
(2) Failure to adequately Register and produce documents							138 990	154 426	170 131	175 070		241 698	352 517		318 825		321 583	194 187	143 982	150 411	
(3) Foreign Africans illegally entering urban areas							14 475	15 933	15 248	12 523			17 145		15 965		15 163	16 612	12 496	13 304	
(4) Offences in terms of the Urban Areas Consolidation Act - (not specified elsewhere).							55 933	63 842	66 234	74 878		97 426	142 727		147 081		157 620	166 179	150 758	160 121	
(5) Offences in terms of the Black Affairs Acclimatization Act								107 100	110 583									20 335			
(6) Master & Servants Act offences and failure to comply with Black Labour Regulation													23 365					18 631			
TOTAL	232 420	288 439	337 604	365 911	396 836	413 639	340 958	375 417	384 497			479 114			632 077	621 380	621 380	511 163	373 670	381 862	287 374

<sup>o</sup> 1963/64 etc., means from July 1963 to June 1964 and so on.

Source: M. Horrel, 'A Survey of Race Relations, Johannesburg, 1962-1978.

Annual Reports of the Commissioner of Police.



demand. The Urban Areas Act defines those sections of the African population permitted to acquire passes. It links residence and work record with the qualification for a pass. The Act also contains a principle of differential rights of urban and rural dwellers. These characteristics and functions of the pass system can be traced back to the early pass system operating in the Cape Colony.

The first passes were used to control forced labour and particularly the movement of slaves in the Cape Colony in 1760<sup>6</sup>. They were issued by the land-owners themselves and simply indicated that the slave had his master's permission to travel. This is the earliest record of the implementation of the pass-on-demand principle.

Other principles of today's pass system are found in the second British Cape Administration. Caledon issued a number of proclamations in 1809, aimed at control of the Hottentots. During this period the Cape Colonial farmers were suffering a chronic labour shortage. The British had abolished the slave trade in 1807, and despite the fact that there had been some control of Africans, they were not absorbed into the labour market to any large degree. This was because they still had independent access to the means of subsistence.

'(Africans) were regarded chiefly as an external problem, while, the internal problem of the supply of labour was primarily concerned with the Hottentot community, particularly after the abolition of the slave trade in 1807'.<sup>7</sup>

The Hottentots, for their part, had also succeeded in maintaining a small degree of independence. This was due to their predominantly nomadic life style. They were, however, seen as potentially providing an obvious solution to the labour shortages. The proclamations issued by Caledon laid down that all Hottentots had to have a fixed abode registered at a Landrost's office, from which they could not move without a pass.<sup>8</sup> The proclamation also provided for the registration of all employment contracts with a Landrost or a Field Cornet. These passes were clearly intended to pressurise the Hottentots into the service of the farmers.<sup>9</sup> Vagrancy laws were also passed which strictly curtailed the nomadic Hottentot life-style.

'When in 1807, the slave trade was abolished, the shortage (of labour) became so acute that at last the Hottentots, hitherto despised and neglected, came to be regarded as the obvious source from which to re-

plenish the labour supply. In these circumstances, Hottentots, great and small, the aged and infirm nursing mothers and young children, were regarded as potential servants; and all who did not conform to the demand were classed as idle vagrants'.<sup>10</sup>

Thus from the beginning of the pass laws in South Africa, the principle (for slaves and then later Hottentots) of individuals having to account for their movements by possessing a pass which could be produced on demand, was established. These early passes also linked place of residence as well as employment, to a person's right to travel.

The entrance of Africans into the Cape Colony, from beyond the Fish River was regarded as undesirable. The Native Commission of the Eastern Cape wrote in 1853:

'I am not desirous that any native be permitted to enter the Colony, except on special application made by the Colonists - or when, from urgent circumstances, it may appear to you desirable to grant applications made direct from the Natives; and I am of the opinion, that the plea of visiting friends, or even relatives, ought never to be entertained - as in most cases such applications are merely made with the view of obtaining presents from industrious people who have some property in the Colony, or for possible political intrigue'.<sup>11</sup>

The 'Certificate of Citizenship' Act of 1857 embodied a system of differential rights based on the place of origin of the Africans. 'Foreign' Africans<sup>12</sup> were prevented from travelling freely into and within the Cape through the pass system. But in order to allow local Africans to travel they were granted a 'Certificate of Citizenship'. The Act was thus passed to prevent:

'Colonial Fingos and certain other subjects of Her Majesty from being mistaken for Kaffirs, and thereby harassed and agrieved'.<sup>13</sup>

These 'Certificates of Citizenship' meant that Africans from the Cape Colony (Fingos) had the right to move about the Colony relatively freely, as opposed to those Africans (Kaffirs) from outside the Cape Colony, who had to account for their movements. Any African who could prove he had lived in the Colony for ten years had constantly been employed during that period, could also receive a 'Certificate of Citizenship'.<sup>14</sup>

The effects of these laws upon the supply of labour indicate that they largely succeeded in fulfilling their aims. S. van der Horst argues that:

'...within the Colony the regulations are said to have increased the number seeking work. Thus, in 1883 the Civil Commissioner of Komgha in the Ciskei said that the enforcement of the Law has resulted in numbers of natives seeking employment, both with the farmers and in the towns'.<sup>15</sup>

Thus the laws served to curtail the free movement of people within the Cape and to prevent the influx of work seekers from outside the Cape. These Cape laws capture the essential nature of the pass laws; on the one hand they are aimed at ensuring labour supplies, and on the other hand they prevent free movement of people into areas where job opportunities exist. In short, they are concerned with the supply of labour under conditions of very strict control.

The Commission of 1883 on Native Laws and Customs recommended that the system be abolished.<sup>16</sup> It stated that -

'We have come to the conclusion that in the now altered circumstances of the Colony, this Pass Law should be repealed and the natives encouraged to seek employment in the Colony without inconvenience and loss of time entailed by what is known as the pass system'.<sup>17</sup>

These 'changed conditions' were the absorption by the Cape economy of the internal labour market and the expanding of the Cape economy. By the end of the century, the Cape Pass Laws fell into disuse. There were other pass laws, however, which remained in force; for example Act 70 of 1895 which empowered local authorities to prohibit Africans from being in public places between 9 p.m. and 4 a.m. without a night pass.<sup>18</sup> The vagrancy laws remained in force, and Kahn argues that in the Cape these were particularly extensive. They laid down that any 'occupier of immovable property could summarily arrest anyone wandering about without his permission'.<sup>19</sup>

In Natal, in 1888 the municipalities of Durban and Pietermaritzburg were given powers to control the registration of employment contracts. There had, however, been a system of labour control operating from the 1870s, whereby separate residential locations were provided for Africans, and work seekers entering towns were only permitted to stay in the area for five days pending their success or failure in finding employment. Those who were contracted ('togt' labourers) were forced to wear badges with numbers on them. The Administration of the system was left in the hands of the Police Superintendent, thus creating the precedent that 'Native Administration' was a function of the Police.<sup>20</sup> By 1901, all Africans in Natal were forced



to carry an identification pass, of which their employers had to keep a record.<sup>21</sup>

In the Transvaal Republic, by 1858 no African was allowed to travel without a pass signed by a field-cornet and, officially at least, no African was allowed to leave the Republic without a pass.<sup>22</sup> It is doubtful whether the Transvaal Republic had the required resources to enforce this latter provision, and certainly many Transvaal Africans found their way to Kimberley diamond mines in the late 1860s. In fact after the discovery of gold there seems to have been a general laxity in the Transvaal Republic's administration of pass laws and control of labour supplies. This was the cause of much dissatisfaction on the part of the Chamber of Mines. The Chamber of Mines sent deputations to the Kruger government which submitted for consideration, draft regulations. However, the Republicans were either unable or unprepared to respond in a way which the Chamber of Mines felt adequate. The mines were extremely sensitive to high production costs, due to the low gold content of the ore and to the internationally controlled gold price which prevented the mining companies from transferring any increases in production costs on to consumers.<sup>23</sup> Consequently the area of cost minimisation was wages, and thus mine owners were anxious to centralise the system of labour recruitment in order to prevent the competitive determination of wages. Percy Fitzpatrick later explained how the system worked:

'You must understand this, that the necessity for the reduction of wages arose from the fact that there was competition among ourselves and that little by little one employer bid against another until finally the average became too high and the whole industry took it in hand and tried again to make a fresh start - that was what prompted us to form the Native Labour Association. You see, we could not pool the supply, so we pooled the demand. The employers agreed to divide the supply among themselves, that is, what they could get'..<sup>24</sup>

The success of such a system was, however, dependent on an efficient system of control of the labour force. Besides competition from each other, mine owners were faced with the problem of 'defensive desertion'.<sup>25</sup> Desertion had taken on two different forms. On the one hand workers left mines, where wages were low and work conditions bad, for the other mines which provided better food and higher wages. Thus competition between mine owners had to be prevented and the free movement of Africans curtailed. The other form of desertion was more drastic. As the proletarianisation of some Africans had only been partially completed, these Africans

still had some independent means of subsistence in the reserves to which they could return if conditions on the mines were generally too unbearable. Without an effective pass system workers simply returned to their reserves, relatively unhindered. Therefore, the mines needed a system to prevent the free movement of Africans in order to avoid inter-company competition on the one hand to prevent complete desertion on the other. In 1895, the Chamber's Annual Report stated that:

'Owing to the existing inadequate pass laws and regulations for the control of Native labour, it is impossible to secure such combination on the part of employers as would enable Native wages to be reduced to a reasonable level'.<sup>26</sup>

It was in 1895 that the Transvaal government responded with two very severe laws which were in fact framed by the Chamber of Mines executive committee.<sup>27</sup> The first one laid down that any African needed a pass from his employer to travel within his own district. If he intended to travel beyond this district, then he required a pass from a government official. This law included a provision for a reward for 'any burgher who took part in the capture' of any African breaking the law. The second law applied specifically to the proclaimed gold areas which were divided in to different labour districts;

'On entering such a district a Native was to exchange his travelling pass for a district pass, authorising him to search for work for three days. When he found employment, his master was to retain the district pass and provide the Native with an employer's pass. When discharged, he received back his district pass. If unsuccessful, he was given another type of pass to leave the district. In addition he had to carry an arm badge - a provision which was later dropped'.<sup>28</sup>

However, the Administration of these laws was beyond the ability of the Transvaal Republic. In 1897 there were still 14 000 desertions.

The Anglo-Boer War did not provide the Chamber of Mines with a suitably efficient state controlled pass system. Although the Milner Administration was sympathetic (perhaps more so than the Kruger Government) to the needs of the gold mines, the pass system still proved ineffective. The law itself remained very similar to that enacted in 1895, except that tax-receipts now served as passes, and control of the system was taken from local authorities and placed in the hands of the central administration.<sup>29</sup> But the problem was to administer these laws effectively. Despite the use of finger

prints to identify workers and more sophisticated systems of prevention and detection,<sup>30</sup> desertion remained extensive. In an extreme example, in 1908 at Simmer Deep mine the desertion rate was 618,4 per 1 000.<sup>31</sup> Moroney shows that desertion became more difficult and workers went to some trouble to get away from the mines.

'The procurement of a new pass was essential for a successful desertion, especially if a worker intended to seek new employment'.

Several instances of pass forgery came to light. The District Commissioner in Boksburg reported in December 1905 that within 7 months 1 507 workers had deserted from mines in his districts. During the same period, 18 Africans were convicted of forging passes.

'White forgers also operated on the Rand and sold passes to deserters at £5,00 per piece'.<sup>32</sup>

In the Orange Free State during this period there was in operation a very extensive pass system.<sup>33</sup> All Africans were required to carry 'travelling' passes and there were passes for rural and urban residence, the latter being administered by municipalities. Railway tickets were not provided without production of a pass and any women driving stock also required a pass.<sup>34</sup>

After the war municipalities were given the power to levy charges for residential passes<sup>35</sup>,

'Certain local authorities began to regard the Natives as a source of revenue. There were stand permits, residential permits, visitors passes, work-seeking passes, employment registration certificates, permits to reside on employer's premises, work-on-own-behalf certificates, domestic service books, washerwomen's permits and entertainment permits'.<sup>36</sup>

This system produced much opposition and resistance. When the pass laws were extended to cover women, a women's passive resistance movement was started, which held successful demonstrations in Bloemfontein and Bethlehem. In this passive resistance movement can be found the origins of the ANC Women's League.<sup>37</sup>

With the formation of the Union in 1910, the labour district system was extended throughout South Africa with the Native Labour Regulation Act of 1911. Kahn argues, however, that in practice it was only applied in the



Transvaal and in some districts of the Orange Free State, no doubt in order to solve the problems confronting the labour-starved mines. In 1920 an inter-departmental Committee investigated the pass system and made extensive suggestions for reform, including a central bureaux which would keep records of the movements of all Africans.<sup>38</sup> However, these recommendations did not receive legislative enactment, although there were some similar modifications in the Natives (Urban Areas) Act of 1923. This Act was a response to the Stallard Commission which had been established in 1919. Paragraph 42 of this Commission Report contains the now famous justification for influx control:

**'The Native should only be allowed to enter Urban Areas, which are essentially the white man's creation when he is willing to enter and to minister to the needs of the white man and should depart therefrom when he ceases so to minister'.<sup>39</sup>**

The Act allowed for the 'proclamation' of some urban areas, which meant that influx into them was restricted. It also laid down a system of Urban African Administration and gave attention to the need to build houses and supply amenities to the exclusively African townships which were to be established in terms of the Act. As far as passes were concerned, it laid down that:

**'...every employer of a male Native in any proclaimed area (had) to register the contract of service and pay the requisite fee, not to exceed two shillings a month; every Native entering to report his arrival and obtain a document, to be produced on demand, that he had so done; every Native remaining in the area after termination of employment, or on expiry of licence as a casual worker, or discharge from imprisonment, to obtain the requisite document, to be produced on demand and any Native not finding work within a prescribed period to leave the area.'<sup>40</sup>**

In 1930, further amendments to the Act gave greater powers to the municipalities. They were granted the power to remove Africans from the urban areas, and no African could enter a proclaimed area save where employment and housing were available.<sup>41</sup> In 1932 the Native Services Contract Act was passed, which applied to the Transvaal and Natal. Farmers in these areas were suffering from shortages of labour, and many of their employees were deserting; most of them were going to the urban areas in search of the higher wages being offered in secondary industry.<sup>42</sup> This Act severely limited the movement of the entire African family, as well as placing

restrictions on employers:

**'In terms of this Act, every Native resident on a private farm is required to obtain a document of identification before proceeding to any place other than his home. No one may employ a Native domiciled outside a location unless he can produce a labour contract between himself and the owner of the land on which he is domiciled, or a signed statement, which may be endorsed on the document of identification, that he is not obliged to render any service during the period in question..... The whole family is liable for eviction if one member fails to render the labour service required. Further, a parent or guardian of a Native over ten and under eighteen years may enter into a labour contract on behalf of each Native with the owner of the land on which the guardian is domiciled'.<sup>43</sup>**

**Morris<sup>44</sup> has demonstrated how these provisions frequently resulted in conflict between generations of African farm labourers, with the younger members of the family running away from the control of their guardian and the white farmer and seeking employment in the urban areas.**

**Despite the numerous laws governing the movement of Africans under the United Party, the system contained many loop-holes and Africans were able to take advantage of these. The influx control system was decentralised with authority vested in the hands of local government and tribal leaders. It was difficult to enforce effectively. In most areas, Africans simply required the authority of their local chief or headman to travel to urban areas, and the provisions for municipal control of the urban African population only became operative once he had arrived in the town. It was noted at a council meeting in Johannesburg<sup>45</sup> that:**

**'travelling passes were being issued by Chiefs and Headmen in rural areas, despite circular instruction that no passes are to be issued unless Natives, are proceeding to take up (already agreed upon) contracts of employment'.**

**When arriving in the town the African had to report to the Pass Office and was potentially excluded from the area if he failed to find employment within five days. He was also required to register his employment contract at the Pass Office when he found employment and it was frequent only to report to the Pass Office once he had already found employment, thus making absolutely sure that there was no chance of deportation from the urban area.<sup>46</sup>**

During the second world war (in May 1942) the Minister of Native Affairs, Colonel Denys Reitz, issued instructions to relax the application of the pass laws in certain areas, including Witwatersrand and Pretoria. In 1942, the Smit Committee also recommended the relaxation, if not complete abolition, of the pass-laws. This period marks a state of flux in state policy regarding the urban African. Large numbers of Africans were leaving both European farms and the African reserves and moving to the urban areas. Most of this influx was of people who intended settling permanently in the urban areas. The male/female ratio, which is a good index of the degree of permanent urban settlement dropped from 5:1 in 1936 to 10:3 by 1946.<sup>47</sup> This influx was the result of the depressed state of white agriculture<sup>48</sup> as well as the effects of declining agricultural output in the reserves. The urban influx of Africans was largely absorbed by the booming manufacturing sector. African employment in secondary industry grew from 117 000 in 1925/26 to 208 000 by 1938/39.<sup>49</sup> However, whilst secondary industry benefited from the increased availability of labour, the farming sector suffered critical shortage. The influx of Africans into urban areas was also a source of dissatisfaction and anxiety for municipal administrators; it was they who had to supply facilities for the rapidly increasing urban population. Among Africans, opposition to pass laws and Municipal Native Administration was widespread, and squatter-movements emerged in Johannesburg.<sup>50</sup>

Clearly, the influx control system was in need of revision. With the accession to power of the Nationalist Party and a new Minister of Native Affairs, Verwoerd, this system was revised. He moved to solve the problems confronting both the municipalities and the agricultural sector. The Pass system was rationalised by the Abolition of Passes Act in 1952, and a uniform system of control instituted throughout the country. The vast numbers of permits which Africans were required to possess were done away with and a single 'Reference Book' introduced. The Urban Areas Act (1923) which laid down the qualifications for presence in urban areas, was tightened up, and in 1954, it was announced that the pass laws would be extended to cover women. This was aimed at controlling further permanent African urbanization. Verwoerd also initiated a scheme for the provision of urban facilities through municipalities for those Africans in the urban areas who had acquired employment. A programme of 'reserve development' was also begun in order to minimise the pressures on Africans to leave their 'homelands'. The first decade of Nationalist rule saw further tightening up of influx control, largely through 'improvements' in the labour bureaux system. These were consolidated in the Bantu Urban Act (1964).



The pass system has operated in relatively the same manner since the initial rationalisation in 1952. Opposition to passes by Africans, which can be traced back to the beginnings of the pass system itself, culminated in the shootings at Sharpeville in 1960 and the banning of the African resistance movements. Subsequently opposition to passes has never been overt or organised on a similar scale. However, this does not mean that Africans have adhered to the system, as the figures in section II attest, Africans have continued to ignore the pass laws. Civil rights leaders have frequently raised the issue of passes, and it continues to be a major source of discontent among South Africa's African population.

### **Conclusion**

It has been argued that, whilst the major function of the influx control system in the initial period of Nationalist rule was the allocation of labour supplies and the elimination of competition between manufacturing and agriculture, it has nevertheless always served a control function. This function, the control and restriction of the movement of Africans, has been central to all the pass systems in South Africa's history. With the diminution of the labour problems confronting agriculture in the 1950s and the increase in supply of labour to all sectors of the economy over the last three decades, the allocation function of influx control has become less significant, whereas the control function has assumed permanency.

With the growth of structural unemployment,<sup>51</sup> influx control is being used to control the location of the unemployed. It is with this change in **emphasis** of the influx control system in mind, that one must consider the modifications to the system proposed by the Riekert Commission.

The causes of the phenomenon of structural unemployment have been dealt with in a previous edition of the South African Labour Bulletin. Essentially these relate to the manner in which proletarianization and industrial development occurred in South Africa. The dominance of the monopoly sector has meant that vast numbers of people have no chance of obtaining employment in the advanced formal sector of the economy. In order to survive, these people engage in marginal economic activity. This marginal pole, Erwin has argued, acts as a 'soak pit' for the structural (and cyclical) employment problems of the advanced bloc. Erwin argues further that

'Employment in the marginal pole is precarious and often transitory. In South Africa the significance of this is increased by the fact that

there is now a gigantic capacity to control and direct labour. People can, to a considerable extent, be moved in and out of the marginal pole according to the needs of the situation'.<sup>52</sup>

From the preceding historical analysis of pass-laws we can see that whilst their basic functions have been the control and allocation of labour under conditions favourable to capital, over the years there has been a change of emphasis. This change of emphasis was intended to meet changing historical circumstances. For instance, in the nineteenth century in the Cape colony, the pass laws served to control nomadic tribes and to coerce people into working for white farmers; in the early gold mines, passes were aimed at preventing desertion, and competition between different mining companies; in the late 1940s and 1950s they ensure the allocation of work seekers to different sectors of the economy; and today we can see the pass laws functioning to control the unemployed. The government is committed to maintaining the basic principles which have been preserved over the years. The passes will continue to operate as a back-up to the other mechanisms of influx control, whatever form they may take.

#### Notes

My thanks to Keith Gottschalk for suggestions concerning sources for this paper.

1. Eddie Webster (ed.) **Essays in South African Labour History**, Ravan Press, Johannesburg, 1978, p 7.
2. *ibid.*
3. C. Meillassoux - quoted from Webster, *op. cit.* p 7.
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7. J.S. Marais **The Cape Coloured People**, Longmans, London, 1936 p 122
8. Kahn, *op. cit.* London p 276
9. W.M. McMillan **The Cape Colour Question**, Faber & Guyer, London, 1927 p 36.
10. *ibid.*
11. Quoted from S. van der Horst **Native life in South Africa**, Oxford University Press, 1942 p 29
12. Foreign Africans were those whose Chiefs lived beyond the borders of the Cape Colony.
13. Quoted from Kahn *op.cit.* p 276

14. **ibid.**
15. van der Horst, **op. cit.** p 123.
16. **ibid** p 124
17. **ibid.**
18. Kahn, **op. cit.** p 277
19. **ibid** (See Act 23 of 1879 as amended by Act 26 of 1889, Transvaal)
20. T.R.H. Davenport 'African Townsmen?' **African Affairs** No. 68, 1969
21. Kahn, **op. cit.** (Act 49 of 1901 and Act 3 of 1904, Natal)
22. Kahn, **op. cit.** p 278
23. See F. Johnstone 'Race, Class and Gold', Routledge & Keegan Paul, London, 1976
24. Quoted from Eddie Webster 'Background to the supply and control of labour in the Gold Mines' in E. Webster **op. cit.**
25. S. Moroney 'Mine-Worker Protest on the Witwatersrand 1901-1912 in E. Webster **op cit.**
26. Kahn **op cit.** p 279
27. See Annual Report of Chamber of Mines for 1895 and Kahn **op cit.** p 279
29. **ibid** (See Act 18 of 1909, Transvaal.)
30. S. Moroney **op cit.**
31. **ibid.**
32. **ibid.**
33. **ibid.**
34. **ibid.**(See Law 4 of 1895, Orange Free State.)
35. Kahn **op cit** p 281 (See Act 9 of 1906, OFS).
36. **ibid.**
37. See Cheryl Walker 'The Federation of South African Women' Unpublished M.A. Thesis University of Cape Town.
38. Kahn **op cit.** p 283
39. Local Government (Stallard) Commission (1921) TP 1 1922 Govt. Printer. Pretoria 1922.
40. Kahn **op. cit.** p 284
41. **ibid** (See Act 25 of 1930).
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43. **ibid**, Kahn, **op cit.**, p 284
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45. Quoted in C. Stent 'Migrancy and Urbanisation in the Union of South Africa', **Africa**, Vol. 18, No. 3, July 1948.
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49. P. Lewis 'Soweto City within a City', 1966. Lectur given at University of the Witwatersrand to mark the 80th Anniversary of the founding of the City of Johannesburg.



50. See A. Stadler 'Birds in the Cornfield' in **Labour, Townships and Protest** *op cit.*, as well as Lewis *op cit.*
51. See **South African Labour Bulletin**, Vol. 4, No. 4, 1978.
52. Alec Erwin 'An essay on Structural Unemployment', **SALB**, Vol. 4, No. 4.

## **The Retention of Influx Control**

**Pieter le Roux**

### **Introduction**

In this paper, the Riekert Commission's recommendations on influx control are carefully considered. It is shown that in the case of the African 'insiders' who were generally thought to have benefitted from the recommendations, there will hardly be any increase at all in their geographical mobility. However, if all the recommendations, accepted by the government, should be implemented, this would mean that influx control will be applied much more strictly to coloureds and Asians. Since I doubt whether this will in fact be done, the Riekert Commission's recommendations on influx control are not likely to have any significant impact on the regional mobility of the labour force. The Commission does, however, do away with many harsh measures by which it was hoped to encourage the urban Africans to 'return' to the 'homelands', and thus from the humanitarian point of view, some of the recommendations are to be welcomed. The same humanitarian concern was not, however, evident in the consideration of the position of the African 'outsiders'. In a final evaluation of the recommendations, it is argued that the radical and liberal paradigms cannot adequately explain all these features of the Riekert Commission.

South Africa is not the only country which practices influx control. Russia uses a passport system to control migration from the rural to the urban areas. In China, direct control over migration is exercised by workers' committees. Migration in China is also curtailed indirectly by the food rationing system (coupons are only valid in the districts where they have been issued). In numerous African states there is some degree of influx control, often in the form of the occasional decree that the unemployed migrants in the urban areas must return to the agricultural sector. South Africa differs, though, from all the other countries in that the system of influx control is not uniformly applied to all its population groups. Furthermore, whereas the major function of influx control usually is to limit urban unemployment and the emergence of squatters camps, as well as to prevent too rapid an exodus of the agricultural labour force, in the case of South Africa it also has a very explicit political function.<sup>1</sup> During the past thirty years a great variety of direct and indirect measures have been adopted in order to stem the

flow of Africans to the urban areas and to reverse this flow to the 'homelands'. Also, in the case of the groups officially designated as coloureds and Asians, one has influx control, although of a much more subtle nature.

### **The Effects of Influx Control**

The precise nature of the Riekert Commission's recommendations affecting influx control is covered elsewhere in this edition. (See articles by Duncan, Claassens and Cooper/Ensor p11-16). It is, however, necessary to stress the fact that the Commission leaves intact key aspects of the existing system of influx control, and that, where changes are proposed, these are designed to effect a division between urban and rural dwellers.

In spite of the fact that '(t)he vast majority of the witnesses were.....in favour of the disappearance of the distinction between prescribed and non-prescribed areas, i.e., of the whole of the white area being declared one prescribed area....' <sup>2</sup>, the Commission concluded that it could not support the abolition of such a distinction.<sup>3</sup> The Commission's approach to the whole question of influx control is very clearly revealed by the arguments on which it based this conclusion. It justified its recommendation by referring to the evidence on problems that will arise, 'for example,

- (a) the claim to section 10(1)(a) or (b) qualifications which Blacks living in rural areas would have;
- (b) the exposure of farmers to competition of urban employers on the labour market; and
- (c) the application of the same employment and registration requirements in respect of farmers and other employers .'<sup>4</sup>

One should not speculate too much about what the consequences of this differential application of influx control measures will be, before it is clear whether the position of those who do have section 10(1)(a) and (b) rights will **in fact** be improved once the new dispensation is implemented. Will it be possible for all those Africans that are being dammed up in the 'rural cities and towns' to move to the metropolitan areas? Now let us assume that a good percentage of these people will be able to find work in the metropolitan areas, either because they are better qualified (as some of them are bound to be) or because they are willing to work at a lower wage than those presently in the metropolitan industrial centres. The only remaining stumbling block in the way of the worker with section 10(1)(a) or (b) qualification who wants to move to another prescribed area, will then be the availability



of approved housing. If my reading of the present situation is correct, this obstacle will be virtually insurmountable to the 'insider' who would want to take his family with him.

According to figures provided by the then Department of Plural Relations,<sup>5</sup> there was a shortage of 141 000 family housing units at the end of December, 1977. The Department expected that during the following 5 years an average of 16 770 houses a year would be built, which would mean that the official shortage of housing, given an estimated growth in demand of 15 000 a year, would drop to 132 011 by December 1982. Even if one accepts the official estimates, which many consider to vastly underestimate the demand, the shortage of family units in most Administration Board areas will thus be such, that in most cases there simply will not be any houses available to the 'insider' who wants to move to another area.

But what about privately built houses? In this connection, the Riekert Commission made two important recommendations, viz., that '(o)wnership should be granted to employers who wish to provide accommodation for their employees in Black residential areas....' and '(e)ven with the necessary services should be allotted to Blacks in the Black residential areas on a leasehold basis so that they themselves can build their own houses on them according to prescribed standards, even if only piecemeal....'<sup>6</sup>

The government responded in its White Paper to the first recommendation by pointing out that 'such employers are already protected by right of occupation by agreement'. and it claimed that the second of the quoted recommendations is 'in line with existing practice'.<sup>7</sup> In effect, this means that the government refused to implement two of the key recommendations which could have increased the geographical mobility of the 'insiders'.

Surely the witnesses who asked for full ownership<sup>8</sup> made this request in the conviction that the present system did not provide the employers with sufficient security to become engaged in the provision of housing for their employees as otherwise would have been the case, and the Commission would not have made its recommendation if it did not accept this argument. But, more importantly, the government did not seem to notice the fact that the Commission, in addition to recommending leasehold on erven, a system which indeed has been accepted, also recommended that the homeowner should be permitted to build the house himself, '**even if only piecemeal**'. The Commission thus, in fact, recommended what many of the witnesses had asked for<sup>9</sup> : a controlled site and service scheme, a procedure which

is definitely not 'in line with existing practice'. Given the low incomes of the urban African households, they will be able to help themselves only if such a scheme is accepted. The 'insiders' are thus not likely to benefit to any significant extent from the recommended preferential treatment with regard to influx control. Indeed, even if these two key recommendations of the Riekert Commission had been accepted, significant geographical mobility would, in any case, be possible only if something were to be done about 'one of the major problems that was thwarting the provision of more housing.' - the shortage of land.<sup>10</sup> The Commission only mentioned this problem in passing, pointing out, for example, that Soweto 'has far too little land available to provide housing in accordance with present patterns even for all the families that are now on the waiting list'.<sup>11</sup> There is no indication as yet that the government intends to do anything about this situation, and the benefits that some believe were to be bestowed on the 'insiders' with respect to their regional mobility, are thus highly unlikely to materialise in practice.

In my opinion the recommendation of the Commission with respect to section 10 which could have had the greatest impact on the daily lives of Africans, was the suggestion that the 72 hours prohibition should be scrapped.<sup>12</sup> As some of the witnesses pointed out, the concession of 72 hours is of little value to the Africans not legally resident in a prescribed area, 'since it in no way indemnified him against summary arrest'... and since 'the onus to prove that he was lawfully in the prescribed area concerned, rested on the accused'.<sup>13</sup> In addition, the legal resident who does not have his identification book on him, may spend a day or a weekend in custody. In the White Paper, the government took note of the evidence of 'large-scale arrests and short term imprisonment' which 'creates considerable human relations problems', but it argued that '(a)chieving the same or a higher degree of effective influx control without the 72-hour provision may.... require exceptionally strict control at the place of employment and the place of residence... This would therefore not be without its drawbacks either'. Hence the government decided that it 'would rather retain this third element of the influx control mechanism for the time being'.<sup>14</sup>

From our preceding discussion it is clear that the Commission did not suggest any radical changes at all in the basic mechanism of influx control. Some measures were considered to be outside its scope of reference. But even those few important changes that the Commission did consider within its powers to recommend, were in effect rejected, with the exception, of course, of the recommendation that the fines on the employers should be



radically increased.

### **Influx Control through Indirect Measures**

In an attempt to discourage the flow of Africans to the urban areas and to reverse the flow to the rural areas, a wide variety of actions were taken by which the government hoped to indirectly influence the patterns of migration. Some of these were aimed at making life in the urban area uncomfortable for the 'insiders'. Others were aimed at attracting Africans to the 'homelands'. One of the most notable features of the Riekert Commission's Report is the constancy with which it has recommended that the negative measures should be scrapped.

The traditional attitude towards the urban Africans was expressed as recently as 1972 by the then Minister of Bantu Administration and Development, Mr. M.C. Botha, when he stated that 'The Bantu in the White area, whether they were born here or whether they were allowed to come here under our control laws, are here for the labour they are being allowed to perform'.<sup>15</sup> This attitude found expression in practices which were not noted for their concern for the human beings involved. The Commission, for example, received evidence to the effect that an African 'insider' who marries a woman who does not have section 10 qualifications, often finds it virtually impossible to obtain permission for her to join him. She will only be permitted to do so if suitable housing is found, but the couple cannot be entered on a housing waiting list before she has been legally admitted.<sup>16</sup> If ever there was a Catch 22 in real life, this is it.

The fact that there are virtually no old-age homes for Africans in the urban areas<sup>17</sup>, the rule that the widow could not have the house, which her husband had rented, registered in her name, the tremendous restrictions on the urban shopkeeper and many other practices which made life uncomfortable for the urban African, could also be explained in terms of the attitude that Africans are present in the 'white' areas as labour units. The Riekert Commission consistently recommended that these rather harsh measures should be repealed, even in cases where they had very little to do with the utilisation of manpower as such. The government invariably accepted these recommendations and has, in fact, rapidly implemented most of them. The policy of attempting to reverse the flow to the urban areas through the indirect measure of making life there as unattractive as possible for the 'insiders' has thus clearly been dropped.



In the Commission's Report some of the measures which were adopted to attract more Africans to the 'homelands' were also discussed. Section 3 of the Environment Planning Act (See Ensor and Cooper p13) came under severe criticism. The Commission was so disturbed by the evidence that the quota system 'hampered the training and employment of urban Black juveniles and that it was these very unemployed juveniles who were responsible for the recent disturbances'<sup>18</sup> that 'it recommended in an interim report that a special concession be made to industrialists to employ these juveniles over and above their legal quotas'.<sup>19</sup> The government immediately implemented this recommendation. In its White Paper, it accepted the evidence that section 3 had considerable negative effects, but it also concluded that it had positive effects and that 'the decentralisation of economic activities and therefore also of the population...must be backed up by control measures in some form'. Hence the government declared that only when measures had been proposed which will 'serve the same purpose without having the disadvantages and the negative effect' of section 3, would it see to it that this section is repealed and replaced.<sup>20</sup> Since the seemingly impossible task to devise such measures, has not as yet been accomplished, section 3 and its proclamations (qualified by the concession with respect to African youths) is still in force.

The facts and figures provided by the Commission on African housing gives one a very clear picture of the government's attempts to encourage African settlement in the 'homelands'. During the five years up to 1977, an average of less than 7 000 houses a year were built in the prescribed areas, whereas double that number would have been needed to provide for the natural increase in the population. On average R6,7 million per annum was provided by the government, at economic interest rates, for these houses.<sup>21</sup> During a comparable period the investment in African housing in the 'homelands' amounted to an average of R41 million a year.<sup>22</sup> Furthermore, in the 'homelands' money was provided at sub-economic interest rates, so that the rents were only thirty to sixty per cent of that the white urban residents had to pay for comparable housing. What is more, in **these areas** the monthly instalment for buying houses was 15c less than the rental!

The Commission's recommendation that the position of the 'insiders' should be improved by placing the subsidisation of African housing on the same basis as that for the other population groups<sup>23</sup> was accepted, but it must be noted that the Commission did not consider making a recommendation that a massive attempt must be made to catch up on the shortage of urban housing, or, as we have already noted, that something must be

done about the shortage of land for African housing. Although these are factors which will have a cardinal influence on the geographical mobility of labour, the Commission seems to have believed that they fell outside its terms of reference.

The government's declared intention to proceed with its decentralisation policies and the disinclination of the Commission to recommend that the problem of the housing of the urban Africans should be squarely faced, will have to be kept in mind when we consider the liberal argument that economic realities have forced a change in the government's political philosophy.

### **An Evaluation of the Recommendations**

The penchant of social scientists and politicians alike to force reality into the conceptual boxes of the theoretical frameworks in which they have faith, has again been illustrated forcefully by the various evaluations which have been made of the Riekert Report. Without bothering to evaluate the evidence thoroughly, the 'experts' have provided us with the answer in which they *a priori* had faith.

The liberals, who have for many years been predicting that the demands of the modern economy would force the South African government to drop its racist dogmas, have eagerly greeted the Wiehahn and Riekert Reports as proof that the political system is at least being forced to come to terms with economic realities. Rightwing Nationalists and HNP supporters have been quick to agree with this conclusion and to express their abhorrence in suitable terms. The radicals have, on the other hand, consistently denied that the political system is economically dysfunctional and they have argued that the 'superficial' changes the Commissions recommended were based on political considerations, and not on a sudden discovery that economic laws have for all these years been flouted. In fact, none of these perceptions of South African reality are complete, although each of them can enhance our understanding of South African reality.

The liberals are correct when they object to influx control as economically dysfunctional. The radical argument that migrants from the 'homelands' are supra-exploitable because they can live on a lower minimum wage, (24) only holds water for those Africans who do indeed have an additional income from subsistence agriculture. But in present day South Africa, influx control simply has the result that people have to squat in the 'homeland'



areas, e.g., in Winterveld, further away from their work, (with all the concomitant additional transport costs), but without any additional income. Furthermore, the more successfully influx control is implemented, the higher the wages in the urban areas, and thus the higher the costs for industry of the labour of the urban Africans to whom the labour bureaux, in the wake of the Riekert Commission's recommendations, will give preference. As the Commission itself admitted, influx control is a costly device for South African industries. It is only in the relatively unimportant farming sector which presently benefits economically from this system.

The radicals are correct, though, when they see the changes as politically motivated rather than caused by the economic dysfunctionality of the system. It was not the shortage of skilled manpower of the late sixties which led to the appointment of these Commissions, but the riots of 1976 and the concomitant increases in international pressures. Whereas many of the other changes recommended by the Commission could also be seen as economically motivated, and in fact did also have some economic base, the positions adopted by Riekert with regard to influx control is most revealing. As we have seen most of the real changes recommended in this respect in fact, have very little to do with considerations relating to the better utilisation of manpower. These changes were of a socio-political nature, and were made for political reasons.

By this it is not meant that the HNP politicians and the liberals are correct when they claim that the government has undergone a change in its basic political philosophy. One has to distinguish between 'petty apartheid' measures, i.e., those discriminatory measures which affront the African in his human dignity, but in no way serve to promote the establishment of separate 'black states', and those measures, like influx control, which are functional for the creation of these separate institutions (even if they are also affronting). Many Nationalists have, for a long time, had qualms about the 'petty apartheid' measures and it was thus not that difficult for a government, that has just experienced the fact that these measures can drive the African population to revolt as well as isolate South Africa internationally, to accept that they should be scrapped. This is the essence of the Wiehahn and Riekert Commissions. Nevertheless, the cornerstones of the separate development philosophy such as the Group Areas Act and influx control have not only been left untouched, but they have, in fact, even been strengthened, as is witnessed, for example, by the greater penalties placed on the employment of 'illegal' Africans.

Some of the more perceptive critics of the Riekert Commission recognised



that the changes were aimed at meeting the frustrations of urban Africans without fundamentally changing the system, and they concluded that we were in fact witnessing an attempt to co-opt this section of the African population. Now I think they have been jumping the gun. These measures will not improve the situation of the urban African as much as one would be inclined to believe at first sight. The tremendous shortage of housing, for example, will result in influx control also remaining a hard fact of life for most of the 'insiders'. One must place in doubt the Nationalist establishment's ability to make all the changes needed if they are to stand any chance of co-opting urban Africans. The question is whether the urban African can be co-opted at this stage. At present there is, however, no such blueprint. It is simply a question of urban Africans having revolted against the system and having focussed international attention on some blatant inequities, which are now being removed wherever they are not essential for the 'grand apartheid' philosophy.

#### Footnotes

1. In many other countries the objection to urban unemployment and squatter settlements is probably also politically motivated (for example, the ruling classes may fear that the squatter situation may give rise to urban riots) but nowhere else does it so explicitly support a political blueprint.
2. Riekert Report (RR) para 4.181.
3. *ibid.*, para 4.204(m)
4. *ibid.*, para 4.182.
5. *ibid.*, Table 3.49
6. *ibid.*, para 5.136 (a) and (c)
7. **Government White Paper** on the Riekert Report p 16.
8. See RR para 5.119
9. *ibid.*, para 5.128
10. *ibid.*
11. *ibid.*
12. *ibid.*, para 4.205(b)
13. *ibid.*, para 4.167
14. **Government White Paper** on the Riekert Report p 9.
15. RR para 3.70
16. *ibid.*, para 4.188(j)
17. *ibid.*, para 5.129
18. *ibid.*, para 5.67
19. *ibid.*, para 5.68
20. **Government White Paper** on the Riekert Report p 15
21. RR Table 3.48
22. Table 3.52
23. *ibid.*, para 5.136(e)
24. See, for example, F.A. Johnstone **Class, Race and Gold** Routledge & Keegan Paul, London

## **Comments on the Question of Registration - Western Province General Workers' Union**

On the 22nd of October, the Western Province General Workers' Union released a memorandum on the question of registration. It has generated a wide-ranging response - both directly and also indirectly, that is, in terms of the decisions and actions of trade unions which have tended implicitly either to support or reject the line adopted, or extend a qualified support to the position taken. This response has necessitated that the W.P.G.W.U. re-examine their position - that we explain certain of our points more adequately and that we rectify certain of the arguments. We have thus appended certain additional remarks to the comments contained in the memorandum. We have also appended a resolution adopted unanimously by the Controlling Committee of the W.P.G.W.U. We believe that the resolution is completely consistent with the minimum demands raised in the memorandum.

Needless to say we, the W.P.G.W.U. would welcome any additional comment and criticism from readers of the Labour Bulletin, and in particular, from other trade unions.

### **I**

The Wiehahn Commission and the subsequent legislation has exposed certain important differences within the unregistered trade union movement in South Africa. The differences by now concern the question of registration.

Certain of these differences were apparent before the publication of the Wiehahn report and the new legislation. Hence it is not surprising that the TUCSA parallel unions should be following the line of least resistance and should therefore be happily seeking registration. We will comment below on the decision of these unions to seek registration insofar as this decision affects the organising activities of those unions that elect to remain unregistered. However, we will concern ourselves with the independent unregistered trade union movement - viz., those unions grouped in FOSATU and the Consultative Committee, and a number of other independent unions who are not affiliated to either of these major groupings, principally the African

## Food and Canning Workers Union and the Western Province General Workers Union.

Registration is, and always has been, a key question in the trade union movement. Whatever one's feelings about the entire concept of special registration for trade unions, it is difficult to deny that the fact that white and coloured workers have been permitted to form and join **registered** unions, and that African workers have not possessed this 'right' has constituted a major aspect of racial discrimination and is a factor of fundamental importance in understanding the oppression of African workers. But is the opposite equally true? Is it true that the extension of any registered status is a positive advance? Is it not true that the strength of the unregistered trade union movement has largely accounted for the decision to extend registration to trade unions of African workers? Surely it is correct to say that what is at issue is not 'registration or no registration', but rather 'registration on what terms'. And surely we are in a position to demand terms which can constitute the basis for the development of a united, democratic trade union movement. That the state and the bosses will attempt to undermine such a development will not be surprising. But at least, we must not accept terms which guarantee the development of a weak, divided and bureaucratically controlled union movement. It is with this concern in mind that we have decided to outline our position on the new dispensation for the consideration of the other independent unions.

## II

It seems that the report of the Wiehahn Commission and the subsequent legislation can, for our purposes, be divided into, three major categories. Firstly, those recommendations that seek to divide the unions by determining the eligibility of particular groups of workers for union membership. Secondly, those recommendations and provisions that are concerned with the control and supervision of those unions that seek registration under the terms offered. And, thirdly, we must examine the situation potentially facing those unions which decide not to register.

### [a] **Division of the Unions**

On the face of it, the Wiehahn Commission Report itself adheres to the principle of freedom of association. Particularly, the Commission recommended that the racial make-up of the unions be left to each individual union. This is by now history and we all know that initially the state refused to ac-



cept either of these recommendations. Particularly, the state refused to permit the registration of multi-racial unions, and it initially refused to permit contract workers to join registered unions. In the face of widespread opposition from the majority of the trade union movement, the state has backed down on the latter restriction and, by proclamation published at the end of September, contract workers have been included in the definition of 'employee' in the Industrial Conciliation Act. They are hence eligible for membership of registered unions. To date the ban on 'mixed' unions remains effective, but there is probably good reason to believe that this too might be amended in the near future.

We must, however, examine the recommendations of the Wiehahn Commission (and the response by the state), with respect to contract workers, in more detail. It is clearly of utmost importance. Prior to the concession announced a few short weeks ago, it is probably true to say that none of the unregistered unions intended seeking registration. However, the ministerial proclamation has changed things considerably - the Tucsa parallels have got what they want and are gleefully seeking registration and simultaneously claiming victory for their policy of 'moderation'; the independent trade union movement is clearly divided, with some unions and groupings reportedly inclining towards registration, despite some strongly held reservations and misgivings; others, clearly inclining towards non-registration, but who fear strongly for the future of the unregistered union movement should the state's overtures once again be rejected and are therefore ambivalent about their ability to withstand the pressures to register; and a small handful of unions who reaffirmed their decision not to seek registration.

It is crucial to recognise that what the state has done by its recent concession is to implement in all major aspects the report of the Wiehahn Commission. It is important to recognise that the trade union movement had been unable to respond coherently to this concession. The reason for this is that we **initially almost without exception concentrated our attacks on the state's deviation from the Wiehahn Commission and by implication called for the implementation of the Commission.** We protested that the state had refused to implement what one trade union leader described as the 'major positive aspect' of the Wiehahn Commission. What has now happened is that the state has answered our protests and backtracked on its refusal to implement this 'major positive' recommendation by belatedly including contract workers within the scope of the definition of 'employees'. And the unions have been predictably caught unawares. We concentrated all our attacks on this single aspect of the new dispensation and in the face of the

state's apparent generosity and rectification of its previous position, we are faced with registration under a system which is, by implication or omission, acceptable to us. It is our argument that it is still not too late to state clearly our objections to Wiehahn Report itself and to the whole registration package. And, of course, the most effective statement of our opposition would be to refuse, **en bloc**, to register. But in order to do so we will have to examine Wiehahn again and we will have to rectify previously held positions.

Firstly it is clear that, despite many statements to the contrary, the Wiehahn Commission does not adhere to its oft stated principle of 'freedom of association' - and this is particularly true of the vexed question of contract workers' membership of, and participation in the unions. In its original press statement, the Western Province General Workers' Union stated that 'It is the clear intent of the major recommendations of the Wiehahn Commission to draw a distinction between contract workers and 'permanents'. In fact, the report specifically provides an incentive to those unions seeking registration to ignore contract workers in their organisational efforts by making it clear that registration will be more easily acquired if contract workers are constitutionally excluded from the union.' We still adhere strongly to this interpretation of the Commission's report. In fact there can be no other interpretation of Para. 3.58.3 which states:

**'The unions would not have much incentive to enlist migrants either on the contrary . It must be remembered that it would be the objective of unions to obtain registration as soon as possible, and that this could only be achieved once they had enlisted as members the required proportion of eligible workers. A union which sets itself the herculean task of perpetually having to enlist transient workers would do so in the knowledge that it could achieve a sufficiently representative character only with immense difficulty, and never be free of the risk of losing its representativeness. Constitutional limitations are therefore likely to be imposed by unions themselves as a matter of pure self interest'. (Our emphasis)**

Even if one disagrees with this interpretation, what is clear is that the criteria for registration have not yet been specified and there is no indication that they will ever be clearly specified. Registration will be left entirely in the hands of the registrar and the Industrial Court (of which Professor Wiehahn is president). And in the light of the failure to specify the criteria for registration, we can only assume that the criteria suggested by Wiehahn will be adopted. In the above quoted paragraph, the criterion of a 'suffi-



ciently representative character' is used. And it is used in the context of a discussion of the organisation of contract workers. In other words, Wiehahn is saying that unions which wish to register will have to be sufficiently representative and in order to achieve sufficient representativity it will be in the 'pure self interest' of the unions to constitutionally exclude contract workers. Therefore, the import of the minister's concession might very well amount to an instruction to the unions to **police** their own activities with respect to the organisation of contract workers. The state, like Wiehahn, will not directly prevent contract workers from joining registered unions, but if the unions know what is good for them, then they will exclude contract workers themselves. Moreover, Wiehahn makes clear its hostility to contract workers' possible 'domination' over the unions and goes so far as to suggest means whereby this domination could be constitutionally blocked. (See para. 3.58.1). Given the apparent ability of the registrar and the Industrial Court to reject or approve a union's constitution, what guarantee is there that contract workers will not be forced into a permanently subordinate position in those unions sufficiently daring (or naive) to permit them to join the union. It would thus appear that the difference between the minister's original position and that of Wiehahn Commission is more apparent than real. It may indeed be the case that the minister's initial coyness was a ploy in order to draw the teeth of both the right wing trade unions and the progressive unions. The right wing unions led by the Mine Workers' Union have had their say and their voice has probably been stilled effectively; the progressive unions - together with some dubious TUCSA bedfellows - responded in uncharacteristic unison. But instead of rejecting the entire Wiehahn package, we concentrated our attack on the minister's deviation. The minister clearly believes, firstly that our unity has been exhausted and that we will not be able to sustain our additional, very serious objections to the rest of the Wiehahn package - unfortunately, as we will show later, the state has ample ground for this belief. Secondly, the minister knows that the concession that he has provided is one that can be used most effectively by the state and not by the unions. He knows that his acceptance of the Wiehahn Commission's proposals with respect to contract workers does not, as we have shown above, leave the unions with much room to manouvre. Moreover, he has seen that our unity exists only on the surface and while he might have believed his ability to woo the TUCSA unions by cosmetic concessions, he must be delighted at his apparent ability to sow confusion and dissension in the ranks of the progressive unions by this apparent concession. Is it not now time to show the minister that our unity is not only skin deep and that we will not be won over by cosmetic changes?

It is necessary to add that Wiehahn's violation of the principle of freedom



of association does not only affect the question of contract workers and it is not always so subtly expressed. His antagonism to general, as opposed to industrial unions, is very obvious and as such does certainly not accord with the freedom of our members to associate in the union of their choice. The minister's violation of the principle of freedom of association is obvious. And we refer here of course to his failure to permit the registration of racially mixed unions. Almost 25 years ago the unions objected violently to the racial division of the unions. Many of the unions ultimately felt obliged to accept the divisions in order to attain registered status. That decision may, or may not, have been correct 25 years ago - it can certainly not be correct today. In these heady days of so-called 'movement away from apartheid' it would ill befit a workers' organisation to accept clear racial segregation of this sort to obtain official approval.

#### **[b] Registration and Control**

As progressive trade unionists we all stand on two non-negotiable principles, viz., the right of workers to join unions of their choice, and control by workers over every aspect of their unions activities. We have already outlined the manner - sometimes subtle, sometimes crude - in which the fundamental right of workers to join unions of their own choice is subverted by the system of registration proposed by the state. The manner in which the state is attempting to deal with the sacred principle of workers control admits no subtlety. It would be no exaggeration to claim that they intend riding roughshod over the control that the workers at present exercise over the independent unregistered unions. It is true to say that the unions have objected to this aspect of both the Wiehahn Commission and the new legislation. However, it is equally true to say that the objections raised have been of a weak and secondary nature. **Our objections against the violation of workers control of the unions have taken second place to the storm raised surrounding the prohibition of contract worker membership of the unions.** In other words, whereas we have stated emphatically that we will not register if contract workers may not join our unions, **we have not stated that we will not register if the state insists upon removing control of the unions from the hands of the workers.** And yet the one is no less serious than the other; we hold the principle of worker control no less sacred than we do the principle of freedom of association. We are not revealing anything unknown if we claim that the aims of the Wiehahn Commission and that of the state as a whole is **control of the unions.** This objective is enshrined in the report of the Wiehahn Commission and has been repeated on a number of occasions by the minister himself. But knowing the state's objectives, does not mean

accepting them. And the only way of really refusing to accept the state's objectives is to refuse to accept registration under the conditions offered by the state.

It is probably not necessary to lay bare the entire web of control and supervision envisaged by the Commission and already enshrined in the legislation. Let us just list some of the more blatant of the provisions.

The precise functioning of the Industrial Court is still a matter for speculation. The problem is, however, that it is always likely to remain a matter for speculation. What is absolutely clear is that the Court is going to possess enormous **law-making** power. One need only refer to the introduction of the notion of an 'unfair labour practice' to realise precisely how extensive the powers of the Court will in fact be. The Act defines an 'unfair labour practice' as 'any labour practice which in the opinion of the industrial court is an unfair labour practice'.

Secondly, as we have already noted, the criteria for registration are not specified - it is likely that they will remain unspecified, with both the initial application for registration and maintenance of registered status, being in the hands of the whim of a registrar who in many cases is not required to motivate his or her decision. The new clause on provisional registration in the Act states baldly that '...the registrar may at any time (and without giving reasons therefore) withdraw the registration of a trade union or employees organisation contemplated in this section if he is of opinion that such union or organisation has not complied with any of the conditions imposed in terms of subsection (1)...'. It is necessary to add that the registrar is in no ways constrained in the application of the conditions he imposes on those unions granted provisional registration. And thus of course, as stated above, **the criteria in terms of which provisional registration is granted, remain locked in the minds of the registrar...or the Industrial Court.** It is also not clear that provisional registration does of necessity provide the (provisionally registered) union with any rights whatsoever. Clearly the 'conditions' applied will impose obligations.....but will they grant organisational rights? That is for the registrar to decide.

And then, of course, there are a variety of other controls suggested by the Wiehahn Commission - financial controls, possible vetoing of election and appointment of office bearers and officials, etc.

Is it not necessary to recognise that the **unusual strength** of the unregis-

tered unions (unusual, that is, in the context of South African unionism) rests precisely in the democratic functioning of the unions; it rests precisely on the fact that our unions are **controlled by the workers**. If we hand over to the state the right to control our unions then surely we are behaving in a manner which is not only unprincipled, but is ultimately self-defeating, for we shall be removing the very basis of our strength - the fullest participation of the workers in the control of their unions.

Let us be clear - we do not expect that any concession granted by the state will be free of conditions and restrictions. And we acknowledge that it is our task to maximise the gains and minimise the effects of additional controls. But do the **potential** gains of registration under the terms offered outweigh the potential losses? It is on this basis that our decision ultimately rests.

### [c] **Registration or non-registration? Carrots and Sticks**

#### **The Carrot**

Clearly, the big carrot that is being dangled in front of the eyes of the un-registered unions is participation in the Industrial Council machinery. But already we know that membership of the Industrial Councils will not follow automatically from registration. The existing members of the Industrial Council have been given the right to veto the entry of any new member. In other words, the employers and the existing registered unions (many of whom are extremely antagonistic to the minimal concessions now granted by the state) will be responsible for deciding on our participation in 'their' Industrial Councils. We will rely on the goodwill of the organisations consistently opposed to our present functioning in order to gain admission to the Industrial Councils. Hence, in order to sit on the Industrial Council we will have to register (as we will show below, registration on the terms offered implies relinquishing workers control of the unions). Over and above pleasing the registrar in the Industrial Court, we will have to win the approval of the extreme right wing registered unions who are current members of many of the Industrial Councils. What will we have to give in return for a seat on the Industrial Council? No less than our strength. We will, in a word, have to start behaving like 'responsible' unions or, in the words of the Wiehahn Commission, '**bona fide**' unions. The view of the progressive unions is surely that a '**bona fide**' union is one that is controlled, **in every aspect**, by the members, by the workers. As we will show below, this is certainly at odds with Wiehahn's view of a '**bona fide**' union. It is therefore necessary



to ask **What point is there in sitting on an Industrial Council, if, in order to do so we are compelled to emasculate ourselves? Will we be able to make any gains on the Industrial Council if our structures and policy are altered so as to conform to the standards applied by the Industrial Councils?** We can all point to a large number of Industrial Councils which have brought minimal gains to the workers precisely because all the trade unions ever do is sit on Industrial Councils. It is our fear that we too will precisely have to give up our other activities in order to achieve the sort of 'respectability' which the Industrial Council will demand.

The other carrots that are being offered to us are the 'right' to stop orders, the 'right' to enter into legally binding agreements with the clear rider that, if we do not register, we will not possess these rights. We are also being offered the right to run a training program; however, given the controls the state envisages over the registration of training programs, it is unlikely that we shall be able to decide on the content of such training programs. And finally, we are possibly being offered the right to continued existence. Having said that, let us examine the potential consequences of a refusal to register.

### **The Stick**

There are a number of possible consequences arising from a continuing refusal on the part of the independent unions to register.

Firstly, there is already in the legislation a prohibition on unregistered unions negotiating stop order facilities with management. Moreover, the Wiehahn Commission has suggested that legally binding agreements between unregistered unions be prohibited. There is a clear attempt by the state to bleed the unregistered unions by removing from the sphere of our activities what is conveniently believed to be the flesh and bones of trade union work. But is this true? Is it correct to say that we cannot continue our trade union work in the face of these prohibitions? It is necessary to note that there are extraordinarily few effective agreements in force between management and the independent unions. We certainly do not underestimate the significance of these advances. But do they constitute the **sine qua non** of trade union activity? Is it not true to say that we are all operating in a stable fashion, with **de facto** acceptance by management, in a great many factories in which we have not entered into legally binding agreements. Is it not also true to say that in those factories where we are operating effectively **and** in those few factories in which there are legally binding agree-

ments, our successful operations are absolutely dependent upon vigilant organisation and the maintenance at all times of considerable factory floor support. The point that we wish to make is simple: **no amount of legislation is ultimately capable of determining the relationship between the workers and the bosses.** As progressive trade unions, we know that **the relationship between the workers and the bosses is dependent ultimately upon the organised strength of the workers in each factory.** But we do not deny that the prohibition on legally binding agreements and stop order facilities will hamper us in our work. However, what are we asked to do in order to be allowed to have the right to enter into such agreements? We are being asked to register. And as we pointed out: **by registration we will be precisely compelled to give up that factor which has accounted for our success to date, namely our organised strength in each factory.** As for the question of stop order facilities: is it not enough to say that no organisation was built up by a stop order. And, if we are having problems in gathering our subscriptions, is that not because over the years we have become lulled into complacency by easy access to overseas money? If, on the other hand, we are unable to collect subscriptions because of the apathy and lack of commitment of our members, then we cannot ask the state to raise subscriptions for us: we cannot sell our organisational principles for a union subscription.

Secondly, there can be no doubt that if we refuse to register others will be prepared to register on our ground and we will enter into competition with these newly registered unions. We do not underestimate the importance of this factor. One has only to look at one of the major industries in the Western Cape to see the functioning of a registered union which despite all the legal advantages of an Industrial Council, closed shop and stop order facilities, does quite clearly not enjoy the support of the workers. And yet it is extremely difficult to challenge the domination of this union from the outside. We do not underestimate the importance of this example. Yet we should also not be overly troubled by this and other examples. Firstly, these unions have a long history and many of them were, arguably, established in a period when there was not a strong progressive force to challenge them. Moreover, recent political developments in South Africa make it far less likely that the workers will, in these times, support unquestioningly the domination of a bosses union. Secondly, one has only to look at the experience of the Textile Workers in Natal, and Smith and Nephew in particular, to realise that registered unions do not necessarily constitute an insurmountable obstacle to a well organised, albeit unregistered, union which enjoys the support of the workers. Thirdly, and most importantly, we cannot argue on the one hand that the terms of registration are unfavourable to the workers and



that therefore we reject them; and yet argue, on the other hand, that the workers will turn to these unions in force. It is tantamount to arguing that the workers are incapable themselves of seeing through the deceptions of the state, that the workers have no idea what is good for them. Undoubtedly some workers will voluntarily join the puppet unions; undoubtedly the bosses will not hesitate to force many workers to join these unions. It is even possible that, in time, the nominal membership of these unions may exceed that of the independent unions. But to admit that is a far cry from arguing that their real organisational strength will ever exceed that of ours.

Finally, the most severe consequence possibly arising out of a failure to accept the state's registration package is the outlawing of unregistered unions. The Wiehahn Commission certainly suggested that in its schema there was no place for unregistered unions. The Minister's initial response indicated that unregistered unions would not be outlawed but that they would be bled to death and challenged by the construction of an alternative trade union establishment enjoying all the advantages of official patronage. We have already expressed doubt about the ultimate effectiveness of 'bleeding' the unions. We do not believe that puppet unions will ever be an effective challenge even if a simultaneous attempt is made to prohibit stop order facilities and legally binding agreements.

Then, surely, the next alternative is outright prohibition, and recently there has been considerable talk of the possibility of 'compulsory registration'. **Why was 'compulsory registration' not introduced from the beginning? Precisely because the trade union movement in a united response refused to be party to the blatant attempt to destroy the unions.** Is it not true that the state has seen, because of the shallowness of our initial response, that in fact our opposition to Wiehahn was highly superficial? **And hence, by introducing what we all understand to be only superficial changes, the unregistered trade union movement has been thrown into disarray and confusion. A perfect time to introduce 'compulsory registration'.**

Let us therefore finally examine the responses of the unions to 'compulsory registration'.

### **The Union Responses**

Soon after the Wiehahn Commission Report was tabled, the Controlling Committee of the WPGWU foresaw the possibility of the introduction of compulsory registration, and, indeed, went as far as



formulating a response to this eventuality. In a resolution adopted by the Controlling Committee, after extensive discussion with the rank and file, it was decided that the Union would not seek registration. In fact, the resolution specifically states that **if the state attempts to force us to register under the conditions proposed by Wiehahn we would then disband the union ourselves.** In other words, we indicated our utter opposition to Wiehahn by stating that if the state attempted to force us to operate under the unacceptable conditions imposed by Wiehahn we would take the extremely serious and irrevocable step of closing down the Union. This undoubtedly expresses our rejection of and anger with the Wiehahn proposals. **But is it not a perfect invitation to the state? We are in effect asking the state to introduce compulsory registration because we are saying that if this is done then we will close ourselves down.** The error of this line was pointed out to the Union and we would certainly not expect other unions to adopt this utterly mistaken position.

But has the response of the other unions been markedly different? We would argue that it has not been. It seems that the majority response of the other unions has been as extreme as that of the WP General Workers Union - it has merely been the other extreme. It is clear that the majority of the independent unions are saying: **'We do not approve of seeking registration but if you force us to, then we will register'**. This line is obvious from the press statements of a great many union leaders.

So part of the union movement is promising to eliminate itself by disbanding the union; another part of the union movement is promising to eliminate itself by registering under the absolutely unacceptable conditions favoured by the state. Surely both responses are incorrect? Surely the only correct response is for all of us to say: **We do not approve of the registration conditions proposed by the state and, until such time as the state agrees to accept our principles of freedom of association and workers control of the unions, we will continue to operate as unregistered unions.**

The state must know that if it attempts to introduce compulsory registration, it will do so in the face of united opposition from the only trade unions that enjoy the support of the black workers and from the international trade union movement. The new dispensation must be exposed for what it is: another attempt to capture the black people of South Africa in still-born, puppet organisations which offer absolutely no hope for advancement. We, the unions, have ourselves stated that these organisations offer no hope for advancement; we cannot now give these organisations credibility mere-

ly because the state instructs us to do so.

What will be the state's response? We must bear in mind that firstly we are immediately placed in a relatively advantageous position. Up until now the state has always made the first moves, and we have responded. We must now express our principles and, hence, our minimum conditions for registration, and it will be up to the state to make its response. Secondly, we will continue to enjoy the wholehearted support of the international community. We must bear in mind that the very notion of registration, the very notion of special laws and restrictions on the Trade Union Movement, is utterly foreign and unacceptable to the international trade union movement. They would fully understand our reasons for rejecting the dispensation and would continue to give us their full support.

**We must bear in mind that the new dispensation cannot succeed without our active co-operation.** If we refuse to co-operate, the state will be faced with two alternatives; either the state must outlaw and ban the existing unions, or it must go ahead with its plans and register those organisations that are prepared to accept the restrictive conditions. If it outlaws us then it will be outlawing **all** the trade unions which enjoy the support of the advanced and organised workers of the country and the support of our fellow workers all over the world. By so doing, the new dispensation would be revealed for what it is; another attempt to foist an utterly unacceptable system onto the black people of this country; another form of Urban Bantu Council for the black people. **We believe that the state is unlikely to take this radical step if, by so doing, its intentions are so clearly exposed.** If, on the other hand, the majority of the progressive trade union movement registers, the state will then, **with the implicit support of the unions opting for registration**, be able to outlaw those that refuse to seek registration.

Alternatively, the state will register the reactionary trade unions and attempt to challenge our dominance in the trade union movement by establishing a new national network of trade unions operating with the full support of the state. We do not deny that this will be a hard fight but we cannot shy away from the fight by accepting the state's conditions now.

The state's third possible alternative is to agree to **our** conditions and to permit registration on **our** terms. We do not believe that this will happen immediately. But surely this is what we are fighting for? If we accept the restrictive conditions now, we will not be able to fight for our principles at some later stage. We will be too weak, we will be too thoroughly controlled

by the state to muster the reserves necessary to fight for our principles. **In a word, accepting the state's present conditions means that we ultimately lose the support of the workers.** As progressive trade unionists, we cannot countenance this possibility.

### **Additional Comment**

As indicated above, we have received certain important responses to the memorandum. Moreover, on the 3 November, at a meeting held in Johannesburg and attended by the FOSATU affiliated unions, the Food & Canning Workers Union, the African Food & Canning Workers Union and the W.P.G.W.U. the question of registration was discussed. We will also comment briefly on certain of the discussions and on the outcome of the meeting insofar as it is pertinent to the remarks contained in our memorandum.

All the responses thus far - and indeed much of the discussion at the November 3 meeting - has indicated a number of related areas of disagreement with our memorandum. Firstly, it has been argued that we exaggerate the controls inherent in the registration package. Many of the unions in fact argue that whereas a degree of protection and respectability is achieved by registration, the most troublesome controls can be simultaneously avoided! Secondly, it is argued that we underestimate the threat from the parallel unions. Thirdly, and far less importantly, it is argued that if our arguments against registration are to be applied consistently, then we must call for the deregistration of the few progressive currently registered unions. Finally, there is considerable divergence over the tactical question - over how best to meet the threats contained in the new labour dispensation.

#### **[a] The Question of Control**

As stated above it has been argued that our memorandum has exaggerated the controls contained in the new labour dispensation. It is pointed out that currently the controls are - with the exception of the entire question of provisional registration - no more stringent than those which already apply to the currently registered unions. The highly exceptional examples of the progressive registered unions are then raised and it is argued that, provided we refuse provisional registration and accept only final registration, then we too could operate as effectively as the progressive registered unions. At one level the argument is persuasive - it is in any event objectively true that no additional controls have been imposed. To this we can only reply: Wiehahn is not yet finished. There are more reports to come and



there is more legislation to come, and already the first Wiehahn report has strongly recommended the imposition of additional controls. Moreover, the Minister has consistently, and blatantly, stressed that the entire objective of registering the black trade union movement is precisely in order to control it. Currently, the only additional controls are contained in provisional registration, but it is argued that we can possibly avoid provisional registration. Whilst we disagree with this assessment (and we disagree strongly with the tactics suggested by most of the other unions for avoiding provisional registration), we have to admit there is currently no legal requirement to apply for or accept provisional registration. However, if additional controls are introduced, this will not be the case. **They will be mandatory instructions to labour department bureaucrats and there will be no question of applying for exemption from these controls.** If a Labour Department official is legally bound to examine union finances in a particular way, then he will examine them in the legally prescribed manner; if he is told to survey union elections in a particular manner, then he will examine them in the manner prescribed by the law. If we do not object in the strongest possible terms now to the first clear evidence of additional controls, i.e., we do not insist upon the removal of provisional registration from the law, but prefer to tamper with it selectively by means of exemption, how will we deal with controls over which similar discretionary powers of application are not given?

It has been argued (correctly) that these additional controls will apply to **all** the unions, including those currently registered unions. But to conclude from this that we will then enjoy the support of the entire registered trade union movement in opposing additional controls is sheer wishful thinking. Bear in mind that the only section of the registered union movement that has indicated any ability to fight for its principles is the extreme right wing section. There is absolutely no reason to believe that the 'moderates' are willing to fight for the right of workers to control their own unions. In any event, either section would make highly dubious bedfellows; the right because the basic principles are so divergent that neither them nor we are likely to enter into an alliance with the other; the 'centre' because they are notoriously so unreliable, and, let's face it, utterly incapable of calling on anything more than watered-down trade union rhetoric to support their demands.

But there is more to this than the question of legally imposed controls. Because it has been argued that **if no additional controls are imposed then, on accepting registration, our organising practices and hence our real strength will remain unaffected.** We reject the argument because it fails to understand correctly the **political intentions** of the Wiehahn Report, particularly as they relate to the **Industrial Council system.** Secondly, it ac-

tually fails to understand precisely the real nature of the threat faced with respect to the parallel unions.

It appears to be generally agreed that the **real controls** in the entire industrial relations system are contained in participating in the Industrial Councils themselves. And - it is also generally agreed - that this is all the more so insofar as active participation in the Industrial Councils must inevitably result in a particular change in organising strategy. It forces us into a prescribed round of bargaining at the level of the total industry - i.e., at a level at which the bosses are 100% organised and yet at which the black unions are very weak. Even more importantly, the Industrial Council system presupposes that the state can establish a neutral body comprising boss and worker representatives who could be happily reconciled at all times. Our experience makes this view difficult to accept.

The fear of Industrial Council participation is apparently easily countered by those inclining towards registration. They argue that **there is no legal obligation to become involved in the Industrial Council machinery**. In other words, they argue, 'we can register to take advantage of the 'protection' and/or 'respectability' which this course provides' - i.e., 'protection' from state executive action, and 'respectability' in the eyes of management and hence the ability to conclude legally binding house agreements. The question of protection from state executive action has already been dealt with in our memorandum. The best protection against the state is a unified stand against registration under the present conditions. As for the 'respectability' we will supposedly gain by registering, will the bosses simultaneously allow us to refuse to become involved in the Industrial Council machinery, whilst continuing to permit us to negotiate individual house agreements in more favourable, better protected circumstances? Legally, there is in fact no obligation to become involved in the Industrial Council machinery; however, politically, it will be extremely difficult to avoid the Industrial Councils. Wiehahn's intentions are absolutely clear.

'In view of the overriding importance of the employer-employee relationship at the level of the enterprise, the Commission believes that the establishment of Works Committees and Works Councils should be actively encouraged. (3.119)....It is, however, equally important that in promoting maximum consultation and negotiation at the enterprise level any possibility of undermining the industrial council system should be effectively precluded in the legislation'.(3.120)



The message is absolutely clear: The place of the trade unions is at the level of the industry, in the Industrial Councils; worker/boss relationships at the level of the enterprise will be managed by the Works Councils. **Individual house agreements that 'undermine' the Industrial Council system will be no more tolerable after registration than they are at present.** At present, the response of the bosses is: 'You are not registered, we will not speak to you'. After registration the responses of the bosses will be: 'You are registered, we will see you at the Industrial Council. We will discuss factory problems with our Works Council'. We should add that this position is supported by our own experiences and reliable sources generally that management is making great play of the establishment of Works Councils as evidence of their support for the new labour dispensation. Because this is precisely the new labour dispensation; **Works Councils for the workers. Industrial Councils for the unions. But in the end both for the bosses.**

Those unions which refuse a seat on the Industrial Council will be relegated to a grey area with no room for manoeuvre between the Industrial Councils and the Works Councils. They will find themselves in this unenviable situation because they will have effectively not accepted the whole registration package. The registration package is firstly **political** and only secondly **legal**. And the political imperatives, the clear intentions of Wiehahn, require that the entire registration package be accepted. The crucial part of the registration package is precisely participation in the Industrial Council system, and unions will only enjoy the 'advantages' of registration if they accept the whole package. And so we will have accepted registration in order to gain respectability only in order to discover that the fruits of that respectability are never granted. We will still be unable to conclude legally binding house agreements. So having discovered that legally binding house agreements are beyond our registered grasp, why not accept legally binding **industrial** agreements. All that requires is a further step along the slippery road to 'respectability' - a seat on the Industrial Council.

Our point is simple. **Both before and after registration, any attempt to take the workers' struggle forward [be it by means of legally binding agreements or any other instrument] will depend on one factor and one factor only - the organised strength of the workers and not on the 'respectability' extended to us by registration.** We all reject the present criteria for registration; it is therefore not convincing to argue that we should accept registration precisely because registration entails that the **organised strength** of the workers will be undermined by the political necessity to accept or fight against the Industrial Council system. We will surely have to fight if we



stand outside of registration; but at least we will not be pressured to join the Industrial Councils, nor will we have given credit to a registration package which we all find unacceptable. In short: by staying outside of registration we will be compelled to fight exactly the same way as we have done in the past - with the workers organised strength. As progressive trade unionists that is the way we know best, that is in fact the only way we can know.

### **[b] The Threat of the Parallel Unions**

It is not necessary to debunk at length the manner in which the parallels have organised and will continue to organise. In a word, the parallels are, at best, 'benefit' societies which in exchange for a subscription provide a variety of pension, medical, etc., benefits. Their membership is a **paper membership**. No progressive unions will disagree with this brief assessment.

In our memorandum we concentrated entirely on the ability of an unregistered union to counter the threat of a registered parallel union. We do not believe that it will be a simple task; but nor do we believe that it will be insurmountable. **As long as we retain our methodical, thorough attitude to workers organisation; as long as we maintain our emphasis on a well informed, participating rank and file; as long as we can contract our organisation with that of the paper parallels, then we will be able to retain the workers support.**

But what if we register on the same ground as the parallels? What if we register precisely in order to counter the parallels? We have all acknowledged that the membership of the parallels is a paper membership. And we cannot doubt that their status as registered unions will unquestionably assist them in their attempt to sign up a paper membership. Nor can we doubt that they will enjoy the full and active support of management in gathering together thousands of paper members. **To counter these sorts of organisational practices, we need to retain our current organisational practices.** We have already pointed out that our current organisational practices are better retained if we refuse to register under the present conditions. If, however, we think that in order to gain access to the management it is necessary to match member for member the parallel unions, then surely we must register. **But all that this means is that we will inevitably become involved in a race for paper members.** The inevitability of this, at least in the initial period following registration, has in fact been acknowledged by some progressive trade unionists. **This is a fatal path.** We know that there is no

such thing as bad organisation initially, followed up by good organisation in the same factory by the same union. We know that if a union follows an incorrect organising path in the initial stages it is then impossible to reorganise that badly organised factory. We will have instilled a particular organisational practice which we cannot attempt to alter the following week. In short:

**IF WE WISH TO COUNTER THE PARALLELS THEN IT MUST BE ON OUR TERMS, UTILISING OUR WELL TRIED AND SUCCESSFUL ORGANISATIONAL PRACTICES: IF WE TRY TO COMPETE WITH THE PARALLELS ON THEIR TERMS THEN WE END UP APING THEM.**

By registering, we are signalling that we will attempt to compete with the parallels on their terms. There is thus no way that we can argue that registration on the terms offered will have no effect on our organisational practices.

#### **[c] The De-Registration of the Progressive Registered Unions**

It has been argued that if our position is to be applied consistently, then we must call for the de-registration of the progressive registered unions. We do not accept this argument and we should first point out that our resolution, a list of minimum demands, only calls for a return to the old Industrial Conciliation Act with all racial bars lifted. Moreover, if we accept registration on the currently unsatisfactory terms it will be a signal to the state that we will also accept additional controls - we'll complain about them but eventually we'll accept them. These additional controls will apply equally to the already registered progressive unions as to the newly registered unions, so that our acquiescence now will undermine their position later, and only then will there be an argument for de-registration. Finally, the **currently registered unions registered under vastly different political conditions and the fact that they have managed to retain their progressive character over the years, does not mean that we will be able to do so now.**

#### **[d] Tactical Questions**

At the joint meeting of 3 November, the trade unions present released, after intensive discussion, a joint statement of principles which set out minimum conditions for registration. However, we cannot deny the fact that this joint statement does contain within it two very divergent strategies, two divergent views on how best to secure the acceptance of these principles. FOSATU have stated how they intend going about securing the stated prin-

principles and we must go about explaining our position.

In brief, FOSATU intend submitting an application for registration on the basis of these principles and they will only accept registration if the registration certificates are consistent with their principles; we on the other hand, do not intend applying for registration until these minimum conditions are enshrined in the law. In other words, FOSATU will not accept a registration certificate which contains racial bars or requires acceptance of provisional registration. We will not apply for registration until these are removed from the law.

We should point out, firstly, that we do not believe that all the FOSATU unions will be registered under the conditions outlines in the joint statement. The state has enshrined these conditions in the law precisely to control the progressive unions. Only the weak, paper unions will escape these controls - it is after all unnecessary to control them. We do not believe that FOSATU unions fit this latter description and we therefore do not believe that the state will exempt them.

Secondly, whilst we do not doubt the sincerity with which the members of FOSATU hold to the stated principles, we do think that they are seeking to secure their acceptance in a misguided manner. The clearest statement of our opposition to this unacceptable system would be to refuse to have anything to do with it, until it is made more acceptable.

Finally, we must all agree that we will not have won acceptance of our principles, if they are accepted selectively. We can only quote the words of Isisebenzi, the official FOSATU newspaper.

**'The Minister of Labour says that all problems will be solved by him. He will give what are called exemptions. But how can unions accept a system of exemptions to decide everything rather than a system of law'.**

We couldn't agree more. The acceptance of the workers guiding principles must be for all workers - for workers in every union of their choice, for workers in the present, and for their children in the future. They must be guaranteed; they must not be given by a minister one day who, if we are 'naughty boys and girls', will take them away the next day.



**WESTERN PROVINCE GENERAL WORKERS UNION**

**This Union resolves that it will not consider registration until:**

- (1) the new laws on provisional registration are removed**
- (2) it is given a clear assurance by the Minister of Labour that none of the new controls proposed by the Wiehahn Commission will be introduced into the law**
- (3) the ban on racially mixed unions is lifted**

**And calls on the Secretary to circulate this resolution to all interested unions.**