

# The Natal Mercury

Mercury 9/06/88

## OF OWN AFFAIRS

IT'S TIME, surely, that apartheid, if it is indeed dying or is genuinely intended to disappear, was designated an 'own affair'; that the Government 'privatised' it by leaving admission to, association with, or occupation of in the hands of communities, organisations and bodies at the level of human contact.

Then we could expect, for example, an end to the sort of farce that still has the Government demanding university apartheid when the reality, as outlined by Minister of National Education F W de Klerk in Parliament yesterday, is that 9 682 students who were not white were studying at 10 'white' universities even in 1986. The only 'white' university that did not have any Indian students then — we don't know about now — was the University of the OFS, which nevertheless had 63 coloured and 55 black students on campus.

Would not a saner test of admission be student ability? That would surely cut down on waste by reducing the large numbers of first-year failures of any race. Stricter assessment could also

see more students channelled to technikons, where their careers could be more productive and rewarding.

We would also be spared the cynical laughter provoked by the painful retreat from suburban train apartheid, which was done away with in the Western Cape on Tuesday, with Durban and Port Elizabeth next in line. According to a Transport Ministry spokesman, Mr Leon Els, the 'ongoing process' will depend on first-class coaches being available and 'public demand' or 'consumer resistance'.

This is another way of saying if the public wants it, they can have it; but if not, things remain the same until they do. It is not the ideal solution, but a decided advance on the present situation where the 'big baas' dictates all.

An 'own business' policy line would also mean that discriminating minorities could not hold whole communities captives of their prejudice by threatening the Government, directly or indirectly, with ultra-conservative 'spooks'.



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# THE CITIZEN Stayaway cost R500-m

9/06/88

By Peter Delmar  
and Sapa

THE three-day country-wide stayaway, which ended yesterday, cost the South African economy about R500 million, according to an estimate by the Association of Chambers of Commerce (Asso-com).

This figure includes loss of production, and assumes that those who stayed away were not paid for the duration of the stayaway. Assocom manpower secretary, Mr Vincent Brett, said yesterday.

He stressed that the figure was "a very, very rough estimate" and was based on calculations submitted by Assocom to the President's Council for its investigation into public holidays last year.

The stayaway was as a result of a call for a peaceful protest against the Labour Relations Amendment Bill.

Work attendance figures improved in most centres yesterday, Mr Brett said.

"In Natal, the situation has been so patchy that it is difficult to estimate." Employers said the disruption of public transport in the province was largely to blame for the low attendance level.

The Labour Monitoring Group said yesterday it was compiling a complete report based on independent surveys it had conducted into the number of workers who had stayed away from work over the past three days.

In the PWV area the percentage of workers who stayed away from work in the manufacturing sector were: Monday 81 percent, Tuesday 78

percent and yesterday 72 percent. In the commerce sector 67 percent of workers had stayed away on Monday, 52 percent on Tuesday and 48 percent yesterday.

In the transport sector, the LMG had figures for yesterday only which showed that 28 percent of workers had stayed away. Percentages of workers in the public sector who stayed away ranged between 0 and 60 percent on Monday, between 0 and 50 percent on Tuesday and between 0 and 30 percent yesterday.

No final figures were available for the Western Cape, but indications were that the stayaway was small.

Indications from Natal were that the percentage of workers who had stayed away was consistent at about 66 percent.

No figures were yet available from the East-

ern Cape, but indications were that the stayaway had been substantial and consistent over the three days.

The LMG said the surveys had been conducted by 30 researchers all over the country. The figures

were compiled from a sample survey of employers in each area.

The Congress of South African trade unions, one of the prime movers behind the three-day pro-

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THE CITIZEN

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# Cost of stayaway R500-m

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test, claimed three million workers had participated on Monday, and 2,5 million on Tuesday.

Independent analysts said those figures were probably high. But based on the low numbers of passengers taking buses and trains from the townships, the absentee rate among Black workers nationwide could easily exceed 1,5 million.

The Federated Chamber of Industries (FCI) reported a "marked overall improvement in work attendance in many areas especially in Johannesburg, the West Rand and Pietermaritzburg".

An FCI spokesman

said the situation in Cape Town and Bloemfontein had returned to normal.

But the situation in Port Elizabeth and East London had remained unchanged yesterday.

A spokesman for the Chamber of Mines said absenteeism figures in the industry were lower than those for Monday.

Apart from a few collieries, mines were not affected yesterday, the spokesman said.

And the Anglo American Corporation denied a claim by the National Union of Mineworkers (NUM) that workers were staying away at three Anglo mines, President Steyn, Free State Geduld and Freddie.

A spokesman said all

Anglo-administered mines had operated normally throughout the stayaway.

The independent Labour Monitoring Group backed up the Assocom and FCI statement.

The group said slightly more people reported for work in the PWV area.

A spokesman for the LMG said the stayaway was "very small" in the Western Cape, but was "extremely widespread" in the Eastern Cape. In Natal the proportion absent from work remained roughly the same as on the previous two days.

In the PWV region, the absentee rate in the manufacturing sector had declined slightly.

In the commercial sector fewer stayed away and in the transport sector the picture was similar with fewer failing to turn up for work.

SA Transport Services (Sats) reported yesterday that train occupancy rates in Johannesburg and the Witwatersrand remained constant yesterday, dropped in Durban, but

rose in other centres.

The number of passengers travelling to Johannesburg was 30 percent of normal, and trains from Soweto were between 20 and 30 percent full. Trains on the East Rand ran at between five and 60 percent of capacity.

In Pretoria, 90 percent of the usual number of passengers used the trains yesterday, compared to 80 percent on Tuesday.

The situation in Cape Town was normal, a Sats spokesman said. Eastern Cape trains ran at 85 percent of normal passenger levels; an increase of 35 percent over Tuesday.

Durban trains were only 60 percent full, compared to 75 percent on Tuesday.

A Putco spokesman said there was no change in the number of passengers on the company's buses in Durban, where the stayaway figure remained at 90 percent.

On the East Rand, the percentage of commuters using Putco buses increased from 20 percent to 35 percent of normal levels.

Putco estimated that the stayaway figure for Soweto declined from 75 percent to 40 percent yesterday.

In Pretoria and surrounding areas, only 15 percent fewer passengers used Putco buses. The Pretoria stayaway appeared to be concentrated in Atteridgeville where passenger figures were 60 percent down.

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I never thought things would degenerate to this level, says former Minister

THE STAR

9/10/88

# Lesotho emergency under fire

By Patrick Laurence  
The Star's Africa News Service

MASERU — The remark was enough to make even a casual visitor prick up his ears.

Standing in a queue at a self-service restaurant in Maseru, a former Cabinet Minister in Chief Leabua Jonathan's ousted regime complained to the man in front of him: "I never thought things would degenerate to a level where lawyers would be arrested for representing alleged criminals in court."

The former Cabinet Minister was hardly an objective observer. He and his deposed colleagues are bitter foes of the new government of General Justin Lekhanya and King Moshoeshoe II, which took power in Lesotho after the coup d'etat of January 20 1986.

But a recent Lesotho High Court judgment, in which the state of emergency imposed on 26 February was declared unlawful, provided some justification for his vehement outburst.

In it, the Chief Justice of Lesotho, Mr Justice B P Cullinan, referred to an affidavit from a local advocate, Mr S Phafane, in which the advocate declared that he and two fellow lawyers, Mr G Nthethe and Mr K Monau, had been arrested by soldiers and policemen.

"At that stage the legal practitioners were pursuing an application for habeas corpus in re-

spect of a client of theirs, Mr K S Lebabo," the judge said.

Continuing his summary of the affidavit, the judge added that while one of the lawyers, Mr Nthethe, was in police custody, his files were taken from his office during a raid on the premises.

When two of the lawyers were released from custody, a police officer reportedly reminded them that "there was a state of emergency" and told them "not to represent people that he called criminals".

Mr Justice Cullinan noted: "The Crown filed no papers in opposition. The contents of affidavits before me were uncontested."

The judge went on to find that the state of emergency was unlawful because there was "no power in any authority" under the enabling law, the Emergency Powers Act of 1982, to declare an emergency.

## Abuse of human rights

Since then the Lesotho government has issued an edict empowering itself to declare a state of emergency and to reinstate the emergency regulations imposed under the first unlawful state of emergency.

The new state of emergency came into effect on April 26. It has not been challenged in court.

One dimension of the controversy was the de-

posed Minister's comment; another was a strongly worded statement from the Minister of Information, Mr Vincent Malebo, questioning the moral right of members of the former government to protest against abuse of human rights.

Referring to "ululations" from opposition party leaders over the High Court judgment declaring the first state of emergency unlawful, Mr Malebo castigated them for having been party to Chief Jonathan's 20-year "repressive regime".

Unlike the state of emergency in South Africa, the Lesotho state of emergency is not directed at politically inspired subversion — it was declared to contain a rise in general crime.

It defines prescribed crimes against which emergency powers can be directed. The prescribed crimes are armed robbery, housebreaking, car theft and stock theft.

Emergency powers include arrest for up to 14 days by police officers acting without a warrant, detention without trial on the orders of the Minister of Defence and Internal Security, and seizure of goods if police suspect they are stolen.

The homes of three prominent Maseru residents were raided shortly after the re-imposition of the state of emergency.

The three residents were Mr Nthethe, the lawyer named in the application to the High Court over the first emergency, and Mr T Thulo and Mr C Tsatsanyane, both businessmen.

Fingers have inevitably been pointed at Le-

sotho security forces or rogue elements within them.

Whether the state of emergency will help contain the reported sharp rise in crime is fiercely debated in Lesotho.

Some observers see the increase in crime as a product of the underlying problem of unemployment, a problem that has been exacerbated by a decline in the number of Basotho recruited to work on South African mines after last year's strike on South African mines.

Between the second and last quarters of last year the number of Basotho on South African mines fell from 131 134 to 122 558, according to Lesotho's Central Bank. Since then the number of miners on South African mines has reportedly fallen further to 109 000.

Meanwhile charges that human rights are being abused under the state of emergency are being heard increasingly.

The first state of emergency in post-independent Lesotho was declared by Chief Jonathan in 1970 when he aborted the general election of that year to forestall defeat at the polls and to seize power.

The Basotho referred to that emergency as the *Qomatsi* — a word that had previously been used to describe the worst disaster known to them: an anthrax epidemic.

Basotho are today beginning to use the same word about General Lekhanya's emergency.



# Visit by Pope to cost R5-m

By Winnie Graham

Pope John Paul's visit to Lesotho is expected to cost a minimum of R5 million, the Bishop of Leribe (Lesotho), the Right Reverend Paul Khoarai, said at a press conference in Johannesburg yesterday.

He was in South Africa to announce the appointment of two fund-raisers, Mr IG Ferreira and Miss Elize Odendal, for the Lesotho Papal Visit Office.

At the same time Bishop Khoarai appealed to businesses in South Africa to support the visit either through donations and contributions, or by helping with advertising, publicity or the manufacture of merchandise.

"The advertising potential is immense. Already a number of companies have offered to sponsor the faithful coming to Lesotho for the Holy Father's visit," said Bishop Khoarai.

THE STAR

Various companies will be producing goods bearing the image of the Pope, and another will be sponsoring the electricity supply to the racecourse where Pope John Paul will beatify Father Joseph Gerard, the Catholic missionary destined to be southern Africa's first saint. Another firm has offered to run a shuttle air service between South Africa and Lesotho.

Bishop Khoarai said the Pope's visit to southern Africa would create goodwill that would echo throughout the region.

"His visit will create ripples which will overflow into your country," he said. "We appreciate your assistance and believe the co-operation generated by the visit will continue after the Holy Father has left."

The bishop said the official fund-raisers would sell rights

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and franchises for the manufacture of merchandise; rights to sell food in Lesotho during the papal visit, and rights to run stalls at various points in Maseru, Roma and Thaba Bosiu.

All funds raised in South Africa will be under the direct control of the Papal Visit Office in Maseru.

"We are expecting tens of thousands of people from South Africa to converge on the mountain kingdom," he said.

Mr Ferreira said it was estimated that two million people would be in Maseru for the beatification of Father Gerard.

Shelf-stable foods were being prepared well in advance to ensure that visitors did not go hungry. A "bucket" containing enough food for two days would sell for R10. Water tankers would ensure a hygienic supply of water throughout the visit.



Pope John Paul ... SA firms approached to sponsor visit to Lesotho.

The streets of Maseru will be closed to vehicular traffic for several days before the visit.

"As South Africans we see this as a marvellous opportunity to work together with the people of Lesotho to provide the necessary services. But we have adopted a realistic approach — we must generate enough capital to ensure we break even," said Mr Ferreira.



# Cosatu THE STAR warns on 09/06/88 'stayaway reactions'

## Staff Reporters

The Congress of SA Trade Unions (Cosatu) warned today that any disciplinary action against those who participated in the three-day work stayaway this week would scuttle talks to resolve the dispute over the Labour Relations Amendment Bill.

Thousands of workers returned to work today following the three-day protest action.

The period from Monday to yesterday was set aside for "peaceful protest" by Cosatu and the National Council of Trade Unions to express opposition mainly to the Labour Bill.

The Association of Chambers of Commerce (Assocom) estimated that the stayaway may have cost the economy about R500 million.

Train services throughout the country were back to normal today except in Durban, where trains were about 80 percent full, said a South African Transport Services spokesman.

A Putco spokesman said its buses in Durban were only carrying about 80 percent of its normal passengers, but numbers on its other routes were almost back to normal.

## NORMAL

Services in the Pretoria area were back to normal and those in Boksburg and Springs were 95 percent full this morning. However, buses in Alberton and Edenvale were only 75 percent full, he said.

Information on the Soweto route was not available at the time of going to press.

Assocom said its guideline to employers remained one of no work-no pay.

The Steel and Engineering Industries Federation has adopted a similar stance.

Assocom labour secretary Mr Vincent Brett said the calculation of R500 million as the economic cost of the protest was based on the assumption that there was a 50 percent absenteeism by black labour forces.

The financial harm to companies would also result in fewer jobs and higher costs, with employers moving further towards mechanisation.

Cosatu's warning comes at a time when both employers and the Government are expressing willingness to meet unions to discuss their concerns over the Labour Bill.

## WAITING

Spokesmen for both Cosatu and Nactu said they were still awaiting a formal invitation from the Manpower Minister, Mr Pietie du Plessis.

● The managing director of the Trans-Natal Coal Corporation, Mr Hans Smith, said workers at the Blinkpan and Optimum collieries were all back at work.

Although the company had adopted a position of nowork-no pay, disciplinary procedures would be instituted. These did not necessarily include dismissals.

A Gold Fields spokesman, Mr Attie Roets, said the company would not pay miners who did not work at the New Clydesdale Colliery at Witbank on Monday. Absent colliery workers had returned to work on Tuesday.

A Rand Mines spokesman said all operations were back to normal today.

He said miners who had participated in the protest action would not be paid for the days they had not turned up for work.

Anglo American stated throughout the three-day stayaway that work had continued with the full staff complement at all the company's mines.



# 1 BACK TO WORK

09/06/88 SOWETAN



NACTU president  
James Mndaweni.



COSATU president  
Elijah Barayi.

## **Economy takes a big knock**

TODAY marks the end of one of South Africa's biggest protest action by workers.

The protest, which took the form of a stayaway was called by two giant federations — the Congress of South African Trade Unions and the National Council of Trade Unions to demonstrate their opposition to the Labour Amendment Bill.

The unions maintain that the Bill will erode their bargaining power by, among other things, curtailing their right to strike and encouraging employers to sue them for production losses in an "illegal" strike.

Employers have rejected the federation's contentions that the proposed legislation was aimed at union bashing and destroying the rights they gained in the past decade.

Police yesterday gave a figure of at least 10 people who have died violently since the start of the protest action on Monday.

### **Stayaway**

In Johannesburg a mysterious fire broke out in the passenger coach of a train at Mzimhlophe Station at about 9pm on Tuesday, a South

African Transport Services (Sats) spokesman said.

Meanwhile, the three-day stayaway has cost workers millions of rand, says Assocom labour spokesman, Mr Vincent Prett.

Mr Prett estimated the total cost of the stayaway to the economy would be in the region of R500 million, SABC Radio News reports.

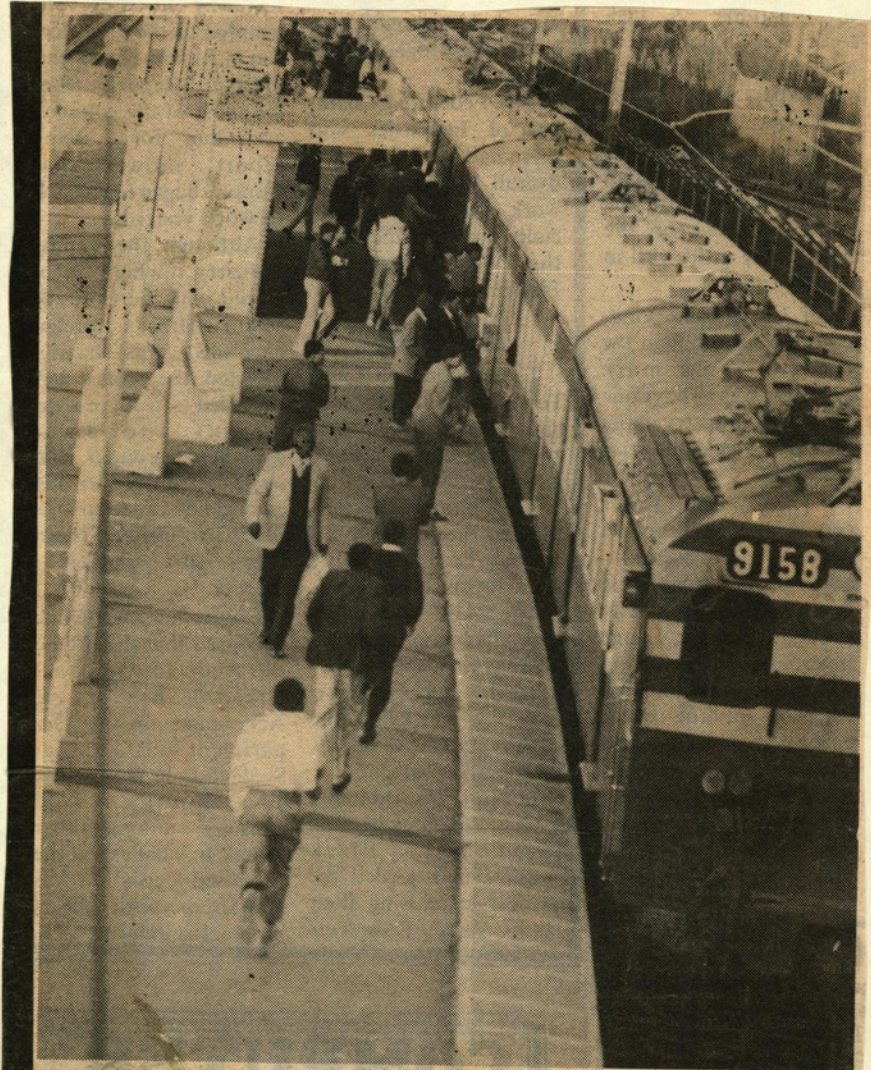
He said much of this would be made up of wages lost by workers. Other negative effects on the workforce were that employers would move further towards mechanisation if they could not rely on their staff.

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**LONGDALE** Station at dusk. A handful of commuters sigh with relief. Where every day hordes of workers rush madly about the platform and coaches, yesterday there was at least the assurance of an empty seat . . .



# Improvement

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SOWETO

## • From Page 1

Mr Prett said financial harm to companies would also result in fewer jobs and higher costs. This meant that workers would not only suffer directly from not getting wages, but would also have to pay higher prices for goods.

The Federated Chamber of Industries said there had been a marked overall improvement in work attendance especially in Johannesburg, the West Rand and Pietermaritzburg.

## Normal

The situation in Cape Town and Bloemfontein had returned to normal and there was no change in the Eastern Cape.

The Chamber said that the Northern Transvaal had not been affected by the stayaway action.

The SABC said yesterday afternoon that the country was "near normal." Reporters saw only few blacks in the usually crowded streets of Johannesburg.

School attendances were low in many parts of the country. Black businessmen heeded the protest by closing their shops early. Pamphlets

were distributed in some townships calling for a stayaway. Health workers and journalists were exempted from the action.

Participation by bus and taxi drivers in the stayaway probably contributed to the absenteeism in Johannesburg and Durban. Reports from the most of the country, according to a Sapa report, showed that workers began to go back to work yesterday.

Although the mining industry, which produced 80 percent of South Africa's foreign earnings, was hardly affected, the protest was regarded as a success for unions and anti-apartheid groups who organised it under emergency regulations that prohibited them from any political activity.

Cosatu has meanwhile proposed that the Bill be referred to a panel chaired by Mr L Ackerman, of the Department of Law at Stellenbosch University. The inquiry would consider, among other things, to what extent the proposed legislation was consistent with international standards.



# Theatre: People's voice

SOWE TAW

9/06/88

By BENJY  
FRANCIS, Director  
of Dhlomo Theatre



Mr BENJY Francis

## FOCUS

**T**HE creation of a theatre was achieved — even though for too short a period — in 1983 when the Afrika Cultural Centre converted an old cold storage in Newtown, Johannesburg, into an adaptable 100-seater theatre, the Dhlomo Theatre Club and Playwrights' workshop. The subsequent closure of the theatre and the subsequent tribulations and hardships have now been committed to history.

Amid a decaying silence, four years later, we announce the reopening of Theatre ka Dhlomo on June 21 1988. For us who have waited so long, for our people too, it will indeed be the longest night of the year.

It is important for the ACC to say something about these lonely years of embittered struggle and to situate the second coming of the Dhlomo within the context of larger struggles and cultural issues. Increasingly austere and stringent measures have created a climate of tension and unease — the effect of which is still to be seen. A plethora of decrees, restrictions, legislations and bannings over the past few years have marshalled us en masse, and so set the seal to a culture of enforced silence... and fear.

A culture which robs you of choice, of expression, of creativity, robs you of a human aspect, of the capacity to love, to feel, to act, to relate. Such a culture, in time, must create a nation of mutes programmed by "his master's voice."

The very nature of our human beingness demands a response. The

artist's call in the extremity of this human condition is a clear one — his/her vision is aroused instinctively to human suffering and aspiration — and this is where Theatre 'ka Dhlomo finds its place.

The sharp extremities bring into relief the hideous imbalance in South African society — power, land, wealth and so on. In short, the dichotomy defines an oppressed mass and a privileged minority. Given this tension national life is, in theory, the totality of expression of a dominant minority culture, but in practice is revealed as a struggling mass culture, true to its African roots and vibrant in its elements of resistance that blue and disfigure the free reign of the dominant ethos.

Somewhere in between the colonial/apartheid tapestry lies cultural assimilation, depersonalisation, industrialisation, tribal and ethnic sub-cultures.

In this reflection I have painted in bold strokes the cultural patterns and

designs of apartheid colonial society. It becomes clear that such cultural plurality defies the concept of a national culture and one can understand it against a condition of oppression. Under apartheid/colonialism, culture denies the commonality of a collective will of people acting upon the environment to create culture.

We need to understand ourselves as a collective entity — we need to understand and articulate our contemporary Africanity as an African people living in Southern Africa. Our present reality requires from artists a clear commitment to the basic principles of truth, justice and freedom and the striving for the development of African values. Culture must remain the most vital and essential force of a nation, the safeguard of our existence and the ultimate resource of our resistance.

### Heritage

A theatre that grows out of such a mature vision must capture and extend the quintessence of that Africanity — understanding its genesis within its creative/mythological source and building from that heritage a contemporary sense of being.

It seems an appropriate moment to reflect upon some aspects of theatre in South Africa. Much is spoken about South African theatre abroad, much fuss too is made by locals — and still an even greater ignorance about the true

state of theatre (its nature, significance and function) abounds.

That the most potent theatre in the land —

often referred to as **agitprop/protestation** — comes from the creative gut of the oppressed is a fact. During the 80s this potential was quickly seized upon by the market place and dressed up for an international arena. Almost every so-called "international success" at the present moment has gone via this road.

There are two important factors here. Firstly, the liberal producers in playing out their fantasy of good fairies waving their starry wands towards the cosmos and international acceptance perpetuate the impoverishment of the oppressed from whom the theatre originated by a dependance syndrome.

### Formula

The art of a nation is the soul of that nation. It is the very core of the people's strife and desire. Our theatre now seems to work to a commercial formula. The mould of "tourist" art seen in craft shops at airports, hotels and shopping malls throughout the Third World finds a consort in "export" theatre which demands a saleable hybridisation of the package.

Secondly, the State has institutionalised the impoverishment of the oppressed through a cultural psychosis of silence and fear. Not much authentic theatre is possible in the ghettos these days. So the next option is to go where the



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money is, even if it is the State art councils. Somewhere in all this a picture emerges — of quiet complicity and compromise.

What is the theatre saying if not revealing a liberal face to an ugly monster? It's good for business, too. Whose business? Finally who does the work serve? The world outside needs to know this. Certainly we in this "prison country"

need to question this too.

It is not any wonder that there are approximately 49 theatres in this country, some lavishly equipped with the latest theatrical gear money can buy, others, growing in "relevance," opulence and so-called racial tolerance. All these theatres are located in, owned and managed by the privileged (with of course various shades of political persuasion). The cultural/and artistic policies of the institutions display either consciously or subconsciously elements of that privilege.

The creation of theatres in a volatile situation like South Africa is a political act. At the time of the creation of the Dhlomo Theatre in 1983, I went on record as saying its birth was a political act and that its closure too will be an act of politics. I believe that to have been true in the subsequent actions of 1984. The struggle to re-open that space over the past four years is a deeper revelation of the complexities of this

society. Is theatre another means of having a voice — of defying a culture of silence? How different is the theatre from the newspaper? How immune are we? Well, we know the facts — there is not a single theatrical structure located among the oppressed mass.

Theatre is a *voice* — an articulation even in deathly silence. Theatre goes deep into the psyche of every person, communicating intellectually, emotionally and sensually. A vibrant, living theatre is one which defies closeting, defies parameters, demands the freedom to act, to fearlessly bear witness to society, and to the erosion of humanity and in so doing attempt to restore in us a human aspect.

We have a long, painful and utterly shameful history of racism, oppression, poverty and ignorance. Theatre too has been tainted by the follies of a lesser human kind. It is my contention that any impactful intervention upon life and theatre needs to be an outcrop of the oppressed. For there alone lies the single greatest articulation of our search for truth, honesty, compassion and human understanding.



# A case 9 JUNE 1988 for change?



A familiar scene in South African factory yards: workers gather around to hear a union leader

## Trade unions see the options dwindling

**F**RUSTRATED in attempts to gain the support of employers in its opposition to the Labour Relations Amendment Bill, the trade union movement may have little choice but to take its case for change directly to the Government.

The overwhelmingly-black labour organisations, which have no representation in Parliament, where the law is being debated, can do little but accept the offer made on Monday by the Minister of Manpower, Mr Pietie du Plessis, to discuss their objections.

Either that, or they must lobby opposition groups in Parliament to support their stand.

### Challenge

The Government is unlikely to accede to their "challenge" on Tuesday to submit the Bill to the International Labour Organisation for a determination of its merits in the light of similar laws in other countries. South Africa is not a member of the ILO and the views of that body are at such variance with those of the Government that any ruling would be regarded as unacceptable.

After three days of "peaceful protest" and mass absenteeism against the Bill this week, debate continues on whether the amendments really are desirable.

The major union groups say their introduction could force them to withdraw from collective bargaining agreements, while some major employers have warned they might do the same if union protest action is, in their view, unreasonable.

Cosatu, the giant federation which acts as mouthpiece for organised labour, says the Bill "criminalises" employees' ultimate weapon, the strike, and seeks to make unions liable for losses suffered by companies during labour action.

Employers are broadly behind the law because of the limitations it places on what they regard as the more excessive behaviour of trade unions.

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# FOCUS: LABOUR LAWS

9 JUNE 1988

## Des Parker

South Africa's labour laws date back to the Industrial Conciliation Act, introduced in 1924 to enforce the principles of the Treaty of Versailles at the end of World War 1.

Although, by world standards, it was a liberal piece of law, its one big failing was that it did not recognise the rights of black workers.

Only after the report of the Wiehahn Commission in 1979 was the Industrial Conciliation Act "modernised", extending union rights to all workers outside State departments, agriculture and domestic service.

The amended Act, now before Parliament, was first published for comment in late 1986 and sought to rectify what employers saw as imbalances in the original.

Amendments have been made to the draft Bill since its original tabling last year, and these have by and large been welcomed by commerce and industry. But they have not satisfied unions, who say their main concerns have not been dealt with.

Scrapped are the provisions for the Minister of Manpower to amend unfair labour practices in the Act by proclamation. Also out is the provision for unilateral extension of the life of a conciliation board, which unions saw as enabling their employers to stall the stages of dispute action.

But two major grievances of unions remain — namely the lack of compulsion on parties to negotiate and the lack of protection for employees involved in strikes called after all stages of a dispute have been passed, says Chris Albertyn, director of the Centre for Applied Socio-Legal Studies at the University of Natal.

"The unions feel there is no legal requirement on the part of management to bargain in good faith; they can say, 'we are not prepared to negotiate outside the industrial council agreement' and there is nothing further a union can do within the law."

"And the second point is that even in a legal strike, employment

can still be terminated under the common law because an employee has stopped work."

Even in Britain, where the Thatcher government had considerably tightened up on union rights, "substantial" protection still remained against dismissal during lawful strikes, he says.

A Durban attorney, experienced in industrial relations, disagreed.

He said labour relations in America were based on collective — as opposed to individual — rights and the common law approach lay in employment at will.

A senior executive in Natal says the determination of the Government to codify unfair labour practices, despite retention of the principle of open-endedness, is unfortunate.

The Durban attorney said unions were opposed to the new Bill for political reasons. But he felt their opposition was understandable.

"In a perfect society, laws are made by the duly elected representatives of the people and effect can and is given to their wishes," he said.

"In an imperfect system, where the legislature does not represent the majority of the people, Government finds it very difficult — if not impossible — to gain acceptance for its law, particularly from persons who do not have any say in the making of those laws."

## Entitlement

He took issue with the attitude of unions that there must be a legal entitlement to strike, particularly in a country such as South Africa, where regard must be had to the rights of the jobless and workers without union representation.

"It is the responsibility of the legislature to try and accommodate the rights and aspirations of all persons by devising systems which will be most beneficial to the majority."

There could not, he believed, be an unlimited right to strike and the Bill dealt with it by defining organised consumer boycotts and secondary and repeat strikes within a stipulated period as unfair labour practices.



# The Daily News

## 9 June 1988 Jan Steyn's vision

WHAT a pity that tens of thousands of workers, many against their will, stayed off work for three days, forfeiting their pay and costing the country many millions of rands. The protest was ostensibly a vote of no confidence in proposed new labour legislation. What a pity that, in the process, both employer and employee attitudes may well have hardened at a time when what is so desperately needed is for all South Africans to learn to work together more closely.

It would be naive to imagine that South Africa can avoid completely the stresses and strains that attend an evolving labour relations system. It is a complex process that has precedent in developing nations throughout history.

Yet it might be wished that more of those who are involved

in this turbulent process might share the vision of Urban Foundation executive chairman Jan Steyn who spoke in Durban yesterday of how wealth accumulation among ordinary black people is breaking down traditional South African barriers. More and more, he has noted, it is demonstrating that that politics alone is not the cure for social ills.

In the short term, to extend Mr Steyn's analogy, we face the alternatives either of confrontation, fighting over who will enjoy what proportion of an already well-chewed crust, or of working together to bake a new loaf big enough to feed everyone in abundance.

To achieve this requires sound labour law and practice, sensitive negotiation and a responsible approach from both employer and worker.



CAPE TOWN—The National Party has spelled out its economic manifesto in a document just released in Cape Town. The manifesto must, of course, also be read as the economic credo of the Government.

It can, therefore, be used as a basis for measuring the Government's continuing performance in managing the economy.

Co-authors of the policy document are Org Marais, Deputy Finance Minister, Theo Alant, Deputy Economic Affairs and Technology Minister, and the NP's Cape director of information, Piet Marais.

It is notable that high up in the manifesto the authors readily admit that the NP's political policy makes extensive demands on the Treasury. But they also maintain the policy is not nearly as expensive as a policy of integration or total partition.

They declare that the NP's fiscal strategy aimed at meeting this challenge is to be found first in the establishment of the President's Priorities Committee, which considers all demands, determines what the country can really afford, without adversely affecting the economy, and then allocates funds strictly on a priority basis.

The Priorities Committee, they add, also determines the five-year growth rate governing the permissible growth in each department's expenditure. This serves as a guide for the Treasury on which to allocate specific amounts of money to each department.

'Strict discipline is constantly exercised to ensure that no Government department overspends and that if overspending does, in fact, take place, it is limited to unavoidable expenditure.'

The manifesto notes that the NP's taxation policy is spelled out in the White Paper on the Margo Commission's recommendations, and that its standpoint is that the taxation pressure on individuals and companies is too high.

It states that the first phase of tax reform is aimed at giving attention to relieving the pressure of taxation on wage-earners and salaried staff, and on providing assistance to lower income groups.

Future budgets will be geared to relieving the burden on the individual's investment income, for example by way of tax exemption on dividends in the hands of individuals. Company tax will also receive attention.

According to the manifesto, tax relief of this nature necessitates measures to ensure the State does receive the revenue owing to it.

Tax concessions to companies will fall away, and GST will be replaced by VAT to prevent the evasion of sales tax and to ensure taxation liability is distributed as widely as possible.

The manifesto emphasises that the NP is committed to a proactive commercial and industrial strategy to promote economic growth in South Africa. It spells out several elements of an economic action plan with which it hopes to achieve its objectives.

Export promotion — the Government is to

Mercury 9/06/88

# National Party spells out its economic credo

proactively broaden the country's export base by:

- Restructuring the export incentive system to make it more purposeful and cost-effective;

- Identifying export industries which are viable in the medium and long term by the determination of comparative benefits;

- The creation of an institutional structure to promote export trade in the most efficient manner;

- Adopting a purposeful programme to encourage the further upgrading of South African export products in order to obtain a higher added value on these products so as to broaden the economic base of the export trade.

## Chris Cairncross

Import replacement and internal industrialisation — the Government is to deliberately continue stimulating further programmes to boost import replacement and internal industrialisation, while accepting that this ought to play a secondary role to export promotion.

Privatisation — the NP's standpoint continues to be that this is not a goal in itself, but forms part of a policy and strategy for ensuring economic development and growth.

The manifesto defines privatisation as the 'systematic transfer of suitable functions, activities or property from the public sector to the private sector, where services, production and consumption can more efficiently be regulated by market and price mechanisms'.

Deregulation — the NP accepts that an efficient policy of deregulation, in which restrictions placed by the authorities on competition and participation in commercial activities are continually reconsidered, goes hand in hand with an effective policy of competition.

The NP's policy approach is that regulatory bodies should continually ensure that the measures they envisage place the least

possible restrictions on the sound development of the economy.

The approach to regulation must therefore be based more on the promotion of economic activities and less on their control.

The regulation of activities involving entrepreneurship, particularly, should take place with due regard to the various requirements of the geographic areas of the country and of the developmental phases in which communities find themselves.

Protection — The NP is in favour of protection being granted to industries in such a way as to serve not only the economic development of the protected industries and manufacturing sector, but also the balanced development of all sectors of the economy.

Protection against normal competition from imported products must not eliminate such competition altogether, because it was still necessary for the maintenance of a sound competitive climate.

In cases of products which are regarded as being strategic, for which a higher level of protection is required than would normally be the case, additional assistance could only be considered if the product were of the utmost importance to the country.

Decentralisation — The NP declares that its regional development plan not only aims at better physical distribution of economic activities and the better utilisation of South Africa's manpower and natural resources; it also aims at reducing the disadvantages inherent in the excessive concentration of economic activities in the metropolitan areas.

The manifesto states, however, that decentralisation and deconcentration must not be allowed to have a detrimental effect on the position of the metropolitan areas or hamper economic growth and the provision of employment as a whole.

Because the agricultural sector plays such an important role in regional development, a comprehensive reconstruction and restructuring programme has been launched for this sector, the manifesto adds.



Dear Sir,

WE HAVE noted the letter (June 2) in defence of Archbishop Tutu and which was signed by 119 members of staff of the University of the Western Cape.

Academics are, of course, perfectly entitled to exercise their rights of criticism against Business Day's *ad hominem* attacks on the archbishop, with special regard to His Grace's stand on sanctions. However, and unfortunately, these particular academics did not stop there. They saw fit to venture into complex and, by the way, almost unrelated economic issues about which they displayed a spectacular degree of ignorance.

They say, in the course of their polemic, that Business Day has failed to "... criticise the super-rich who fail to invest their profits in SA but rather salt their wealth abroad to hedge their bets on the future of SA. It is their failure to invest in new production, factories and shops that is the real cause of the economic crisis in SA".

The record needs to be put right, on several counts.

Firstly, the money taken out of SA by affluent individuals (the greater

part of which went out through the financial rand and so involved no loss of reserves for the country) is minuscule by comparison with the vast flows of funds that our foreign creditors have withdrawn. And much of the withdrawal was encouraged and applauded by the archbishop.

In 1985 alone, foreign withdrawals exceeded R10bn. This was indisputably the economic cause of the savage recession which followed and which we have all been forced to endure, most notably the black constituency. It is the direct cause, also, of the incipient crisis in the balance of payments and which itself will put a heavy cap on economic recovery.

Once again, it is blacks who will suffer most, who will be most deprived, who will see jobs offered and then taken away. These are venal and vicious sanctions. Anyone applauding them is foolish; anyone advocating them is undermining the very cause he supposedly is espousing.

It was the withdrawal of huge

sums of money by foreigners that landed us in this jam, not the failure of rich local residents to invest or their propensity to "salt away" their funds abroad.

Secondly, the private sector (in UWC language, read here "super-rich") has *not* been under-investing by recent historical standards. Private business investment has picked up nicely in line with economic recovery. This is normal, and this time has been no exception.

It is government investment that has fallen drastically since 1982. The excuse government offers is the need, nowadays, to concentrate on developing *social infrastructure* (UWC academics: read black education here). Government is doing this at the expense of the physical infra-

# Frightening defence of Tutu

## LETTERS

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structure which traditionally used to receive more attention. Do the luminaries of the UWC disapprove of this shift?

Thirdly, the signatories to the letter of June 2 are guilty of a perverse logic. Local residents are condemned (presumably as being unpatriotic and morally deficient) if they withdraw their money from SA. But foreigners who do the same (in the name of sanctions or otherwise) are not so severely judged. Why not?

Whatever the reasoning behind this contorted view, we are sure of one thing — the AWB would heartily endorse the UWC signatories in this matter. Economic populists of the left and the right have much in common, and most notably they share a very poor understanding of the forces that determine the prosperity or otherwise of a society.

It is frightening that the signatories are educationists who, no doubt, are imposing their naive views of political economy upon generations of students.

The language of their letter is that of envy. This is an emotion which is widespread throughout the Third World and is present to some extent in many First World societies also. Wherever ideas of this kind predominate (SA included), society has scant chance of taking the high road to economic prosperity and equality of opportunity.

DAVID GLEASON  
JOS GERSON  
Johannesburg

□ □ □ □

Dear Sir

I REFER to Neil Jacobsohn's article on US government agents' "punitive" commercial activities in SA and your editorial, "Outta sight" (May 30). Why must these commercial saboteurs remain "outta sight"? Publish their names, addresses, vehicle and telephone numbers. Provide updates so that, in their President's words, "there's no place to hide". For they are of that ilk.

F A WEAVING  
Pretoria



# Call for further trade sanctions is incomprehensible, says Buthelezi

THE STAR 09/06/88

Own Correspondent

DURBAN — Between 60 000 and 100 000 blacks had already lost their jobs as a direct consequence of disinvestment and trade sanctions, kwaZulu Chief Minister Mangosuthu Buthelezi said yesterday.

He told delegates to a national congress of chartered accountants in Durban that former employees in industries such as coal, sugar, fruit and textiles had lost their jobs and now faced destitution. This would add to existing poverty, unrest and criminality.

Despite this, he said, it was incomprehensible that Christian, political and trade union leaders were pressing for more of the very same measures that were already causing such suffering.

Chief Buthelezi said on the one side reforms had come to a halt as the Government stood mesmerised between the opinions of a comparatively small group of extremists and the overwhelming majority of South Africans.

On the other, there were those who single-mindedly concentrated their efforts on what to change from, but who gave very little intelligent

thought to what the country should change to.

They did not comprehend that their actions served only to reinforce Government intransigence. Their actions were beginning to harm the economic well-being of black South Africans in a way which would do permanent damage, irrespective of whether change took place in South Africa or not.

Should these actions continue, the Inkatha leader warned, South Africa could end up even worse off than today — notwithstanding the devastations of apartheid. As in Mozambique, liberation could be followed by a worse civil war than the one that preceded it.

It would be futile to try to correct the situation either through a violent overthrow of the existing order, or through economic isolation. Instead, blacks had to use every available opportunity to upgrade themselves until they became the dominant factor in the economy.

The best future for all lay in increased educational and employment opportunities for blacks.

The absence of new investment for the expansion of industry was probably South Africa's most worrying economic problem, he added.