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SECOND SPECIAL REPORT OF THE SPECIAL  
COMMITTEE AGAINST APARTHEID

Trade union action against apartheid in South Africa

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\* This is a mimeographed version of a special report of the Special Committee against Apartheid, which will be issued in printed form in Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 22A.

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Letter of transmittal .....		3
I. INTRODUCTION .....	1 - 2	4
II. LONG CONCERN OF THE SPECIAL COMMITTEE .....	3 - 9	4
III. <u>APARTHEID</u> AND THE DEPRIVATION OF TRADE UNION RIGHTS .....	10 - 17	5
IV. FRAUD OF LABOUR "REFORMS" .....	18 - 23	6
V. GROWTH OF AFRICAN TRADE UNIONS AND RUTHLESS REPRESSION BY THE RACIST REGIME .....	24 - 34	7
VI. NEED FOR URGENT INTERNATIONAL ACTION .....	35 - 38	8
VII. CONSULTATIONS ON ARRANGEMENTS FOR AN INTERNATIONAL CONFERENCE OF TRADE UNIONS .....	39 - 42	8
VIII. RECOMMENDATION .....	43	9

LETTER OF TRANSMITTAL

5 November 1982

Sir,

I have the honour, in accordance with resolution 36/172 H adopted by the General Assembly on 17 December 1981, to transmit herewith a special report of the Special Committee against Apartheid on trade union action against apartheid in South Africa.

The Special Committee requests that this report be issued as a document of the General Assembly and the Security Council.

Accept, Sir, the assurances of my highest consideration.

(Signed) Alhaji Yusuff MAITAMA-SULE  
Chairman of the  
Special Committee against Apartheid

His Excellency  
Mr. Javier Pérez de Cuéllar  
Secretary-General  
United Nations  
New York, N.Y.

## I. INTRODUCTION

1. During the past year, the Special Committee has devoted particular attention to trade union action against apartheid in view of the growing strength and resistance of the black trade union movement in South Africa, the brutal repression against trade union leaders and activities by the apartheid régime and the crucial role of trade union organizations all over the world in the international campaign for the elimination of apartheid. It held extensive consultations with national and international trade union organizations with a view to encouraging concerted action in solidarity with the oppressed workers of South Africa and in pursuance of the request of the General Assembly, in resolution 36/172 H of 17 December 1981, that the Special Committee take steps to organize in 1982 an international conference of trade unions on sanctions against South Africa.

2. In this report, the Special Committee wishes briefly to review the situation with respect to the black trade unions in South Africa and the results of its consultations on an international conference of trade unions.

## II. LONG CONCERN OF THE SPECIAL COMMITTEE

3. The Special Committee has emphasized since its inception that the system of apartheid is based on the inhuman exploitation of the black working people through the denial of their elementary rights and repression of their trade unions and other organizations. It has recognized that the struggle of the black workers for their trade union and political rights is a crucial component of the struggle for liberation in South Africa.

4. The Special Committee has greatly appreciated the solidarity of the international trade union movement with the oppressed workers of South Africa in their struggle for trade union rights and national liberation. It has always recognized the important role of the trade union movement in the international campaign against apartheid.

5. It helped organize, in co-operation with the Workers' Group of the Governing body of the International Labour Organisation (ILO), two international trade union conferences for action against apartheid in 1973 and 1977. They were attended by representatives of about two hundred million trade unionists and helped in advancing solidarity actions by the trade unions around the world.

6. The Special Committee has also frequently consulted trade union leaders on the international campaign against apartheid. It has invited representatives of the trade union movement to many of its conferences, seminars and special meetings, and sent missions to a number of international, regional and national trade union federations.

7. The Special Committee has also emphasized the important role of ILO - with its tripartite structure, including representatives of Governments, employers and workers - in international action for the elimination of apartheid. It has held frequent consultations with ILO and noted with satisfaction the progress in its action against apartheid.

8. It may be recalled that the International Labour Conference unanimously adopted on 8 July 1964 a "Declaration on the Policy of Apartheid of the Republic

of South Africa" and a programme for the elimination of apartheid in labour matters. These historic documents underlined the commitment of the organization and have served as a framework for concrete action against apartheid and in support of the oppressed workers in South Africa.

9. On 18 June 1981, the International Labour Conference adopted a new "Declaration concerning the Policy of Apartheid in South Africa", which represents a new stage in the commitment of ILO. The Special Committee has welcomed the Declaration and looks forward to its effective implementation.

### III. APARTHEID AND THE DEPRIVATION OF TRADE UNION RIGHTS

10. The developments concerning the labour situation in South Africa have been fully reviewed in the annual reports of the Director-General of ILO on the application of its Declarations of 1964 and 1981. They have also been covered in many reports and documents of the Special Committee and in the reports of the Ad Hoc Group of Experts on Southern Africa established by the Commission on Human Rights. The Committee will draw attention to only a few salient points.

11. The African workers in South Africa have had a long tradition of trade unionism despite severe restrictions and harassment by the racist régimes which, already in the 1920s and 1930s, excluded most African workers from the definition of "employee" and prevented them from joining registered trade unions. The African mine labour strike in 1946, which was suppressed by the brutal massacre of many workers, was but one of the heroic struggles led by them.

12. The oppression of African workers further increased after the apartheid régime came to power in 1948. Under the Bantu Labour (Settlement of Disputes) Act of 1953 and the Industrial Conciliation Act of 1956, all Africans were excluded from collective bargaining. African trade unions could not be registered nor could Africans be members of registered unions. All strikes by Africans were declared illegal.

13. At the same time, the régime undermined the position of African workers by its policy of migrant labour, mass expulsions of "unauthorized" Africans from urban areas, creation of bantustans and a complex of inhuman regulations on the movement, residence and employment of the African people. Many of the employers and white trade unions connived with the régime in its policies.

14. The régime also resorted to increasingly ruthless repression against leaders of African trade unions which, though unregistered, were not illegal. 1/

15. The racist régime and its supporters expected that the growing unemployment among Africans, and their insecurity, combined with repression, would curb all African resistance against exploitation and humiliation. Their calculations failed, however.

16. There was a massive strike wave in factories and mines from 1972 for wage increases, the right to organize independent unions and the right to recognition of such unions. A number of independent black unions were formed in defiance of the racist régime.

17. The resurgence of the African trade union movement, and the solidarity with it of all the black people, as well as of the international trade union movement, led the apartheid régime and the transnational corporations to undertake some "reforms" to deceive the world and avert international sanctions.

#### IV. FRAUD OF LABOUR "REFORMS"

18. The régime established a Wiehahn Commission and a Riekert Commission and, on the basis of their reports, enacted legislation - beginning with the Industrial Conciliation Act of 1979 - enabling Africans to join registered trade unions. The true intention of the legislation, however, was to exercise strict control over the African trade unions, through the process of registration, and to divide the emergent African trade unions through the exclusion of migrant workers and others from the unions. After resistance by the African workers and their unions and denunciations by the international trade union movement and ILO, some adjustments were made, but these did not provide for full trade union rights.

19. Domestic and farm workers, as well as migrant workers from independent African States, representing a great percentage of African workers, are excluded from trade unions. The Labour Relations Amendment Act of 1981 made it an offence for any union to give financial assistance to a person involved in an "illegal" strike. (Almost all strikes by African workers are illegal.) Under the Fund-Raising Act, the régime prohibited the Federation of South African Trade Unions from making public collections of funds in South Africa or from receiving any funds from trade unions abroad. The laws prohibiting outdoor gatherings or "intimidation" have been used to prevent meetings of trade unions or picket lines. The obnoxious security legislation has been used to imprison, restrict and persecute leaders of independent trade unions.

20. Legislation currently under consideration reveals the true purposes of the racist régime.

21. The Orderly Movement and Settlement of Black Persons Bill, which was introduced in Parliament this year and referred to a parliamentary commission, further restricts the number of Africans who are entitled to stay in urban areas. It makes it an offence for an "unauthorized African" to stay in the urban areas even for one night (as against 72 hours at present) and greatly increases penalties against employers who hire "illegal" Africans or any persons who give them accommodation.

22. The legislation would streamline and extend the obnoxious and humiliating "pass laws" which have caused enormous resentment among the African people and have been condemned by the international community. Under it, hundreds of thousands of Africans would face deportation to the "homelands" and the so-called "independent" States created under the bantustan policy. As Miss Sheena Duncan of the Black Sash commented, it would create walls around the cities, trapping people in the "homelands" where they face a situation which amounts to genocide.

23. While the racist régime has been perpetrating the fraud of "reforms" while escalating repression, some Western Governments and employers have been publicizing "codes of conduct" as a means to eliminate apartheid. A number of Western countries adopted these codes in the 1970s, following shocking revelations of starvation wages and other inequities in affiliates of transnational corporations

in South Africa, in order to divert pressure for disengagement from South Africa. Corporations in South Africa then announced their own code. These codes, concerned mainly with working conditions, were rejected by the trade union movement in South Africa and abroad on the grounds that they were ineffective without enforcement measures and that, in fact, they were intended mainly to justify continued economic collaboration with the racist régime of South Africa.

V. GROWTH OF AFRICAN TRADE UNIONS AND RUTHLESS REPRESSION  
BY THE RACIST REGIME

24. Despite the intimidation and repression, and other difficulties, the African trade unions have rapidly grown in strength in recent years.

25. African trade union membership increased from 16,000 in 1969 to over 300,000 in 1980.

26. The number of strikes by workers increased from 207 in 1980 to 342 in 1981, involving 92,842 black workers in 297 companies. Almost all the strikes were "illegal". The number of strikes is expected to be even higher in 1982, because of the rising unemployment and cost of living and the growing militancy of the workers.

27. Black communities have increasingly shown their solidarity with the workers by boycotting products of companies which refuse to recognize black trade unions and by demanding the release of detained workers and union leaders.

28. The growth of the black trade union movement has further exposed the collusion of the racist régime and the employers and has underlined that the enforcement of trade union rights in South Africa requires the elimination of the system of apartheid.

29. With the encouragement of the régime, employers have refused to negotiate with unregistered and emergent black trade unions, while favouring the parallel unions ("sweetheart unions") set up by white trade unions.

30. When the black trade unions are obliged to resort to strikes, employers retaliate with mass dismissals of strikers and call in the police.

31. The racist régime has intervened in numerous labour disputes, breaking up union meetings by violence, arresting thousands of workers and deporting them to so-called "homelands". In 1981, more than 15,000 black workers, including more than 100 trade union leaders, were reported to have been detained and over 2,000 striking workers were deported to the "homelands".

32. The repression against black trade union leaders and activists has greatly increased in the last year, as the racist régime and employers have failed in their efforts to undermine the black trade unions and as the links between the trade unions of black communities have developed further.

33. There has been a wave of arrests of trade unionists, especially since November 1981, when the African workers denounced the so-called "independence" of Ciskei. Many were subjected to terror and violence by authorities in the Ciskei.

34. A large number of trade union leaders were brutally tortured in prison. Mr. Neil Aggett died in prison on 5 February 1982 and several others were

hospitalized. A number of trade union leaders have since been charged under draconian security laws providing for severe penalties.

35. The régime has attempted to link the trade unionists to the national liberation movement and to the growing armed struggle so as to subject them to heavy sentences and intimidate the African workers. 2/

#### VI. NEED FOR URGENT INTERNATIONAL ACTION

36. The gross violation of trade union rights in South Africa, the increasing repression and terror against black trade unions and the collusion between the racist régime and the employers demand urgent international action, both by Governments and by the world trade union movement.

37. The international community must demand:

(a) Full recognition of black trade unions and of trade union rights for the entire population;

(b) Immediate release of trade unionists imprisoned or restricted;

(c) Abrogation of orders prohibiting fund-raising by black and genuinely multi-racial trade unions;

(d) Withdrawal of proposed legislation and abrogation of existing legislation restricting the freedom of movement, residence and employment of African workers;

(e) Penalties against transnational corporations which violate trade union rights and collude with the racist régime in the repression of black workers.

38. The world trade union movement should be encouraged to lend all necessary support to black and multi-racial trade unions in South Africa and to mobilize for sanctions against South Africa since trade union rights cannot be fully secured without the total elimination of apartheid.

39. The Special Committee considers that an international trade union conference can make an important contribution in this respect.

#### VII. CONSULTATIONS ON ARRANGEMENTS FOR AN INTERNATIONAL CONFERENCE OF TRADE UNIONS

40. Following the adoption of General Assembly resolution 36/172 H of 17 December 1981, the Special Committee approached the Workers' Group of the ILO Governing Body with a view to organizing the most representative international trade union conference which would lead to concrete action by the trade union movement in solidarity with the oppressed workers of South Africa for the elimination of apartheid. It also held consultations with many national and international trade union federations on action against apartheid and on the proposed conference.

41. The Workers' Group of the ILO Governing Body agreed to the request of the Special Committee for organizing an international conference and sought the views



of the national trade union centres, which overwhelmingly supported the convening of the conference. Many of them emphasized the need for necessary arrangements to facilitate the widest participation in the conference, especially of financial assistance to trade unions which require such assistance.

42. After extensive preliminary consultations, the Special Committee invited a delegation of the Workers' Group, led by its Chairman, Mr. Gerd Muhr, to Headquarters and held consultations on 24 September 1982 with the participation of the representatives of the United Nations Council for Namibia, ILO, the Organization of African Unity (OAU) and the Organization of African Trade Union Unity (OATUU).

43. The participants agreed on the organization of an International Conference of Trade Unions on Sanctions and other Actions against the Apartheid Régime in South Africa to be held in 1983. The Conference, to be held in Geneva, will be organized by the Workers' Group of the ILO Governing Body and the Special Committee, in co-operation with the United Nations Council for Namibia, OAU and OATUU, with the following objectives:

- (a) To promote sanctions against the racist régime of South Africa;
- (b) To promote world-wide solidarity with, and assistance to, the black trade union movement of South Africa;
- (c) To promote effective international action to eliminate apartheid and enable the South African people to establish a democratic society.

#### VIII. RECOMMENDATION

44. The Special Committee recommends that the General Assembly should:

(a) Authorize the Special Committee to organize the International Conference of Trade Unions on Sanctions and other Actions against the Apartheid Régime in South Africa to be held in 1983 in accordance with the present report;

(b) Make adequate financial provision for the Conference and the preparatory work for the Conference;

(c) Appeal to all Governments and organizations to lend all appropriate support to the black trade union movement in South Africa.

Notes

1/ The brunt of the repression was borne by the South African Congress of Trade Unions (SACTU) which was founded in 1955, with equal rights to registered unions as well as unregistered African unions, after the newly-established Trade Union Council of South Africa excluded the latter. It decided to struggle against the policy of racial discrimination and co-operated with the African National Congress. By 1961, it had 46 affiliated unions. But its leaders, officials and members were subjected to severe repression and harassment so that by the mid-1960s the organization was forced to operate from abroad and underground. A number of SACTU leaders are still in prison, serving long terms of imprisonment for participation in the struggle for liberation, and many others are restricted under stringent banning orders. Several died of torture during detention.

2/ For details on repression against trade unionists, see A/AC.115/L.578 and A/AC.115/L.579.

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