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ALL ABOUT AIDS IN SA
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*Annual income twenty pounds,
annual expenditure nineteen nineteen six,
result happiness.*

*Annual income twenty pounds,
annual expenditure twenty pounds ought and six,
result misery.*

Mr Micawber, *David Copperfield*

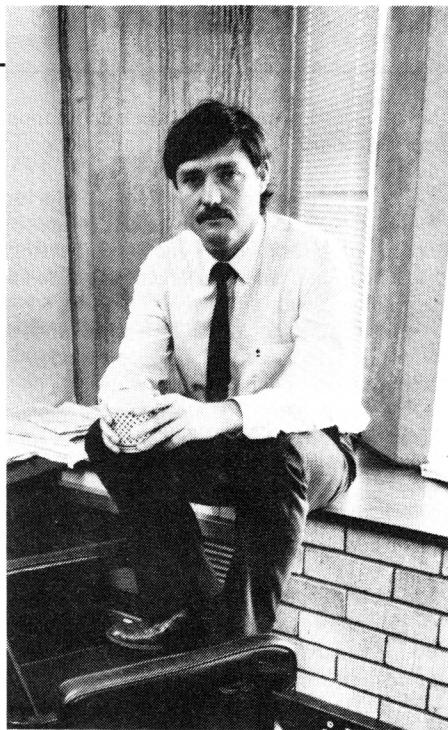
whether they were acting within their rights in dismissing more than 1 000 strikers earlier this month. And at its annual conference last week, the Trade Union Council of SA called on government to introduce legislation limiting the right of employers to discharge lawful strikers.

Labour lawyer Halton Cheadle introduced some new thoughts on the subject at a labour conference last week organised by industrial relations consultants Andrew Levy and Associates. He compared the laws and practices related to the dismissal of strikers as they apply in various parts of the Western world.

In SA the Labour Relations Act protects registered trade unions embarking on legal strikes from two types of action:

- Employers may not sue for losses incurred due to strike action; and
- The courts will not grant interdicts prohibiting such a strike.

As far as the *FM* can ascertain, no unions have faced civil claims from companies in SA, although there have been some applications for interdicts prohibiting unlawful



Cheadle . . . comparing SA labour law to that elsewhere

strike action. There were two such cases last year: one involving Gold Fields of SA and the NUM; while the other was between Dunlop and the Metal and Allied Workers' Union.

But there is no protection from dismissal for lawful strikers. In arguing that there should be, Cheadle described the situation in other parts of the world. Striking is normally not a criminal offence in Western democracies, although the Thatcher government has outlawed certain types of sympathy action.

In most of Western Europe, strikers may not be dismissed. In the UK, the law forbids the selective dismissal and rehiring of strikers. Some unions in SA have built similar provisions into their recognition agreements with employers.

In the US, a complex system applies. According to rulings made by the National Labour Relations Board, the US equivalent of the Industrial Court, strikes are divided into three categories — unprotected, protected and relatively protected.

Strikes are "unprotected," and employees are liable to dismissal, when they or their

KLAUS BARON VON DER ROPP

Security net for whites

Klaus Baron von der Ropp is a Cologne-based academic specialising in southern African affairs.

The fear is widespread that if there is no restoration of law and order in SA, it will continue to head for an abyss of violence, the outcome of which nobody is able to predict. Because of SA's economic and strategic importance to the outside world, it is feared that this conflict could lead to a confrontation between the superpowers.

Western leaders are now more aware of the complexity of SA's problems than they were ten years ago. Under the leadership of Washington and in line with Britain's traditional approach, Western governments today instead propagate negotiations between the true representatives of all the country's communities, including the ANC, to hammer out their own solutions.

Most Western governments today realise that two totally different political cultures, based on different value systems, exist in SA. Particularly in the cultural, social and political fields, these systems hardly seem to have a common denominator.

White SA, despite its many various shortcomings, still has a strongly Western-influenced pluralistic order. Black SA is of course part of black Africa, which, as is to be observed in Zimbabwe and in more or less all other states to the north, follows its own views in organising society. No lesser leader than President Julius Nyerere has stressed again and again that black Africans have their own, a specifically African, under-

standing of democracy.

Given the economic interdependence of the Republic's black and white communities and black SA's demand for an undivided SA, it is inconceivable that blacks will be prepared to discuss with whites a fair partition of the country at a national convention. The utmost they will be prepared to concede will be a PFP-type of power-sharing, "consociational democracy."

Whites will then be entitled to ask for guarantees that this new system will be maintained; guarantees to make sure that the numerically stronger black groups will not turn the disorder into a system of simple majority rule — a development that could turn SA into a second Lebanon.

Whites in SA, at least for the foreseeable future, are too strong a factor to be satisfied with the role of a politically and militarily powerless minority as whites are in Zimbabwe today and will be in Namibia tomorrow. Whites in SA will for a long time have the ability to refuse to compromise and create chaos.

So it still holds true that the key to black liberation is "copper-bottomed guarantees of existence" for the whites; a kind of "security net" built into SA's future order to be used in case the system fails.

One remembers that at the time of the 1976-1977 uprisings and following an article in the liberal German journal *Aussenpolitik*, there was a debate on whether a radical geographical partition of SA along the line Oranjemund-Sishen-Bloemfontein-Port Elizabeth into a black state and a white-

brown state could provide the answer to SA's conflicts.

At the time, all the participants in this debate agreed that this partition could only come about after a bitter and bloody racial war.

And yet the idea of such a radical partition in the sense of creating a *fall-back position* in case the new system of power-sharing does not work, makes sense. In the case of a society as deeply divided as the South African one, it seems to be the only conceivable and workable last-resort guarantee.

Three objectives would be reached: black liberation, white security and the avoidance of drawn-out conflict. (As Denis Beckett in 1981 in *Frontline* stated: "Eventually, without doubt, a black government would come to power, but this in itself would hardly be 'successful' if the cost was the total devastation of the nation, which is what the cost would be.")

The proposal was that the southern state must be open to the more than 90% of the whites who are not prepared to live under an ANC-PAC-dominated government in Pretoria, plus those "coloureds" and "Indians" who prefer to throw their lot in with the whites — on a one-man-one-vote basis, of course.

The necessary resettlement would have to be financed to a large degree by the West. The white-brown state will also have to have the right to secede from the rest of SA. The Frontline states will have to agree to guarantee its existence and the right to join the Western Alliance if it wishes to do so. ■

IN MY
OPINION