

Truth and reconciliation?

business, labour and apartheid

The stated aims of the hearings were to create as complete a picture as possible of the nature and causes of gross human rights violations during the apartheid period (1960 to 1994). The picture that emerged was far from complete.

Workers and their unions remember employer opposition to demands for basic human rights, such as a fair hearing, the right to join an organisation of their choice or the right to gain access to one's own medical records. They remember employer collusion with the police to victimise; harass and suppress trade unions. They remember a workplace regime structured by apartheid, where income, skills, promotion and power were all decided by the colour of a worker's skin and where racism, insults and assaults were an integral part of daily working life.

Workers also recall farmers who killed workers and factories which poisoned them. In his submission to the Commission, a COSATU lawyer recalled his shock at coming across stacks of bodies of miners killed in the Kinross accident in a mortuary, and the systematic attempts by the mining employers to prevent inquests or inquiries to uncover the truth. This brought home, he said, the "brutality of the South African workplace".

Human rights abuses did not only take place in the workplace, nor did they only affect workers. The apartheid economy ensured that small groups of white capitalists become enormously wealthy, secured the privileges and incomes of the white middle and working classes, crushed

Nothing much happened at the Truth and Reconciliation Commission's (TRC's) three-day hearings on business and apartheid last November. Ian Macun and Karl von Holdt argue that, on the basis of the evidence presented, the prospects for reconciliation and social partnership do not look promising.

nascent black business and impoverished the black majority. The Chamber of Mines' submission made much of the mining industry as an engine for creating wealth. It seemed to escape the Chamber's representatives that at the end of a century of such wealth creation, in the midst of a crisis in the industry, the mining houses are able to form two of the world's biggest mining companies - AngloGold and Goldco - while tens of thousands of mineworkers have lost or are about to lose their jobs. Is this not an element of apartheid's human rights violations?

Submissions

Many of the representatives of the business and financial institutions which made



Pic: Stephen Prudence, GDC Photo Unit

COSATU delegation at the hearings.

submissions to the Commission seem to have forgotten these things. Private sector employers listed the 'efforts' they had made to ameliorate the effects of apartheid, confessed that they had not done enough, and expressed some degree of remorse. All denied any complicity with the apartheid state and its repressive apparatus. Many of the submissions were at pains to point out the efforts made by individuals or business organisations to try to change the National Party and the political direction it was taking. As a union leader observed ironically: "We were all revolutionaries and freedom fighters"

Part of the problem lay in the format of the hearings. Unlike other TRC hearings, there were very few specific allegations to which business had to answer. The Commission itself seemed to lack any clarity about what it was after. Nor do employers or business leaders face the threat of legal prosecution if they do not come clean. On the contrary, as Anglo-American chairperson Julian Ogilvie-Thompson made clear, many

business chiefs are quite delighted at their relationship with the new government. In general, the business leaders at the Commission hearings seemed confident rather than anxious at facing their moment of truth.

Another way

It could have been different. The Commission could have first held hearings where the victims of apartheid in the economy, the field of business, and the workplace described their experiences and made their claims. The Commission could then have formulated a concrete series of questions and allegations for business to respond to.

The central question that ought to have been addressed is whether the memories of workers and unionists are accurate – in other words, whether apartheid existed in the economy, in business and the workplace – and how and why senior managers and business leaders accepted or implemented such brutal practices and conditions. This is

the same question that apartheid functionaries and their political leadership have to answer at the TRC. It is not good enough for the Rosholts, Oppenheimers and Ruperts to deny knowledge of what happened, just as it is not good enough for the political leadership of the apartheid regime to deny knowledge of the atrocities performed by their underlings in the security forces.

In short, the hearings did not disclose much new, or even significant, information about business and apartheid. As there were no submissions from organisations that formerly represented white workers, neither was anything revealed of the ways in which some workers benefited at the expense of others. That is not to imply that the hearings were a cover-up. Many submissions, for example, by the Land Bank, the Development Bank, Eskom, Anglo American and others, made clear how business had either benefited during the apartheid period, or had employed discriminatory policies which disadvantaged workers and/or certain sectors of business.

Reconciliation

The hearings were not only about truth, but equally importantly, about the ways in which reconciliation may be addressed in economic life. As a *Business Day* editorial put it: "...acknowledgements of past wrongs and expressions of regret and remorse are a necessary condition for reconciliation. But they are not a sufficient condition - at best they are a step towards it" (*Business Day*, 14/11/97).

The main theme which emerged was appropriate forms of financial reparation by business, either in the form of contributions to the Presidents Fund, as proposed by Archbishop Desmond Tutu in his opening remarks, or through drawing on SASRIA, the insurance scheme established by the state, as proposed by the Afrikaanse

Handelsinstituut (AHI). Such measures may alleviate the plight of some victims of apartheid, but interpret reconciliation in a very narrow way. Professor Sampie Terblanche of Stellenbosch University suggested a wealth tax as a more sustained way of ensuring redress over a longer period of time.

The quest for reconciliation in the economy cannot wish away the real differences between economic actors, whose interests are structurally defined. We would argue, however, that reconciliation should be seen as a concrete process for creating a more equitable and just form of interaction between business, labour and society - one which does not try to ignore the substantial differences between the parties, but which tries to create a more just and equitable basis for interaction in the workplace and in the economy. As COSATU general secretary, Sam Shilowa, put it: "Reconciliation and transformation are both sides of the same coin."

Transformation

Reconciliation would clearly have to encompass economic and industrial relations practices consistent with the emerging political and social norms of democracy in South Africa.

In its submission to the hearings, COSATU said this should involve, among other things, closing the apartheid wage gap, worker training, investment in previously neglected areas and the abolition of the migrant labour system.

Social and economic justice also requires far-reaching redistribution of wealth, income, power, skills and opportunities throughout society. Business could play a vital role in such transformation - which could, in turn, lay the basis for a more meaningful reconciliation - and the elusive 'social partnership'. To make this a reality, however, business would have to rethink its



Pic: Stephanie Phalane, CDC Photo Unit

The Development Bank team take the oath.

opposition to all progressive measures for redistribution, whether in the form of a wealth tax, prescribed assets in the financial sector, or restructuring of municipal rates and service charges.

Very few submissions came close to addressing reconciliation in this sense. At the most conservative end of the business spectrum was the position taken by the Centre for Development and Enterprise's Ann Bernstein, who maintained that the role of business is business and not morality. A more thoughtful submission – and something of an exception – was that of Anglo American, which stressed the need for investment in human 'assets', management that is more representative of South Africa's population and more democratic and inclusive decision-making styles and structures. None, however, addressed the need for a more fundamental economic redistribution.

The case of the parastatal corporations which made submissions is somewhat different to private sector companies. Under a new leadership, and with a dramatically changed mandate, they were able to commit themselves to real economic transformation.

In the absence of any clear TRC agenda

regarding human rights violations and how the legal process may work in relation to companies which committed such violations during the apartheid period, the hearings were really a public airing of views on the past and the future by elements of the business sector. The issues raised by the thorough, detailed and passionate COSATU submissions were not addressed. On the basis of the evidence presented, the prospects for reconciliation and social partnership do not look promising.

The straight-forward conclusion is that post-apartheid South Africa cannot afford to leave business to its own devices. If the legacy of apartheid is to be redressed and the conditions created to ensure that the past is never repeated, the economy will have to be enmeshed in a just and equitable institutional framework. The state, labour and civil society will have to continue pushing for transformation of the economy and business, and will have to monitor the changes that are taking place, well into the future. ★

Ian Macun is a researcher at the Sociology of Work Unit (SWOP). Karl von Holdt is a member of the Labour Bulletin editorial board.