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STATE-LABOUR RELATIONS IN BOTSWANA 1966-1990

Industrial Relations in an Emergent "Liberal" Capitalist
Democracy.

By

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Thesis submitted in fulfilment of the requirements of the
degree of Doctor of Philosophy (Sociology), Department of
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DEDICATION.

To the toiling men and women of Botswana.

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ABSTRACT.

Botswana is a formally liberal democratic country that is known for its impressive economic growth and political stability. The country has sometimes been referred to as Africa's economic miracle and a shining example of democracy in a continent notorious for economic mismanagement, military dictatorships and one-party government. However, this picture of Botswana is too superficial and generous.

This study seeks to delve beneath the surface of this much acclaimed liberal democracy in order to explore the system of labour repression that is the dark side of Botswana's constitutional framework of individual rights and democratic freedoms. In Botswana, the collective rights and freedoms of trade unions, though formally recognized, are in fact severely restricted. The state prevents workers in the public sector from forming or belonging to trade unions at all. In the private sector there are manifold constraints on industrial bargaining, organisation and activity. These forms of control over the trade union movement derive from the Botswana state's position as a peripheral capitalist state.

These structures of social domination, however, have not gone unchallenged by the labour movement. The growth and development of the trade union movement and the challenges posed by the labour movement to both the state and capital have shifted the state towards limited labour reforms. This shows that, while the Botswana state remains the guarantor of private capital accumulation, its form is nevertheless determined by the constellation of class forces in which it is located. If the state is to maintain legitimacy and hegemony in society, and not rely on coercion alone, it must accede to some of the demands of the working class. Botswana's liberal democracy gives the working class space to fight for the reduction of exploitation and to push the state toward more social reforms.

At the same time, however, there is occurring a marked change in how the state relates to labour - from what may be called a strategy of "national economic development" to one more influenced by neo-liberal economic and political approaches. The conclusion I have reached in this analysis is that workers and their unions need to develop a long term strategy to increase their social weight in relation to the state and capital. The strategic option recommended here is social movement unionism. It is argued that because of the liberal democratic form of Botswana capitalism, social movement unionism, rather than overt political unionism stands a better chance of success because this form of unionism will not split the ranks of the workers along party lines.

TABLE OF CONTENTS.

	page
Acknowledgements	
Glossary	
List of Tables	
Abstract	
PART ONE.	
GENERAL INTRODUCTION.	1
CHAPTER ONE.	2
INTRODUCTION TO BOTSWANA.	
1.1 The Purpose of the Study	2
1.2 The Thesis	3
1.3 Theoretical Overview	4
1.4 Colonial Economic Legacy	9
1.5 Post-independence Developments	16
1.6 State-Society Relations	19
1.7 Summary	23
PART TWO	32
STATE-LABOUR RELATION: LITERATURE REVIEW AND THEORETICAL FRAMEWORK.	33
CHAPTER TWO.	33
Theorising the State-Labour Relation.	
2.0 Introduction	33
2.1 Marxist Theories of the State	36
2.2 The State-Labour Relation	43
2.3 Challenges of the Labour Movement	47
2.4 Conclusion	53
CHAPTER THREE.	56
The State Regulation of Labour: the African context.	
3.0 Introduction	56
3.1 Marxist Theories of Peripheral Capitalist State	59
3.2 State-Labour Relation in Peripheral Capitalism	67
3.3 Challenges of the Labour Movement	79
3.4 State-labour Relation in Botswana	82
3.5 Conclusion: Towards a Theoretical Framework	85

PART THREE.	89
THE BOTSWANA STATE: ITS RELATION TO ORGANIZED LABOUR	
CHAPTER FOUR.	90
The Post-Colonial State: The Case of Botswana.	90
4.0 Introduction	90
4.1 The Class Character of the Botswana State	92
4.2 Post-Colonial Economic Growth Strategy	106
4.3 Economic Growth and Structural Transformations	108
4.4 Institutions of Intervention	113
4.5 The State and Development: Some Observations	118
4.6 The Emergent National Bourgeoisie	122
4.7 Conclusion	130
CHAPTER FIVE.	134
The Post-Colonial Wages Policy	134
5.0 Introduction	134
5.1 The Post-Colonial Wages Policy (1972-1990)	135
5.2 Framework for Implementation	140
5.3 Salaries Review Commissions	146
5.4 Income Distribution and Social Inequality	148
5.5 Conclusion	160
CHAPTER SIX.	164
The Capitalist State and the Trade Unions.	164
6.0 Introduction	164
6.1 Restructuring and Control: The Early Phase	167
6.2 Restructuring and Control: The Later Phase	173
6.3 Ideological Habituation	178
6.4. Trade Unionism in Botswana	184
6.5 Conclusion	189
CHAPTER SEVEN.	195
Industrial Relations in Botswana (1966-1990).	195
7.0 Introduction	197
7.1 An Historical Background	199
7.2 Botswana's Constitution and Labour Legislation	199
7.3 The Employment Act	205
7.4 Trade Unions and Employers Organisation Act	207
7.5 The Trades Dispute Act	218
7.6 The National Security Act	222
7.7 Labour Organisation in the Public Service	223
7.8 Botswana and ILO Conventions	228
7.9 Conclusion	230

PART FOUR.	237
ORGANISED LABOUR IN BOTSWANA: ITS RELATION TO THE STATE	
CHAPTER EIGHT.	238
Trade Union Growth and Development. Post-Colonial Era.	
8.0 Introduction	238
8.1 Trade Unions in Botswana. The Colonial Period	239
8.2 Organised Labour In the Post-Colonial Period	247
8.3 Collective Bargaining	255
8.4 Settlement Procedures and Arbitration	264
8.5 Sectionalism and class consciousness	269
8.6 Conclusion	274
CHAPTER NINE.	280
Class Organisation and Class Struggles in Botswana	
9.0 Introduction	280
9.1 Trade Unions and the Class Struggle	281
9.2 Industrial Conflict in the Private Sector	285
9.3 Industrial Conflict In the Public Sector	291
9.4 Conclusion	307
CHAPTER TEN.	314
CONCLUSION.	
Prospects for Organised Labour in the Third Phase.	
10.1 State-labour Relation before the 1990s	314
10.2 Labour Legislation in the 1990s	318
10.3 The Future of Collective Bargaining	323
10.4 Conclusion: Social Movement Unionism	325
APPENDICES	
APPENDIX A.	336
APPENDIX B.	338
1.1 METHODOLOGY	338
1.2 Research Design	340
1.3 Research Techniques.	347
1.4 Research Process	349
1.5 Problems encountered.	351
1.6 Limitations of the Study.	354
LIST OF PRIMARY SOURCE DOCUMENTS.	357
LIST OF KEY INFORMANTS	361
LIST of REFERENCES	362.

LIST OF ABBREVIATIONS/ACRONYMS.

AALC.	American-African Labour Centre.
ACAS.	Advisory, Conciliation and Arbitration Service.
ANC.	African National Congress.
BCSA.	Botswana Civil Servants Association.
BOCCIM.	Botswana Chamber of Commerce, Industry, and Manpower.
BDP	Botswana Democratic Party.
BFL.	Bechuanaland Federation of Labour.
BFTU.	Botswana Federation of Trade Unions
BPP.	Botswana Peoples Party.
BPWU.	Bechuanaland Protectorate Workers Union.
BTUC	Bechuanaland Trade Union Congress
BTUEC	Botswana Trade Union Education Centre.
BOFESTE.	Botswana Federation of Secondary School Teachers.
BOPRITA.	Botswana Primary School Teachers Association.
COTU.	Central Organisation of Trade Unions.
DPSM.	Directorate of Personnel Management.
FEF.	Fredrich Ebert Foundation
FEUA.	Franscistown African Employees Association.
KFL.	Kenya Federation of Labour.
LAB	Labour Advisory Board.
MFDP.	Ministry of Finance and Development Planning.
NEMIC.	National Economic, Manpower and Incomes Council.
MFDP.	Ministry of Finance and Development Planning.
MUZ.	Mineworkers Union of Zambia.
NJICC.	National Joint Industrial Consultative Council.
NLC.	National Liberation Council.
PWD.	Public Works Department.
SACTU	South African Congress of Trade Unions.
ZCTU.	Zambia Congress of Trade Unions.
ZRAWU.	Zambia Railway Amalgamated Workers Union.

LIST OF TABLES.

Table.

4.1 Development Indicators (1966-1991).	109
4.2 Gross Domestic Product. 1966-1988/89 (selected years).	110
4.3 Ownership of Manufacturing firms by Citizenship (Selected years)	127
5.1 Estimated Average Earnings by Economic Activity and Citizenship of Employee.	150
5.2 Cash Income Distribution.	153
5.3 Average Monthly Real Earnings of Citizens by Occupation (all Sectors) Excluding Central Government.	157
8.1 Estimated Number of Paid Employees by Economic Activity (Selected Years).	249
8.2 Estimated Number of Employees By Economic Activity, Sex and Citizenship (March, 1991).	250
8.3 Registered Trade Unions and Estimated Membership, October, 1991.	251

CURRENCY EQUIVALENTS.

Value of the Rand to the Pound.

Year	value
1968	1.7
1969	1.7
1970	1.7
1971	1.7
1972	1.95
1973	1.85
1974	1.85
1975	1.85
1976	1.78

Value of the Pula to the Pound.

1977	0.68
1978	1.53
1979	1.72
1980	1.74
1981	1.70
1982	1.65
1983	1.7
1984	1.7
1985	1.9
1986	2.45
1986	2.71
1989	3.4

PART ONE.
GENERAL INTRODUCTION.

CHAPTER ONE.

INTRODUCTION TO BOTSWANA

1.1 Purpose Of The Study.

The purpose of this study is to examine the system of state repression and domination of organised labour in Botswana, a formally liberal democratic country. I argue that state repression and domination of labour were necessitated by the imperatives of economic development under a capitalist mode of production. Invariably, post-colonial state policies in developing countries, designed to meet the requirements of economic growth, necessitate various forms of state intervention in the economy and in industrial relations. My concern is to explore the specific form of this intervention in Botswana, which until the beginning of the 1990s was one of the few formally liberal democratic countries in Africa.

Botswana's peripheral capitalist development can be divided into three distinct phases. The first phase was that of Botswana's integration into the world capitalist system through colonialism. This lasted up to the time of formal political independence. The second phase of Botswana's capitalist development was from Independence in 1966 to 1990. This is the focal point of my analysis. This period was characterised by direct state intervention in the economy and in industrial relations. At the economic level, the state

intervened through creating a physical and social infrastructure and establishing public enterprises in various sectors of the economy. At the level of industrial relations, the state intervened through a restrictive wages policy and labour legislation. The first wages policy was in place for close to twenty years from 1972 to 1990.

The third phase of Botswana's peripheral capitalist development is the one that is emerging in the 1990s and was initiated by the adoption of the 1990 Report of the Presidential Commission on the Review of the Incomes Policy, (hereinafter, the Presidential Commission). The third phase of Botswana's capitalist development is being characterised by changes which appear to indicate a transition from state interventionism to a more neo-liberal form of state involvement in the economy. Although this period lies outside the main focus of my analysis, I comment on it in my concluding chapter because of the implications it has for the future of the labour movement.

1.2 The Thesis

The thesis of this study is that, even in a formally liberal democratic country such as Botswana, the imperatives of economic growth and development in a capitalist context give rise to the state's close supervision and control of organised labour. This

constitutes a repressive structure of social relations that is maintained by the state through the exercise of political power and legitimated through an ideology of nationalism. The corollary of the thesis, however, is that these structures of repression only set limitations to class actions; they do not prevent them.

1.3 Theoretical Overview

The theory that informs this study is that of historical materialism. My starting point is that the motive force of history is constituted by changes in the modes of production, the consequent division of society into distinct classes, and the struggles of these classes against one another. On the basis of this starting point, I argue that the repressive structures of social relations are historically specific and contingent upon the balance of class forces. It is the case, therefore, that in the course of on-going struggles, the subaltern classes will generate counter-ideologies to engage their class opponents. As Marx (1968a:97) pointed out:

Men make their own history, but they do not make it just as they please; they do not make it under circumstances chosen by themselves, but under circumstances directly encountered, given and transmitted by the past.

Following Marx, it can be argued that, though within structural limits, some amount of economic and political struggles are possible. As Hyman (1975:5-6) argues, there exists an area of choice in the structure of social relationships, even if this choice

can occur only within definite limits. These limits tend to relax as the level of technical and economic development rises and the working class increases its social weight (Fine, 1991).

The repressive structures of social relations constitute forms of labour control by the state on behalf of capital, whilst industrial action in various forms constitutes resistance to the capitalist control of the labour process. Labour control refers to those activities of representatives of capital to assert the authority of capital over wage labour and thereby incorporate labour into the capitalist mode of production. Labour resistance refers to those activities of wage labour through its representative organisations to defy the authority of capital and assert the autonomy of workers, thereby obstructing the incorporation of labour into the capitalist mode of production (Crisp 1984:1).

As Crisp argues, following Marx, labour control and labour resistance are integral and inseparable features of the capitalist mode of production; they presuppose the existence of each other, condition the existence of each other, and reciprocally bring forth each other. Central to my analysis is the dialectical relationship between structure and agency, and a recognition that social structures are transformable through the actions of actors caught up in those structures. The state-

labour relation is interactive: the state influences the labour movement by imposing political limits upon it, but the labour movement in turn influences the state by its struggles from below.

On the basis of this argument, the study also focuses on the actions of the working class as autonomous actors within the limits of these repressive structure of control. I argue that in order to maintain social cohesion in an inherently unstable system of economic and political relations, the state has to concede to some of the demands of the working class, in order to gain legitimacy and support for the attainment of state-defined national goals, even though these goals are in the long term interest of the economically dominant class. That is to say, these concessions are made within the parameters of capitalist relations of production.

In a class divided society in which in general the state owns the means of production in the sphere of infrastructural development and elsewhere the means of production are largely in the hands of private capital, there is bound to be a clash of interests between the class that owns the means of production (state and capital) and those who only own their labour power. The economically dominant class, or the coalition of fractions of classes that own the means of production, have the support of the state. Because of this

relationship, the state tries to sustain this social order by declaring universal legitimacy of the narrow interests of this class. As Marx (1970:65) pointed out:

Each new class which puts itself in the place of the ruling class before it, is compelled merely in order to carry through its aim, to represent its interests as the common interests of all members of society, that is, expressed in ideal form: it has to give its ideas the form of rationality, and represent them as the only rational universally valid ones.

The form in which particular class interests are presented as the general interests of society is through the ideology of nationalism. The prevalent ideological forms are those of "national interest" and "national development". Ideology is used in this context to refer to a particular form of human thinking that conceals class contradictions of society in metaphysical abstractions, and tends to present the society as a harmonious entity (Billig 1982:32). However, in a class divided society, national interest can not be taken for granted. It is important that such ideologies be put in their social context in order to reveal their class content.

The sense in which this thesis breaks new ground, that is, how it is an original contribution to knowledge about Botswana, is that it is a departure from the conventional analysis on Botswana's political economy, which have been limited to the descriptive analyses of economic growth and structural transformation. For my part, I undertake to delve beneath these descriptions

and dominant conceptual frames to reveal the character of a system of labour repression. I view the process of economic development and the relations of production which characterise this process as constituting a terrain of class struggle in which the interests of capital accumulation are in conflict with the interest of the working class. I also move beyond the current analyses of the political economy of Botswana by showing how the economic growth and structural changes that have occurred in Botswana in the last 25 years were accompanied by the process of class formation and class conflict. The process of economic growth and structural changes also shapes classes, which becomes as much an outcome as a starting point of the process of accumulation (Richard and Waterbury 1990:10).

In order to sustain the process of capital accumulation, the state, the organisation of monopoly of the means of coercion, intervenes in industrial relations by creating a repressive industrial relations system, which is backed by the ideology of national interest. What is new in this study is that I give the previously static description of economic growth and structural transformation a new dynamic by situating this process within the context of the capitalist mode of production and its attendant social relations. I also examine the class character of the Botswana state and argue that the post-Independence economic policies must be seen as a class project of the nascent national

bourgeoisie which now has structural links with the political elite. This is one other issue that the current analyses on Botswana has not taken on board.

BOTSWANA: BACKGROUND AND LITERATURE REVIEW.

1.4 Colonial Economic Legacy

Botswana lies at the heart of the Southern African sub-continent. The country is completely landlocked, being surrounded by South Africa in the south, Zimbabwe in the east, and Namibia in the west and north west. Physically, Botswana is a very large country. Its total land area is 582,000 square kilometres, about the size of France, or the state of Texas in the United States of America. However, Botswana's huge physical size is out of proportion to its population. The 1991 population census put Botswana's population at 1,326,796. Of this, 1,010,154 people were living in the rural areas, and only 316,642 lived in Botswana's four major urban areas. Gaborone, the capital city, had some 133,468 people, or more than a third of Botswana's urban population [1]. Although Botswana can boast about the Okavango Delta, the biggest inland drainage system in the world, which also has the most varied species of flora and fauna, most of the country is flat and dry. More than two thirds of the land area is covered with the thick sand layers of the Kgalagadi Desert. Most Botswana live in the eastern region of the country, where soils are more fertile [2].

Botswana was colonised by Britain in 1876. However, for the ninety years of colonial rule, the country remained underdeveloped, and was used mainly as a labour reserve colony for South Africa. At the time of her Independence from Britain in 1966, Botswana was listed amongst the world's poorest countries. It was uncharitably labelled a "hopeless basket case" (Coclough and MacArthy 1980). Botswana was so lowly rated by the Colonial Office, so much that the country was even ruled from outside its borders, from Mafeking, in the Cape Colony: the only case in the annals of the history of British imperialism. Harvey and Lewis (1990:15) argue that the country suffered social and economic neglect, even by African standards. They argue:

Despite more than eighty years of British rule, Botswana inherited very little in 1966: very little infrastructure, and very few people with education, training, or experience except that provided by traditional activities and low level work in South African mines and farms...until before Independence,...the country had no capital city, nor even the benefits of the small spending power of colonial administration. Another symbol of neglect was that Bechuanaland Protectorate never had its own governor like other colonies; the governor was the British High Commissioner to the Cape Colony, and later to the Union of South Africa.

Botswana must rank as one of the few countries in the world that never benefited even indirectly from the industrial revolution that changed the world, especially Europe and North America. Botswana inherited very little in terms of social and or economic infrastructure from the colonial period.

The developments that were bequeathed from the colonial period included a single track rail line built by the British South Africa Company (BSAC) to link Cape Province with Southern Rhodesia. There were very few economic activities outside of pastoral and arable farming. Manufacturing industry was almost non-existent, and there was no viable indigenous capitalist sector. Commercial activities consisted of a creamery, and a bonemeal and animal fodder plant in Francistown and an abattoir, Botswana Meat Commission (BMC), a maize and malt mill in Lobatse, and small shops scattered around the country. Other commercial activities like wholesale and retail business activities were few and far between and were controlled by foreigners (Harvey and Lewis 1990).

The situation was even more hopeless in relation to human resources. In a population of about 549,000 at independence, there were only 71,546 children in primary schools, and 1,531 in secondary schools. There were only nine secondary schools with only two offering O'levels. Of the only forty three secondary school teachers with university education, only six were Batswana. At Independence the country was believed to have about 100 people with secondary school leaving certificate, that is, junior certificate and O'levels. At Independence, Botswana had only twenty kilometres of bitumen road. The rest of the road network, about 7000

km long, was just dirt tracks. The budget at Independence in 1966 was P13m, but revenues were only P6m, and Britain had to provide grants in aid to balance the budget and pay civil servants salaries. Compared to the other British colonies of Lesotho and Swaziland, Botswana was worse off, in the sense that these countries could at least boast of some modicum of commercial activities that were taking place in and around their administrative headquarters. But Botswana was administered from outside her borders (Harvey and Lewis 1990).

A question may be posed as to why Botswana was treated so differently by Britain, and no efforts were made to develop minimum infrastructure. According to Colclough and McCarthy (1980), Botswana differed from the classical type of a colony in the sense that Britain was not attracted to Botswana by the availability of raw materials and other economic resources that she could exploit, but because of military and strategic considerations. Halpern (1965a) points out that the strategic importance of Botswana lay in its being what Cecil Rhodes called the "Suez Canal to the North". According to Halpern, the colonisation of Botswana was therefore to secure Botswana as a link to Cairo in an unbroken imperial line. Inside South Africa, Britain was facing rebellious Boers. In fact Britain was defeated by the Boers at the First Anglo-Boer War in 1880. Externally, Britain was also facing military

challenge and feared that the Germans in South West Africa (Namibia) and the Portuguese in the eastern part, Mozambique, and the land hungry Boers who had already annexed the southern part of Botswana, might between them annex the central part of Southern Africa, where Botswana is, and close the British route from its base in the Cape Colony to Central Africa. As a result of this, Britain instructed its representative in the Cape, Sir Charles Warren to inform Botswana Kings that their country had now become a British protectorate. This was the area up to latitude 22 degree south (Colclough and McArthy 1980).

Because of its economic unattractiveness, Botswana remained just a buffer zone between the Germans and the Portuguese, and no economic development took place. Colclough and MacArthy argue that the British attitude was to keep the financial cost of their involvement in Botswana to a minimum. The governor of Cape Colony is reported as having said that the British government would do "as little in the way of administration or settlement as possible" (Colclough and McArthy 1980:12). In order to balance the cost of administering the country from local sources, the colonial administration introduced a Poll Tax in the territory.

Although Botswana was supposed to be a "protectorate", and not a "colony" in the classical sense, some of the actions by Britain in its relations to the local

political structures did not differ from actions of a colonialist state in a classical colony. For example in 1890 Britain extended its jurisdiction beyond 22 degree latitude up to the Zambezi River and in 1893 annexed Tati Concession, a part of Matebeleland and made it part of Botswana. Inside the country Britain was busy carving up the country and redesignating the fertile parts of Botswana like the Tuli Block, Molopo Farms, Gaborone and Lobatse into the so-called "Crown Lands", and demarcating "tribal reserves" for the indigenous people (Colclough and McArthy 1980).

In 1934, Britain introduced the Native Administration Proclamation to curtail the juridical powers of the chiefs, and to give the colonial state authorities the power to suspend chiefs if they were not performing their duties satisfactorily (Crowder 1988). In 1954 Britain banned Seretse Khama, who was to become the first President of independent Botswana, from returning to Botswana after he married a white Briton. The ostensible reason given was that Seretse Khama's wife was not acceptable to his own people and that this might cause "tribal animosity". However, it has now emerged that the British government was under pressure from the apartheid government in South Africa which regarded the Khama marriage as bad example (Dutfield 1990).

Other colonial state actions included the Credit to Natives Proclamation which restricted the borrowing capacity of Batswana to £35 a year, restricted Batswana's economic activity to agriculture, and reserved modern commercial activities to Europeans and Indians only [3]. The absence of any industrial or manufacturing base resulted in the establishment of a nationwide migrant labour recruitment network after the introduction of the Poll Tax by the colonial state. As a result of this, many able bodied young men, especially from poor families who could not produce surplus to meet their tax obligations, were forced to go and make a living from South African mines. The migrant labour system became a traditional source of wage employment in colonial Botswana in particular and Southern Africa in general.

At the time of independence, about 30 percent of Batswana between the ages of 20 and 40 were working in South Africa mines, manufacturing industries, farms or as domestic labourers (Harvey and Lewis 1990; NDP 7:11). But even then, the migrant labour system, which was organized on a contract basis of six to twelve months, could not, for obvious reasons support trade union activity in the territory. The work place and the home of the "contract" worker were geographically separated, and this section of the working class remained in disarray. In any case apartheid laws in South Africa did not allow black workers to form trade

unions. This remained the situation until 1965 when Botswana was granted self-government. Independence came on 30th September, 1966.

1.5 Post-Colonial Developments

Since independence the country has undergone rapid economic transformation. There have been significant changes in the country's social, economic and physical landscape. Important indicators of these structural changes include the growth of formal sector employment, urbanisation, the building of good roads and telecommunications network, the creation of an educational and health infrastructure, and an improved standard of living for most people, especially those in urban areas (Harvey and Lewis 1990; NDP 7). In 1990, Botswana's per capita income was P3000 and foreign reserves stood at P5 billion.

This economic performance has triggered numerous positive commentaries about Botswana: some economists have characterised Botswana as an African, and sometimes even as a Third World economic success story, alongside Taiwan, Korea, Singapore (National Development Plans NDP's 4-6; World Bank Annual Reports; Colcough and MacArthy 1980; Lewis and Sharpley 1988; Harvey and Lewis 1990). The most recent of these glowing commentaries on Botswana has come from Stedman (1993:1) who argues that:

At a time when Africa's dismal economic performance and political corruption and mismanagement have given rise to a new intellectual movement called Afropessimism, when analysts create generic models of African governments that include "lame leviathans", "swollen states", "kleptocracies", and "vampire states", Botswana stands out as an example of economic development, functioning governance, multiparty, liberal democracy. It is... a country akin to Switzerland, an exception that confounds generalizations, but whose very exceptionality prompts analysts to see it as a hopeful model for other societies [4].

Stedman, like most commentators on Botswana, then goes on to give a description of Botswana's economic growth, increase in per capita income and growth in the gross domestic product. Some political scientists (Good 1992) have described Botswana as a shining example of liberal democracy in a continent notorious for one party states and or military dictatorship.

My dissatisfaction with all these commentaries is that they are partial, tendentious and have looked at Botswana superficially. They have looked at economic growth and structural transformation as if these processes take place in a vacuum, and have left out of the analyses the relations of production that are inscribed in the process. Class formation is simply referred to as employment creation, the repressive state policies that have been created to control the working class have been left out of the analyses, and the state is rewarded with praise. For example, Harvey and Lewis (1990:275-310) cite the growth in formal sector employment, investment in social infrastructural

development in areas such as health and education, rural water supply, and even drought relief and drought recovery programmes as examples of how the benefits of rapid economic growth were distributed through out the society. They also point out that between 1974 and 1986 formal sector employment increased by 150 per cent while the population only increased by 65 per cent, and that this was a major gain in welfare because even rural households could benefit from the growth of employment through remittances from household members with urban jobs. They also cite as an example of the benefits of rapid economic growth the fact that only a small number of Batswana are still going to South Africa from employment. They argue:

So rural household gained not just from the absolute increase in the opportunity to get employment, but from a shift in the composition of job opportunities to working in Botswana rather than under the conditions of apartheid [p 277].

Whilst I acknowledge the empirical facts concerning economic growth and structural transformations, my argument is that in fact it is the function of the state to secure the production and reproduction of the society. The post-colonial state involvement in the economy must be seen within this context. It is not as if the Botswana state was doing the society a favour by its interventionist policies of creating the necessary infrastructure.

The new dimension that I raise in this study is to draw attention to class contradictions that have emerged. My argument is that in a class divided society, where private capital accumulation is seen as the best way of securing social production and reproduction, class contradictions inevitably arise because of the relations of production embedded in this process are conflictual. The development path adopted by the post colonial state, and the state's reliance on private capital accumulation, necessitate the political control of the working class. To this end the state create structures of repression in order to trammel organised labour. However, as both the economy and organised labour grow quantitatively and qualitatively, these structures will be challenged by the working class.

1.6 State-Society Relations in Botswana.

Freund (1988:95) points out that Botswana is a country unusual in its tolerance of autonomous civil institutions by African standards. As we shall see in the chapters' that follow, such characterisation of the Botswana state is too generous. It is true that unlike most independent African countries, Botswana has continued to adhere to a liberal democratic constitution inherited at independence, in 1966. Elections have been held regularly at five year intervals since 1965. The post-colonial state has allowed for the existence of multi-party system. There

are six registered political parties, but only two major ones, the ruling Botswana Democratic Party (BDP), and the main opposition, the Botswana National Front (BNF) [5]. If all goes well, Botswana will go to the polls again in 1994 for the seventh time since Independence.

The state-society relation in Botswana is, however, a complex mixture of repression, corporatism and paternalism. This itself is the result of a combination of several factors: a liberal democratic constitution that guarantees fundamental human rights and freedoms; and the populist nationalism of the BDP, which, although a strong advocate of capitalism, has been able to maintain its hegemony on Botswana's body politic. But as some commentators on Botswana like Molutsi and Holm (1990:327) have pointed out:

[Botswana] Government is assuming some corporatist characteristics: policy initiation takes place within government ministries; persuasion is presented as consultation; limits are placed on participation in politics; government dominates communication processes, and ministries create and control most organised groups.

Molutsi and Holm further point out that the government restricts political communication through its hold on Radio Botswana and proposals for private radio stations have been rejected; the official media avoids politically controversial issues, while the private newspapers are hamstrung by fear of financial and legal sanctions by the government or those associated with

the ruling party. The idea that organs of civil society should lobby political parties and form alliances is officially discouraged, even though not prohibited by law, and the term "politics" refers only to the activities of political parties, while pressure groups, such as trade unions, are expected to take their problems to civil servants, rather than lobby politicians and seek to influence government action directly (Molutsi and Holm 1990).

Some of the researchers who have so fulsomely praised Botswana's liberal democracy and successful capitalist development have to a large extent ignored some of these issues. To me this is a serious omission and a gap in knowledge that has to be rectified. The post-colonial state's relationship with the labour movement forms a part of the picture that has not yet been critically analysed. What is often ignored in most analyses about Botswana is that the attainment of independence left the post-colonial state with an urgent need for accelerated economic development. Like most third world countries, Botswana could only achieve this by creating repressive structures, at both political and ideological levels, to control the trade union movement and make it acquiescent or supportive.

As I will show below, at the time of independence in 1966, Botswana was one of the poorest countries in the world. The country had few resources. There was a need

to develop as fast as possible and the post-independence political authorities felt that the only way to do this was to mobilise international capital and create conditions for the growth of domestic capital. The political elites called on the trade unions to join the government in the quest for national development, and dictated that the interests of the trade union movement in advancing the interests of their members should be subservient to the "national interest". Trade unions were treated as junior partners in the development process, and their role was seen as "cooperating" with government. This inevitably created tension between the unions and the state. As Damachi (1974) argues, the tendency in Africa is for governments to develop firm control over trade unions as part of a broad political effort to establish state supervision and management of conventionally autonomous structures. The control and supervision of trade unions is supposed to be done in the national interest for the sake of attracting investment.

The State-labour relation should, however, be viewed dialectically. In other words, much as the state tries to repress, regulate and dominate labour on behalf of capital, labour also puts up its resistance to such repression, regulation and domination. The working class, by its demands and resistance to certain forms of labour control, affect state policies, and force the state to formulate new policies. In this regard, Clark

and Dear (1984:4) point out though the state maintains the capitalist system, the state is not the exclusive domain of the capitalists, but interacts with society in a continuous spiral of responses and counter responses which in turn move the society toward some further development, generating new difficulties and leading yet to a further round of state intervention.

1.7 Summary.

I begin this study by critically exploring some of the Marxist debates on the state. My intention is to develop a theoretical framework for the analysis of the state-labour relation that is based on historical experiences, rather than logically derived from the capitalist mode of production. In so doing I hope to shift the focus from the top-down state-centered theory of the state onto a society-centred theory which views the state-labour relation interactive terms.

In Chapter Two I argue that although the state in capitalist countries may be regarded as capitalist, this is not because the state is determined by the economy, but rather because the state objectively organises the conditions indispensable to capital accumulation. Capitalism is predicated on the autonomisation of politics and the state. This autonomisation creates a space for the working class to struggle for its interests. However, these struggles

take place within the parameters defined for them by the state, as the guarantor of the process of private capital accumulation

In Chapter Three I use the same mode of analysis to examine the state in peripheral capitalist countries. I challenge those theories of the state in peripheral capitalist countries which view the state as a mere instrument of the local capitalist class in collaboration with international capital. I argue that this view of the state is predicated on the contestable premise that the state is determined by the economy. I draw a parallel between the state in developed countries and the state in peripheral capitalist countries. Whilst acknowledging the fact that in peripheral capitalist countries, the state is much more involved in the economy than is the case in developed capitalist countries, this involvement must nonetheless be seen in the same light as the state's involvement in the economy anywhere, namely to secure the conditions of production and reproduction of society. What is important are the relations of production under which such process of production and reproduction takes place. Like in developed capitalist countries, the state in peripheral capitalist countries also defines the parameters of working class action. But what the working class can do within those parameters depends on the conjunctural terrain: the international situation, that is the pressures of the international capitalist

political economy, the local state, and the organisational strength of organised labour.

In Chapter Four, I give an analysis of the class character of the Botswana state, and show that the roots of the present political elite go back to the pre-independence period. I also give an empirical overview of economic growth and structural transformation that have taken place in Botswana from Independence to 1990. In this chapter I show how the post-independence state has been in the forefront of the economic development through direct investment in infrastructural development and in the establishment of public enterprises. It is argued that these are functions of the state to create the necessary conditions for production and reproduction of the society. The class character of the state and its functions lead us to the examination of the form of the Botswana state.

In Chapter Five I examine the capitalist form of the Botswana state. The form of this state is revealed in the state's relationship to labour. The organising principle of capitalism is the exploitation of wage labour by capital. This exploitation is defined as the ratio of unpaid to paid labour, whereby profits to the capitalists accrues from the surplus value withheld from labour. This system of exploitation of labour has been maintained through a policy of wage restraint

which has led to higher per capita income, but very unequal income distribution and poverty wages for the workers. This reveals the capitalist form of the Botswana state.

In Chapter Six, I examine the state's restructuring of the trade union movement, and the ideological habituation of the working class. These actions by the state against the working class derive from the state as the disciplinarian of labour on behalf of capital. It is argued that like in other parts of Africa, even in Botswana the primary role of state intervention in industrial relations is to restructure and remodel the trade union movement to make organised labour more amenable to state control. The working class has to be habituated to accept the existing exploitative relation of production through the ideology of national interest etc. It is hoped that in this way, the working class will become supportive or at least acquiescent.

In Chapter Seven I turn to the examination of labour law in post-colonial Botswana. Habituation is a necessary but not sufficient condition to ensure workers submission to capital. Other structures of control have to be created to ensure that where ideology is insufficient to ensure submission, legal repression will. This chapter demonstrates how Botswana's post-independence labour laws have weakened the trade union movement organisationally, and disarmed

it politically. As it will be shown in the analysis, the state gave with one hand and took away with the other. Whilst the state has created a floor of rights for the workers, and a trade union does not have to negotiate for recognition with an employer once it is registered, trade unions have not been allowed to organise in full freedom, and workers in the public sector, who comprise a large percentage of the working class in Botswana, are denied the right to form and belong to trade unions. Although collective bargaining is accepted in principle, the employers are not under any legal obligation to disclose information to the workers side for the purpose of collective bargaining.

In Chapter Eight I examine trade union growth and development in post-colonial Botswana. It is pointed out that one of the characteristics of the development of capitalist relation of production is the growth in formal sector employment as labour released from the previously non waged economic activities are absorbed in formal sector employment as wage labourers. I examine the numerical growth of the working class, disputes settlement and collective bargaining. It is argued that are integral part of the growth of trade union consciousness.

In Chapter Nine I examine the working class action within the parameters imposed by the state and argue that despite these limitations. It is argued that the

working class is by no means hapless and helpless victim of this repressive structure. I show how the working class in Botswana has grown restive, assertive and increasingly militant in its demands and had resorted to illegal strike actions and deliberately disregarded laws outlawing strikes. It is argued that these are indicative of the fact that workers are becoming more and more aware of their class position. These issues are germane to class struggle.

In Chapter Ten I examine the future state-labour relationship in the 1990s. I point out that restrictions on the labour movement are still in place. This poses new problems for the labour movement. I conclude the analysis by making a case for the need for social movement trade unionism to counteract new forms of labour repression in Botswana. Social movement unionism as distinct from political unionism is the most viable strategic option. I argue that Botswana's liberal democracy, even if just formal, nevertheless creates a political space for the labour movement to form strategic alliances with other democratic organisations and push the state towards more reforms, not only in the industrial relations field, but in the society as a whole. It is argued that organised labour remains the most important component of civil society, and that its struggles are part of the main struggle for social democracy.

This study is not a theoretical work, but a theoretically structured empirical analysis of the state-labour relation in the development of a peripheral capitalist economy. The aim is to provide knowledge about the limitations of Botswana's liberal democracy and a basis for a new form of trade unionism required to by the working class in the future.

NOTES and REFERENCES.

1. See Central Statistics Office (CSO) Report on Population and Housing Census, Ministry of Finance and Development Planning, Gaborone

2. A citizen of Botswana is Motswana. Batswana is the plural form. Setswana is the national language. Botswana is largely homogeneous and Setswana is the language of about 85 percent of the people.

3. See The Bechuanaland Protectorate Credit Sales to Natives Proclamation, No 38 of 1923, Her Majesty Stationery Office, London.

4. In 1992, some ministers were implicated in corruption by the Kgabo Commission on Land Allocations in Peri-Urban Areas and by the Christie Report on the Operations of the Botswana Housing Corporation. Peter Mmusi, the National Chairman of the ruling Botswana Democratic Party (BDP), and the country's Vice President, and Daniel Kwelagobe, the Secretary General of the party and the Minister of Agriculture, and Ronald Sebege, Assistant Minister of Local Government were forced to resign. Michael Tshipinare, another Assistant Minister in Local Government and Lands was fired from cabinet, and served a term of imprisonment for receiving a bribe of P500,000. Joe Letsholo, the late manager of Botswana Housing Corporation, was said to have kept close to P250,000 in a safe in his office. The Christie Commission also alleged that the deceased had in a very short time built an estate of over P3 million.

5. I use the concept of liberal democracy with caution, because although the constitution of the country has all the outside trappings of liberal democracy, what happens on the ground is quite different. I will give only three examples. First, the ruling party has also monopolised the use of state resources like Radio Botswana and Botswana Daily News, an 8 page tabloid, which are being used as a party and state organ of persuasion with BDP party political broadcasts being presented as government "consultation". Airtime for the opposition is minimal and there is always a risk that opposition party broadcasts can be taken off the air by a simple ministerial instruction to the radio station, which is manned by civil servants. Foreign journalists have been expelled under Presidential Decree. Secondly, the Botswana state machinery is centralised in a top heavy bureaucracy based in Gaborone, especially in the Office of the President, which has all the executive powers, with several line ministries, such as the Ministry of Local Government and Lands (MLGL), which is responsible for Local Authorities, charged with the

responsibility of implementation of The National Development Plan projects and programmes. Since the opposition started winning the urban councils, the Government has resorted to a policy of cutting down financial grants to local authorities or councils that are under the control of the opposition, a practice that shows that the electorate is being penalized for voting opposition parties. Thirdly, the ruling party has always "specially elected" councillors and parliamentarians, usually people who have been unsuccessful in the elections, to increase the number of BDP representatives and overturn the opposition majority.

PART 2

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

CHAPTER 2

THEORISING THE STATE-LABOUR RELATION.

Introduction

The analysis that follows is primarily concerned with the relationship of the state to organised labour in a developing country. This relationship between state and labour cannot be understood without analysis of the state itself. In most Marxist theories of the state, the state has been viewed in terms of its relation to capital rather than labour. The state is often conceived as an instrument that can be wielded by the capitalist class, or more specifically in the case of Third World countries by the capitalist class in the 'centre' together with its allies in the 'comprador' or 'national' bourgeoisie.

These approaches to the state are inadequate and partial because they present a top-down theory of the state in which the other classes of civil society, especially the working class, have no effectivity in determining the form of the state. My purpose here is to develop a critique of prevalent Marxist theories of the state with a view of arriving at a more dialectical understanding of the state-society relation and especially the state-labour relation.

My starting point is to look at the functions and forms as analytically distinct, though closely related aspects, of the state. My argument is that the function of the state in every society is to secure the conditions of production and reproduction. How the state organises this process is largely determined by factors such as the development of productive forces, class formation, class struggles, and the need to balance conflicting interests while at the same time guaranteeing the long term interests of capital accumulation. It is the constellation of these factors which I argue determines the form of the state. Whereas the state intervenes in the social and economic life of the society in which it resides, its form is determined by factors which are independent of its functions.

In my analysis then, I will highlight the interactive relationship of the state and society with specific reference to organised labour. In this way, I hope to overcome the artificial division that has been created in the theorisation of the state in developed and developing countries, by highlighting the fact the fact that in both situations it is the imperatives of production relations that shape the behaviour of the state to labour. Secondly, in linking this theoretical discussion with my main thesis, I will show that whilst the structures of repression, which are maintained by political power and legitimated by

ideology, are real enough, there is always a space for struggle within the limits of those structures. In other words, organised labour is not an impotent plaything of the "capitalist state".

I shall start in this chapter by briefly examining some of Marx and Engels' theories of the state, developed in the context of Europe, which may be regarded as the precursors of the modern Marxist theories of the state. I then move on to an examination of the state-labour relation in developed capitalism and show how the labour movement has been able to struggle within the structures imposed by capitalist relations of production to influence the state, thus making an impact on the form of the state. Whilst I agree that the state in a capitalist society always acts in a manner that will secure or attempt to secure the long term interests of capital accumulation, this action by the state is circumscribed by the balance of class forces, that is, by the strength of other classes, not just the interests of the "bourgeoisie" alone (Fine 1984; Kelly 1987). Therefore the state cannot be seen as a mere instrument of class rule.

My approach to the question of the state is influenced by what I take to be the historical materialist method. My starting point is that the motive force of the development of modern society is the division of society into classes and in particular the struggle

between labour and capital. My contention is that the form of the state is determined by the relations between classes and not by the ruling class alone. The form of the state is not predetermined by is decided on the conjunctural terrain, which is a field of objectively possible outcomes of class and political relations in the course of the on going struggles [1]

2.1 Marxist Theories of the State.

I have chosen the above sub-heading, Marxist theories of the state, quite deliberately for the following reason. Classical Marxism contains a very incomplete analysis of the state. In fact Marx and Engels did not provide any systematic or coherent theory of the state and politics, but offered a variety of theoretical perspectives which coexist in an uneasy and unstable union (Jessop 1982). Their analyses of the state and politics are subsumed under their general critique of political economy of capitalism, and most importantly, their unit of analysis was the capitalist mode of production. However, the historical materialist method provides very useful guide-lines to be followed in the analysis of the state and its relation to civil society. [2]

The "classical" Marxist theory of the state is predicated on certain "key statements" on the state by Marx and Engels. Marx's key statement (Marx 1981:20-21)

appears in a celebrated passage in the Preface to a Contribution to the Critique of Political Economy, in which Marx argued that people enter into social relations that are independent of their will and that these relations are only appropriate to a given stage in the development of material forces of production:

The totality of these relations of production constitutes the economic structure of society, the real foundation, on which arises a legal and political superstructure and to which correspond definite forms of social consciousness.

This statement has attracted a charge of "economic reductionism" because it ultimately reduces the actions of the state, the legal and political aspects to the requirements of the economy. In fact in a well known statement in the Communist Manifesto, Marx and Engels (1968b) put it bluntly that the executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie. The implication here is that at least the executive of the state can be wielded by the capitalist class in pursuit of its own interests. The actions of the state executive are seen to flow directly from the requirements of capital.

This formulation seems to suggest that the economic base is self-sufficient, that its development is the determinant of social evolution, and that its reproduction does not depend on factors outside its control. But as Jessop (1982:77) points out, to argue

that the transformation in the superstructure follows changes in the economic foundations is to imply that political action cannot alter the economic base or even the nature of class relations until economic factors themselves permit or require such alteration.

Engels' key statement on the state has not been spared the charge of instrumentalism. In this statement, which appears in the The Origin of the Family, Private Property and the State, Engels links the emergence of the state to the inception of private property and the resulting breakdown of a previously "harmonious" communal society. According to Engels (1968a:586-587), the state is a product of society at a certain stage of development of society and has arisen to moderate the conflict engendered by conflicting economic interests in a class divided society. According to Engels, the emergence of the state

is the admission that this society has become entangled in an insoluble contradiction with itself, that it has spilt into irreconcilable antagonisms which it is powerless to dispel. But in order that these antagonisms and classes with conflicting economic interests might not consume themselves and society in fruitless struggle, it became necessary to have a power seemingly standing above society, that would alleviate the conflict, and keep it within the bounds of "order"; this power, arisen out of society, placing itself above it, and alienating itself more and more from it, is the state.

Engels argued further that because the state arose in the midst of the conflict of classes, it is, as a rule

the state of the most powerful, economically dominant class, which through the medium of the state becomes also the politically dominant class and thus acquires new means of holding down and exploiting the oppressed class... and the modern representative state is an **instrument** of exploitation of wage labour by capital (emphasis added).

These approaches have been under sustained attack especially because of their apparent determinism or reductionism. It is difficult to sustain the view that the state always acts in accordance with the interests of the capitalist class, especially in developed capitalist countries which have strong organs of civil society, like trade unions and other pressure groups. I shall return to this issue later, suffice to note here that the charge of reductionism or instrumentalism is not sustainable. The formulation that the state actions are always in the interests of the economically dominant class is not so much false as it is incomplete. It seems to me to ignore Engels's later clarifications of their position on the state. Engels' 'key statements' on the state must be read critically and in conjunction with other statements made by Engels to counter the charge of economic reductionism that had been made against him and Marx.

Although Engels argues in the above passage that the state is "the state of the most powerful, economically dominant class", and that the modern representative state is an "instrument" of exploitation of wage labour by capital, he also argues that the role of the state is to "alleviate" conflicting economic interests so

that the antagonists, the bourgeoisie and the proletariat, do not "consume" themselves and society in an endless struggle. Put in other words, although the state may be an "instrument" of class rule, how this instrument is actually used, that is, its form, is not something that inheres in the nature of the state, but is determined in the course of the class struggles.

In a letter to J. Bloch, Engels (1968b:692-693) argued that the charge of reductionism or determinism is an accusation unfairly levelled against him and Marx. In this letter he argues that, though the determining element in his materialist conception is production and reproduction in real life, that is, in the economic "base" of society, various elements of the superstructure in turn exercise their influence upon the course of the class struggle; he includes here the *political forms* of the class struggle, constitutions established by the victorious class, and political, legal, philosophical and religious theories. He argued in this vein that, although economic conditions are ultimately decisive, political conditions and traditions also play a part in historical materialism. Engels further pointed out that people have sometimes laid more stress on the economic side than is due to it. But, he argued

We had to emphasize this main principle in opposition to our adversaries who denied it, and we had not always the time, the place or

the opportunity to give their due to the other elements involved in the interaction. (ibid.)

It is also worth noting what Marx said about the state in some parts of Europe and North America; this is important because it further underlines the uneasiness and instability of "Marxist" theoretical perspectives on the state. In this regard, Badie and Birnbaum (1983) and Jessop (1982) argue that all the states Marx referred to, like the Prusso-German Empire, Switzerland, England, and the United States, had capitalist economic systems but different state forms. According to Marx (cited in Badie and Birnham 1983:7), in the United States the state was weak and subordinate to civil society; the Prussian state was "nothing but a police-guarded military despotism, embellished with parliamentary forms, alloyed with a feudal admixture"; and the French state was dominated by

the executive power with its enormous bureaucratic and military organisation, with its ingenious state machinery... a host of officials numbering half a million, besides an army of another half a million, [an] appalling parasitic body [that] enmeshes the body of French society like a net and chokes all its pores.

Ziemann and Lanzendorfer (1977:150) have interpreted these remarks to mean that there is no Marxist theory of the state. They argue that:

What is presented as "the classical Marxist theory of the state" consists of a series of analyses and views by Marx and Engels on current political problems, indications, hypothesis, fragments and affirmations of a materialist theory of the state which often contain little more than a catalogue of queries, preliminary assumptions and axioms.

I disagree with these authors when they argue that these apparently contradictory remarks are "only indications going beyond the level of political analysis and they are not put in the economic and social context" (ibid.). It is due to the different economic and social contexts within which these apparently conflicting theories of the state were articulated that Marx and Engels rightly took cognizance of the concrete situation. Their "contradictoriness" is derived from the fact that Marx and Engels were trying to explain a phenomenon that was spatio-temporal in its materiality. They were well aware that state forms differ.

I agree with Jessop (1982:9-12) when he argues that there are present in both Marx and Engels a wide variety of themes and approaches which are capable of independent or even contradictory theoretical developments, but which are combined in various ways in their empirical studies of particular societies and political conjunctures. They occasionally receive an exclusive and one-sided treatment, but are generally articulated in a way that ensures their mutual qualifications in a state of theoretical tension. As Miliband (1989) argues, what is more useful is not to compare text with text, but text with historical and contemporary reality itself. Whether the state is seen as an instrument of class rule, a factor of social

cohesion or an institutional ensemble, all are present in the classical works [3].

The question that arises is, what do these apparently "contradictory" statements tell us about the Marxist theory of the state? More specifically, what are the implications of these theories for state-labour relations. This is the point to which I now turn.

2.2 State-Labour Relation.

Industrial relations systems of developed capitalist countries differ; for instance the British industrial relations system is characterised by 'voluntarism', whilst in the United States and Germany there is said to be extensive state intervention through legislation. Nonetheless, there remain major common characteristics (Bean 1985). According to Bean, the main activities of the state in all these countries consist of acting as a third party regulator promoting a legal framework which (a) establishes general ground rules for union-management interaction, (b) makes statutory provisions relating to minimum conditions of service, and (c) provides services for conciliation, mediation and arbitration with a view to facilitating the settlement of industrial disputes. The state is also a major employer in the public sector, and as a result, has influence in bargaining developments and agreements, and in the regulation of incomes. Bean argues that:

In many countries incomes policies have been used in an attempt to modify or neutralise the results of collective agreements, and public sector workers, whose wage increases are highly visible, are required to conform to the government pay guide-lines in order to influence private sector wage settlements (emphasis mine) (p.101).

Some Marxists (notably, Althusser 1971; Altvater 1978) have argued that in developed capitalist countries, it is the state that maintains wage labour as an object of exploitation, reproduces general conditions of production, including labour power, and maintains legal relations. According to Althusser:

The reproduction of labour power requires not only a reproduction of its skills, but also, at the same time, a reproduction of its submission to the rules of the established order, i.e. a reproduction of submission to the ruling ideology for the workers, and a reproduction of the ability to manipulate the ruling ideology correctly for the agents of exploitation and repression, so that they, too, will provide for the domination of the ruling class "in words" (p127-128)

Althusser argues that the state apparatuses function by both repression and ideology, only with the difference that repressive apparatuses function predominantly by repression whereas the ideological apparatuses function predominantly by ideology. He argues that the state is involved not only in securing the material conditions of production, but also in securing the conditions of the reproduction of relations of production. The latter is ensured in part by the control and manipulation of trade unions. The two are unified in the bourgeois ideology of "national interest", "democracy" and "rule of law".

Altvater (1978) argues that there are other conditions that private capital can not meet, because their production implies non-capitalist forms of production which are nonetheless crucial for capitalism as a mode of production. In order to secure the overall preconditions of capitalism, the state intervenes in the provision of physical infrastructure development, invests in the fields of education and health, and establishes the legal relations through which relations of legal subjects in capitalist society are mediated. The state also regulates the conflict between wage labour and capital and if necessary, uses repression against the working class through the law as well as the police and the army. The state also safeguards the existence and the expansion of total national capital on the capitalist world market through its military forces.

Both Althusser and Altvater show that the state-labour relation is mediated by definite political forms and ideologies. Though the state, or at any rate its executive, would seek to secure the long term interests of the bourgeoisie, it does not and cannot do so in any way that it pleases. The state has to appear to be above the fray of class antagonisms for it to be able to keep the antagonism within the bounds of "order".

The strength of Althusser lies in the fact that his approach to state-labour relations goes beyond simple reductionism and/ or instrumentalism. In particular, he shows that state control of labour is not just repressive but also ideological. His weakness is that his account is too structuralist. He assumes that whatever the state does, functions perfectly for capital and does not give space to organised labour or class struggle. For example, Althusser (1971:127-128) argues that the reproduction of labour power consists of learning rules of good behaviour, that is

the attitude that should be observed by every agent in the division of labour, according to the job he is "destined" for: rules of morality, civic and professional conscience, which actually means rules of respect for the socio-technical division of labour and ultimately the rules of the order established by class domination.

According to this view, therefore, the capitalist state is omnipotent, and the human agents, including organised labour, are impotent automatons manipulated by the state. Altvater does not give labour or class struggle any space either. He also sees state-labour relations in a top-down fashion in which the form of state determines its relationship to labour, rather than the form of the state being determined by the balance of forces in which the labour movement plays a part.

2.3 Challenge of the Labour Movement.

The role the state plays in industrial relations in developed capitalist societies can be properly grasped in the context of concrete historical phases in the development of capitalism. Indeed, the history of capitalism is replete with examples of how industrial relations have changed over time as a result of class struggles. Let me refer to some important antecedents.

According to Gregory (1979), labour repression in England goes as far back as 1349 when an Ordinance of Labourers was enacted specifically to hold down wages in the face of an acute shortage of labour that was brought about as a result of the Black Death. The Act decreed that all men and women under the age of sixty must work for any master who wanted their services, and made it an offence to offer higher wages as this would entice workers to leave one master for another. The Act remained in place for many centuries and was used to fix wages and ensure that the law of supply and demand did not apply to the labour market.

The advent of the bourgeois revolution demanded new and different forms of production and reproduction of labour power. At the level of social relations this meant the workers could now enjoy certain rights, including the right to enter into contracts of employment with the employer as formally equal legal agents. Formally, workers could now work under

conditions acceptable to them. At the same time, production requirements ushered in by the factory system made it possible for workers to form trade unions.

Though the state initially curtailed this right by the promulgations of the Combinations Act, the Act was repealed in 1875 and in 1906 the British Parliament adopted the Trades Disputes Act. This was not an act of goodwill on the part of the state. Kelly (1988:21) argues that this change was brought about by trade union pressure channelled through the Trade Union Congress, which was by then the largest and most powerful in Europe.

This legalisation was not a final victory. Gregory (1979:19) argue that even with the repeal of the Combinations Act, the English courts still felt

impelled by tradition to rest their disapproval of strikes on some formal legal grounds, they decided to dress it up for public consumption in what they called the doctrine of criminal conspiracy

The courts disregarded the statute law, and relied on common law. The workers, who had won a victory over the Combinations Act, were now hemmed in by conspiracy charges. The courts felt that the united concerted efforts of the workers to refuse to work or challenge conditions of work were a criminal conspiracy to restrain trade.

In the United States, a change in labour law only occurred in 1935 with the adoption of the National Labour Relations Act, commonly known as the Wagner Act. According to Klare (1982), the Wagner Act initially aroused fierce opposition from the capitalist class which saw it as a concession to the labour movement by the state. The Act was even labelled by one newspaper as the most objectionable as well as a "revolutionary" piece of legislation ever presented to Congress that would "out-soviet the Russian soviets". Klare argues that the American capitalists feared that legalising collective bargaining would mean their loss of control over the production process, and that by promoting unionism the Act would encourage radicalism and class conflict.

Overtly repressive forms of labour control have gradually been replaced by less repressive forms. The reason is largely due to the growing strength of the working class itself, not the benevolence of the capitalist class or the state. As Zeitlin (1980) argues, the state is the product of the historically specific constellation of class relations and social conflict in which it is implicated, and if it is not to rest on its monopoly of the means of coercion alone, it must incorporate within its structures the interests not only of the dominant but of the subordinate classes as well, and that state policies are impelled by and

are the distorted reflection of the struggle between labour and capital for the realisation of their contradictory interests through the state, that is, they are a response to both popular struggles of the subordinate classes and contradictory demands of capital.

Kelly (1988:247) points out that in the decade after 1968, the advanced capitalist countries were shaken by strike waves which saw two British governments go down in electoral defeat, and in other European countries government enacted major concessions to restore social order. In 1968, France introduced the Grenelle agreement which gave the trade unions the rights to organise at the work place, collect dues and attend training courses without loss of pay. In Italy, the 1970 Labour Statutes established trade union right to organise and hold meetings at the work place. In 1972 Federal Republic of Germany introduced Works Councils and granted legal recognition of trade unions at the work place. In 1973 and 1974, the British government enacted the Work Safety Act and the Security of Employment Act, respectively and Sweden enacted the law on Joint Determination.

On the basis of the foregoing analysis, we see what is called the 'relative autonomy' of the state. This relative autonomy, however, does not mean that the state is neutral or above class antagonisms. Rather the

manner in which particular interests are represented in the state institutions of intervention is based on the balance of class forces on the ground. The representation of some interests does not preclude or exclude others, but rather it is a question of preponderance, that is, there is an asymmetrical representation of interests.

Clarke (1991:6-9) argues the state has "selective mechanisms" through which to filter the demands placed upon it by various competing interests. What this means is that the state has to carefully balance the interests of capital, namely securing the conditions of sustained accumulation, and avoid compromising its legitimacy by identifying overtly with the interests of any particular class. Within the limits of the need to sustain the accumulation of capital as a whole, the particular policies pursued by the state and the particular interests served by those policies will be contingent on its own political priorities.

Strinati (1979) argues that the form and content of the state intervention in the economy is shaped by class struggles mediated through political organisations. According to Strinati, capitalism is predicated upon and distinguished by the institutional separation of the polity and economy. He argues that the capital relation requires the autonomisation of politics and the state from the economy. This autonomy is, however,

more apparent than real. Historically, economic processes have been dependent upon specific modes of state intervention, such that these apparently autonomous economic processes have been shaped by conditions of existence that the state actually provides. This does not mean that the state can be regarded as a mere instrument of class rule. Strinati (1979:193) argues that the state is capitalist only in so far as it has structural connections with the capitalist economy and its own internal structures and modes of operations serve to secure the conditions of existence of capital accumulation. He argues:

The capitalist state is such a state not because it is determined by the capitalist economy but because it objectively organises structures indispensable for the functioning of the capitalist economy: the circuit of capital, the production, realisation and appropriation of the surplus value, generalise commodity production and exchange, the reproduction and restructuring of capital and labour power, the conditions that allow the circuit of capital to exist.

According to Strinati, industrial relations systems reflect forms of state involvement in the economy on an axis from interventionism to *laissez faire*. An industrial relations system should, therefore, be seen not as a hermetically sealed or self-sufficient entity, but as a central element in the social structure of capitalism, and in particular it is one of the ways in which class struggles are expressed in capitalist countries.

2.4 CONCLUSION

In capitalist countries, there is a fundamental structural connection between the state and the capitalist economy. The state creates conditions that are indispensable to the process of capitalist accumulation. How the state does this, however, is decided on the conjunctural terrain. Both the capitalist class and the working class make demands on the state. These demands are by no means evenly represented, but since the state cannot use coercion all the time, it is forced to make concessions to the working class.

These concessions point to two issues: (a) the state, is institutionally separate from the economy, and has its own identity. But because of the structural connections between the state and the capitalist economy, the state is not neutral; (b) there is a need to balance the conflicting interests in society. This "balancing act" is carried out within the parameters of securing or attempts to secure the long term interests of private capital accumulation, that is, in order to perpetuate the capitalist mode of production.

The parameters of this process are not defined by the state alone, in whichever way it likes, but are a result of class struggles and compromises. In its intervention, the state has to take account of the balance of class and political forces at any one point

of time, reflecting the need for the state to continually readjust its position in order to maintain its hegemony and the cohesion of the social formation.

Hegemony is maintained not by coercion alone but also by securing the consent of the dominated class by means of political and ideological dominations, to the extent that particular interests of the capitalist classes are successfully presented as the general interests of all. This involves taking systematic account of popular interests and demands, shifting position and making compromises on secondary issues to maintain support and alliances in an inherently unstable and fragile system of political relations, and organising support for the attainment of national goals which serve the fundamental long term interests of the dominant class (Jessop:1990a). The extent to which this conclusion is applicable to a peripheral capitalist state is the task to which I shall turn in the next chapter.

NOTES AND REFERENCES.

1. Imperialism and cold war rivalry have been very crucial factors in peripheral capitalism. Imperialism has always intervened militarily, politically and at an ideological level, on the side of the peripheral capitalist state to defeat working class struggles. However, these defeats do not always end in surrender. The working classes of peripheral capitalist societies continue to engage their class opponent in the on-going struggles for better conditions of service and a more equitable distribution of social wealth, even if these struggles are carried within the framework of the existing exploitative social relations.

2. For an extended discussion of these guide-lines, it is useful to refer Jessop (1982), Chapter 5.

3. Jessop, B (1990b) identifies six approaches to Marxist theory of the state: (a) the state as a parasitic institution that plays no essential role in economics production or reproduction, (b) the state as an epiphenomenon of the system of property relations and the resulting class struggle, (c) the state as a factor of social cohesion regulating class conflicts in the interests of the dominant class, (d) the state as an instrument of class rule which can be captured by the dominant class, (e) the state as a set of institutions and (f) the state as a system of political domination with specific effects on the class struggle.

CHAPTER 3.

THE STATE REGULATION OF LABOUR: THE AFRICAN CONTEXT.

Introduction.

The state in peripheral capitalist societies has not received the same kind of rigorous analysis as it has in developed capitalist countries [1]. There are several points that can be raised in connection with this. The first is that the state has always been analysed against the backdrop of the existence of an economically dominant class, "the bourgeois class", that is, that class that was characterised as the "conquering bourgeoisie", which has captured for itself in the modern representative state, "exclusive political sway" (Marx and Engels 1968b:35-38).

In peripheral capitalist societies, however, this class exists only in a formative or inchoate form. As a result, it has often been the state, rather than the capitalist class, that has been spearheading the process of economic development in the post-colonial period. Some have argued that the state has actually replaced the bourgeoisie (Evans 1982).

The second point concerns the complexity and enormous variety of economic and political systems in these countries. In the first place, most of these countries are economically poor, and are characterised by extreme inequality in incomes and asset distribution, high unemployment, debt burdens, inadequate or virtually

non-existent social services (housing, health and education) and backward productive forces. The majority of the people still live in rural areas in subsistence agriculture (Bean 1985; Chazan et al 1988; Todaro 1992).

The third point is that most peripheral capitalist countries are under either a one-party system or a military administration, or sometimes even a bit of both. Generally organisations of civil society such as trade unions, the media and various types of pressure groups are weak as compared to state organs like the army, police and civil bureaucracy.

The fourth point is that most analyses of peripheral capitalist societies, especially neo-marxist dependency theory variants, have been conducted on a purely economic terrain, the major preoccupation being to show the effect of international capitalism on peripheral capitalist economies.

All these factors add to the difficulties in theorising at a general level the nature and structure of the state and politics in peripheral capitalist societies. Pinkney (1993:2) argues in this vein that:

It is these social economic circumstances, together with an unequal relationship with the "developed" world outside and in many cases, a recent experience of colonial rule, which help give Third World politics its distinctive flavour, even though there is much diversity between the individual countries.

The contributions in the last two decades by several scholars, (notably Alavi 1972; Ziemann and Lanzendorfer 1977; Leys 1976; Beckman 1981) have made valuable attempts to analyse the state in peripheral capitalist formations. In my view, these debates have not broken out of the instrumentalist problematic of the state theory. The common thrust of these approaches is twofold: first, they reduce the form of the peripheral capitalist state to the requirements of the economic interests of imperialism and its local allies, defined variously as the national bourgeoisie or national comprador class; second, these theories are state-centred and ignore impact of class struggles on the state.

Though the forms of the state in peripheral capitalist economies reveal some marked distinctions from those in advanced capitalism, the functions of the state for the reproduction of class relations are similar. To be sure, in the case of the peripheral capitalist state, the pressures of the global capitalist economy are more intense than in the centre; yet even in peripheral capitalism workers' struggles affect the form of the state. As in developed societies, so too in peripheral capitalism, the form of the state is determined by, amongst other factors, relations between classes and the need to maintain the cohesion of society in that context. The peripheral capitalist state tends to employ coercion rather than compromise on secondary

issues in order to control labour, not only because of international pressures but also because of the under-development of labour struggles.

3.1 The Theories of the Peripheral Capitalist State.

Hamza Alavi (1972) led the debate in his article on the state in Pakistan and Bangladesh. He argued that the original base of the state in peripheral capitalist countries lay in metropolitan countries and did not rest on the support of any of the indigenous classes; instead it subordinated all indigenous classes to the requirements of metropolitan capitalism. For this reason, he argued, the state in peripheral capitalist societies was "overdeveloped". Alavi advanced two theses: first, that the peripheral capitalist countries have inherited an "overdeveloped" state in the form of a huge military-bureaucratic machinery; second, and flowing directly from the first, that this overdeveloped state has often pursued its own particular agenda and appropriated a large part of the economic surplus for itself. He argues:

The apparatus of the state, furthermore assumes also a new and relatively autonomous economic role, which is not paralleled in the classical bourgeoisie state. The state in post-colonial society directly appropriates a very large part of the economic surplus and deploys it in bureaucratically directed economic activity in the name of promoting economic development. These are the conditions which differentiate the post-colonial state fundamentally from the state as analysed in classical Marxist theory. (p62). (emphasis in the original).

The most sophisticated critique of the peripheral capitalist state theory in general and Alavi's thesis in particular has come from Ziemann and Lanzendorfer (1977). The key point which they make concerns the potentiality of the peripheral capitalist state to promote national economic development. They doubt whether this can be achieved under conditions of peripheral capitalism. In their attempt to go beyond Alavi, Ziemann and Lanzendorfer (1977:155) posit that:

With the expansion of trade into world trade and the rise of the world market, there has developed, since the days of European colonial expansion, an international economic system in which the production and reproduction of all societies in the world are integrated... With the spread of the dominant reproduction dynamic to world level, the pre-colonial self-centred development of the peripheral societies was blocked, being transformed, in regionally differentiated scope and form depending on the previous historical and natural conditions, into a complementary and subsidiary system attached to the metropolitan system (emphasis added).

According to Ziemann and Lanzendorfer, the condition for the integration of the peripheral capitalist societies in the world market is the imposition on these societies' inner structures of the dominant reproduction dynamic of metropolitan capitalism. The result of this economic relationship is the development of the metropolis and the under-development of the periphery as two sides of a common process, that is, accumulation on a world scale. The independent development of the peripheral societies is blocked, and

their inner structure is adapted to the reproductive needs of the metropolis.

Ziemann and Lanzendorfer's argument (p.160-2) is that the peripheral state must be seen as an institution which serves the international economic system. At the economic level the peripheral capitalist state aims at linking the world market with the national economy by breaking down the political frontiers between the world market and the national economy; for example, through its policies on imports and exports, foreign investment and exchange rates.

According to Ziemann and Lanzendorfer, the peripheral capitalist state aims at securing the existence and expansion of the world market in the national economic arena, through the reproduction of both internally operating foreign capital and national capital oriented to the world market. To this end, the state guarantees private property rights and repatriation of profits, the extended reproduction of national capital on the home market, infrastructural development, and the reproduction of the labour force. One aspect of this is the state policy by which trade unions are turned into a political instrument for keeping workers on a leash, since their independence could be a barrier to accumulation.

In a similar mode to that of Ziemann and Lanzendorfer, Amin (1987) has argued that the decisive quality that distinguishes the state in the capitalist centre from the state in peripheral capitalism is that in the centre the bourgeois nation state has crystalised and its essential function is to fulfil the conditions that make possible autocentric accumulation; the state can subordinate external relations to the logic of that accumulation. On the other hand, the peripheral state cannot control local accumulation but is subject to the demands of "globalised accumulation"; the direction it takes is determined by the direction taken by the central powers, especially through their instruments of intervention, the World Bank and the International Monetary Fund.

Muthunga (1980) also argues along these lines when he makes the point that Kenya is an exploited society dominated by American, British, French, German and Japanese imperialism. Muthunga (1980:3) gives an extreme and somewhat eccentric view when he states:

That is our economic base. Our neo-colonial state is in fact part and parcel of the international states of the bourgeoisie. The ruling comprador bourgeoisie are an agent of the international bourgeoisie. Our laws express the will of the international bourgeoisie first and foremost, the interests of the comprador bourgeoisie being championed because they primarily serve those of the former. Any interests derived by the Kenyan petty-bourgeoisie under this set of affairs are simply incidental and accidental too (sic). Our political institutions, religious institutions,

correspond to bourgeois view and ideology. That is our superstructure (emphasis mine).

Finally, Beckman (1981:39) has also argued in this paradigm that the Nigerian state is a comprador state, its institutions and officials operating as agents of imperialism. He wrote that:

The contemporary Nigerian state can... be described as a comprador state: state institutions and state officials operate as agents of imperialism. The real ruling class is the bourgeoisie of the metropolitan countries. It is not the indigenous businessmen and bureaucrats, who merely masquerade as the "national bourgeoisie". They are allowed to play this role by their foreign paymasters. In fact they are performing a vital ideological function as their nationalist rhetoric conceals the true class nature of the state. When they travel to international conferences attacking "imperialism" and clamouring for a "new international order", they simultaneously take the opportunity to check their international bank accounts which are regularly replenished by their foreign friends.

The basic thrust of this argument is that because the class that has the greatest economic interests is externally based, the Nigerian state is therefore a mere "instrument" of that class and the indigenous capitalist class is a mere conveyor belt of imperialism. Beckman (1981:42) acknowledged that the fact that imperialism "ultimately comes out on top should not allow us to ignore the strength and organisations of the forces which it incorporates, co-opts or subdues". These forces and their composition, however, are not analysed; I can only assume that they that they involve the working class.

In Chapter Two I argued that the major weakness of both Althusser (1971) and Altvater (1978) was to relegate working class struggles. In their eyes it seems that the working class is determined, but with little or no effectivity in the determination of the state actions (Fine 1984). The major weakness of Ziemann and Lanzendorfer, Amin, Beckman and Muthunga is to repeat this structuralist error in another form: by denying the effectivity of all indigenous social classes and the nation-state itself. In their view, the external pressures of international capitalism make any thought of indigenous accumulation fanciful. It is on the basis of this that I find Alavi's argument more persuasive in that he at least recognizes the fact that the state has played and continues to play an independent role in national economic development of peripheral capitalist societies, and has gone some way towards creating viable national economies despite imperial constraints. Ziemann and Lanzendorfer's critique of Alavi is based on a polar opposition: either there has been accumulation or there has not; if there has been accumulation, it is either for national capital or international capital.

In the case of Botswana, attempts to theorise the post-colonial state have been offered by, among others, Pickard (1987) who characterises the Botswana state as an administrative bureaucratic state in which resources are allocated by the bureaucratic elite, authority

flows downward from the rulers to the ruled and the bureaucratic elite have complete control over decision making. Pickard (1987:123-124) argues that the Botswana state is developed at the centre and underdeveloped in the periphery, and that the centralised bureaucracy is a major factor in the policy making process. This bureaucratic state is defined as:

a state of apolitical bureaucratic dominance exercised by an integrated ruling elite of senior civil servants and political leaders that are not controlled by any segment of the population.

In its own way, this account also buries the relationship between the state and class relations. I shall show below that the claim that the state elite is not controlled 'by any segment of the population' is not sustainable.

In order to clarify empirical situations that do not fit existing conceptual frameworks, a number of *ad hoc* concepts have been developed to characterise the ruling elites in peripheral capitalist countries. In the African context, Forrest (1987) has identified at least six such concepts: "organisational bourgeoisie", "public sector bourgeoisie", "administrative bourgeoisie", "bureaucratic bourgeoisie" "state bourgeoisie" and "managerial bourgeoisie". All such elites have one thing in common: they are all pursuing capitalist strategies of development. But they may take different political forms, varying from civilian-military dictatorship in Pakistan, to military rule in

Nigeria, one-party rule in Kenya, and liberal democratic capitalism in Botswana. The various forms of state in these countries will affect relations between capital and labour in different ways [2].

The question that arises at this juncture is what are the implications of all these theories for state-labour relations in peripheral capitalist countries? The central defect of all these theories of the peripheral capitalist state lies in their failure to address class relations between capital and labour which are a crucial determinant of the forms of the state. In fact all these theories are all state-centred and ignore labour.

As in developed capitalist countries, in peripheral capitalist countries the labour movement is one of the major determinants of the form of state. In its overarching function to secure the reproduction of the society under conditions of capital accumulation, the peripheral capitalist state also has to take cognizance of the interests of organized labour, and develop appropriate mechanisms of control in order to maintain the cohesion of the social formation in which it resides. These mechanisms are both coercive and ideological. This is the point to which I now turn.

3.2 State-Labour Relation in Peripheral Capitalism.

The problems of economic underdevelopment provide the context in which to analyse the state-labour relations in peripheral capitalism. What are the options available for the post-colonial state in the struggle for economic development? This question poses for the post-colonial state a choice of development strategy. Whilst the process of economic development may be a goal of all human societies, the strategies adopted to realise this goal are decided at the political level. Most post-colonial governments have chosen a capitalist strategy which emphasises production and economic growth rather than social equality, and the belief that production can best be stimulated by the institutions of private property and the market. They stress reliance upon foreign capital and expertise to modernise the economy, as well as encouraging indigenous entrepreneurship (Sandbrook and Cohen 1975:5-6). Its premise is that the goal of economic growth can be achieved through private capital accumulation, with the hope that in the long run the increased output will permit more social welfare and enhanced social justice (Sandbrook 1975).

There are two points to note at this juncture. The first is that the adoption of such a strategy of development is not a voluntary option but an outcome of indigenous class struggles. I shall demonstrate this in Chapter Four when I discuss the class character of the

Botswana state, and the regional and international factors that were implicated in Botswana's decolonisation process. The second point to note is that capitalism is an economic system where the means of production are privately held and where legally free but 'capital-less' workers sell their labour power for wages and production decisions are made on the basis of realising surplus value (Nafziger,1988). In a situation where the government has adopted this capitalist road, the state now becomes the guarantor of private capital accumulation, and private capital accumulation becomes the material base of the state.

While economic growth and development remain the goal of this strategy, the mechanisms designed to realise this goal determine its class content. The process of production is geared towards profit maximisation by those who own the means of production and the consequent distribution of social wealth is unequal. Since the state has to maintain this social relationship, this is what influences its relationship to the working class. The state is called upon to regulate class antagonisms, particularly as expressed in the relation between emergent trade union movements and the requirements of capital accumulation.

This regulation by the state is by no means neutral. In an economic system which emphasises private capital accumulation and private ownership of the means of

production, the state will come to depend on those that who own the means of production and can sustain the state through taxes and other revenues. When governments in post-colonial Africa started to treat the trade unions as junior partners in the process of development and at the same time to restrict the actions of trade unions, this was in order to safeguard the process of capital accumulation and by extension the material base of the state itself (Sandbrook and Cohen, 1975).

Since post-colonial states believe that unrestricted trade unions would adversely affect foreign capital investment and economic growth, the state develops various mechanisms of labour control through which unions can be subordinated to a governmentally-defined "national interest" [4]. As Sandbrook and Cohen (1975:196) argue:

The economic justification governments have provided to trammel labour organisation include charges that the unions' ability to raise wages faster than GNP aggravates inflation, exacerbates balance of payment difficulties, limits the potential rate of economic growth by reducing savings and creates massive urban unemployment by widening urban-rural differentials, [and that] strike action and worker indiscipline retard productivity and discourage foreign investment.

Gladstone (1978) is in agreement with this perspective. He argues that in a sense the role of trade unions is "pre-ordained": the trade union movement affects the development process and is in turn affected by the way the economy works. What lies at the heart of all this is the industrial relations system. As Gladstone

argues, an economy beleaguered by industrial strife cannot perform at its optimum, and a development plan that calls for wage restraint will have a greater chance of success only if the trade unions are supportive or acquiescent. Gladstone points out that the recognition of the vital role played by the trade unions in development has prompted governments to seek to influence, dominate or co-opt the trade unions. In a later essay Gladstone (1979, ix) added the following:

This increased role of the state in industrial relations has taken a number of forms. In certain cases, efforts have been made to rationalise or restructure national trade unions movements (and to make them more responsive to the professed national interest) and to influence the choice of leadership. Collective bargaining and agreements in a number of countries have been made subject to approval by official authorities (usually under an official incomes policy aimed at checking inflation and effecting a certain redistribution of national income). Industrial courts or tribunals coupled with compulsory or near compulsory dispute settlement procedures have been instituted.

Notwithstanding the diversity in Third World economies, there is one thing that seems to set these countries apart from industrialised capitalist countries in the field of industrial relations. In peripheral capitalist economies, the state plays a more dominant and interventionist role.

Kassalow and Damachi (1978) point out that in peripheral societies the functions of trade unions have been defined and redefined according to the perceived needs of national development; in the process trade

union freedoms have been restricted and collective bargaining has been "hemmed in" on several sides. Bean (1985:212-213) also points out that the state in these countries plays a much more active and interventionist role in the industrial relations than was traditionally the case in the developed capitalist countries.

This role is strengthened by the fact that policies are guided by the requirements of national growth oriented development plans and the state itself is much more central to the development process... Governments in the Third World countries maintain that industrial relations have a direct bearing on the development process since industrial conflict may adversely affect productivity and exports... Also strikes are not likely to provide a climate which is conducive to the welfare of capital and the attracting of foreign investment.

Bean points out that in peripheral capitalist countries, the process of collective bargaining becomes "trilateral" as opposed to "bilateral" in that wage fixing has to satisfy the objectives not only of management and the unions, but also of the government, because the position of the state as the biggest single employer gives it an additional interest in regulating industrial relations.

This has led to promulgation of restrictive labour laws to control and supervise trade unions or to make them subordinate and acquiescent junior partners. In some cases the policy has been to subordinate the labour movement and "guide" it through legislation towards consensus on the national interest. In such cases legal recognition of trade unions has also been a form of

social control in which the labour movement is subjected to all manner of legal rules and regulations. In other words, legal recognition of trade unions and the establishment of procedures for the settlement of disputes not only provide the trade unions with legality, but also for a lesser or greater degree of state control. The aim of legal recognition of trade unions is to orient the trade union movement towards a quiescent and economistic trade unionism rather than political unionism (Gladstone 1980).

These restrictive structures of state control, supervision and regulation of labour, may differ in form but are similar in their objectives: to inculcate capitalist labour discipline and to subordinate labour to capital. This substance cuts across nation states regardless of their political form, be it a military government such as Ghana, a one-party civilian dictatorship such as Kenya, a "humanistic" capitalist regime such as Zambia, or a formally liberal democratic regime such as Botswana.

There are three dominant areas of state regulation of labour that can be found in most peripheral capitalist countries in Africa: (a) compulsory registration of trade unions that offers sticks and carrots as conditions of legal acceptance; (b) restructuring and forced amalgamation of trade unions and the creation of central bodies or national centres, sometimes imposed

from above, sometimes "voluntary" and (c) the creation of compulsory arbitration procedures to deal with bargaining deadlocks. These forms of labour control stem from the belief by the state that the fragmented nature of trade unions is not conducive to the attainment of a high degree of state regulation and influence and would threaten the development effort by exacerbating labour unrest via inter-union rivalry (Gladstone 1980:55; Bean 1985:218-219).

Thus in Ghana, immediately after independence, the post-colonial state passed an Industrial Relations Act which rationalised union structures by amalgamating house unions into industrial unions, made provisions for a check-off system to ensure stable sources of finance for the unions, and compelled the private sector to collectively bargain with the unions (Kraus 1979a).

In addition the Act created a set of mediation-conciliation-compulsory arbitration procedures to deal with bargaining deadlocks. These procedures made strikes effectively illegal. The powers of the state over unions were significantly increased through the imposition of the Secretaries General of the TUC by the state. Kraus points out that the Act was maintained by the National Liberation Council (NLC), which used the Act to control workers, arguing that strikes were damaging and wasteful.

In Kenya, the formation of the Central Organisation of Trade Unions (COTU) in 1965 came as a result of the compulsory amalgamation of the rival Kenya Federation of Labour (KFL) and Kenya African Workers Union (KAWU) two years after Kenya's independence. COTU came into existence as a result of an official decree by the President (Sandbrook 1975). The decree also annulled trade union affiliations to international organisations and provided for the appointment of the General Secretary of the national centre from a list of three names submitted to the President.

Iwuji (1979) argues that it was hoped that these measures would contribute not only to the stability of industrial relations, but also towards re-invigorating the economy as whole. According to Iwuji, the Registrar's role was to regulate the formation of trade unions, supervise their activities and ensure compliancy. Iwuji also argues that in colonial Kenya the policy of registering trade unions was designed to dissociate them from politics through legal restrictions and the threat of cancellation of registration, and prevent legal recognition of some unions. Chenge (1987) points out that in 1969 the state ordered the teachers and civil servants union to disaffiliate from COTU, and in 1980 the state deregistered the Civil Service Union, and the University Staff Union. Machajo-Omid (1992) argues that

the Kenyan government still uses the system of mandatory registration to decide which unions to register, de-register or refuse registration to.

After independence the Kenyan government moved aggressively to demobilise the trade union movement. According to Sandbrook (1975) the KFL policy statement in the early 1960s on the role of trade unions in post-independence Kenya asserted that the trade union movement would remain independent of government and employers, would formulate its own policies and not limit itself only to matters concerning terms and conditions of employment, but would also address questions of human rights, economic policy, housing policy, education and welfare policy. In addition the Federation had pledged that its own existence as a free and independent movement would be maintained.

In 1966 a new COTU constitution was prepared by the Attorney General and imposed on the trade union movement. It effectively demobilised the working class. The constitution entrenched state supervision of the federation: COTU's Governing Council, Executive Board and Finance Committee had to include government representatives. In 1968, an amendment stipulating that no quorum on the Governing Council or the Executive Board would be reached without government representation was added to COTU's constitution. Subsequently, the government started exhorting union

leaders to discipline their members, restrain wage demands and refrain from strike action. Union leaders were also asked to re-educate the attitudes of their members towards employers who were now seen as colleagues of the government.

In Zambia Bates (1971) has argued that the control of copper miners was a crucial political task of the new Zambian leadership. He argues that the state sought to control industrial conflict in particular by utilizing the ideology of nationalism: workers were exhorted to restrain wage demands, eschew strike action, work hard and defer to the authority of their supervisors. He argues that the post-colonial government sought to convert the trade union movement into an organisation that governed the behaviour of its members in conformity with public policy, rather than articulate the demands of its members.

Gertzel (1979) argues that since independence Zambian industrial relations have been characterised by the progressive subordination of the trade union movement to government. The government's control of trade union activity and government intervention in industrial relations has gone hand in hand with formal re-affirmations of the principles of freedom of association and collective bargaining, and in certain circumstances the right to withdraw labour.

Gertzel argues that the Industrial Relations Act of 1971, while on the surface giving the employees and employers the right of association and freedom of organisation, greatly extended government control over the trade unions. For example, all unions had to affiliate to the Zambia Congress of Trade Unions (ZCTU), which was given powers over the unions by the state. The Act gave effect to government policy of 'one industry, one union', laid down procedures for dispute settlement and made conciliation procedures mandatory. Whilst the right of workers to strike was recognized in law, it was significantly restricted by an extensive definition of essential services which covered a much wider area of the economy than basic community needs. The Act also stipulated that the legal requirements for settlement of disputes and the mandatory grievances procedures had to be exhausted before any strike action could be taken. The role of the Industrial Court, made such action well-nigh impossible.

According to Gertzel, the policy of one industry, one union resulted in considerable reorganisation of the labour movement. For instance, in 1967 the three unions in the mining industry merged to form the Mineworkers Union Of Zambia (MUZ), and two of the railway unions also came together to form the Zambian Railway Amalgamated Workers Union (ZRAWU). In 1969 the civil service unions merged to form the Civil Service Union of Zambia, and in 1971 the National Union of Local

Authorities' Workers became the sole union representing local authority workers. The number of trade unions was also reduced from twenty four unions with a membership of around 100,000 in 1964 to only eighteen unions with a membership of 184,000 in 1973. At the same time craft unions disappeared completely.

This interference in the affairs of organised labour is not confined to a few Sub-African countries, but seems widespread amongst many peripheral capitalist countries. Epstein (1989) argues in the context of Latin America that trade union autonomy has been subjected to considerable pressure from virtually all governments regardless of their particular ideological inspiration. Typical legislation includes regulation concerning the types of workers eligible for trade union membership, the minimum requirements to form officially recognized trade unions, obligations to submit detailed financial records to regular state scrutiny, procedures and conditions for leadership elections, rules for collective bargaining, minimum time limits for engaging in government supervised conciliation of differences, procedures for compulsory arbitration, and conditions under which a legal strike could occur. He argues:

Democrats and authoritarians; conservatives reformers and radicals; populists and technocratic elite all have felt that organised labour occupies too strategic a place in the economy to be allowed unrestricted use of its major means of influence, the threat to strike (p.276)

What I have described thus far is the manner in which the peripheral capitalist states have sought to control labour movements, usually on the grounds that it is in the interest of the nation to do so. However, these control measures only impose limits on the actions of the trade union movement; they are not in themselves a demonstration of the impossibility of trade union action. Trade union actions of various sorts are still possible even within the limits of these state restrictions, and sometimes the labour movement develops its own counter-ideologies to resist or defy the authority of the state. Labour control and labour resistance comprise the dialectic of structure and action. This is the point to which I now turn.

3.3 The Challenges of the Labour Movement.

Chenge (1987) has calculated that in Kenya between 1974 and 1983 some 363,444 days were lost to industry due to strike actions. According to Chenge, most of the strikes were about pay. Chenge argues that although there is a positive correlation between declining real wages and strike activity, the strikes did not solely arise from falling real wages, but included such factors such as violation of conditions of service, unfair dismissals, poor industrial relations and racism on the part of management.

According to Chenge, strike days lost were due to both prolonged strikes in a few industries and nationwide general strikes lasting short periods. In 1974, which saw a record 127,951 days lost, 50 per cent of strike days were accounted for by the white collar Bank workers union. In 1978, seventy two per cent of strike days were accounted for by the largely multinational dominated manufacturing industry, and in 1981, sixty one per cent of strike days were lost to the agricultural sector. The general tendency of Kenyan strikes, Chenge argues, is that they involved white collar workers, perhaps demonstrating that it is the more educated workers who are most strike prone.

According to Liato (1989), the Zambian state's policy of engaging working class support, ostensibly for development, goes beyond mere control of the trade union movement and is intended to cultivate workers' support for government policy as a means of enhancing the legitimacy of the regime and the hegemony of the Zambian bourgeoisie, whose interests the state represents. She argues that the Zambian government went beyond mere legislation in its attempt to gain control of the labour movement. It embarked on a policy of promoting a cadre with the "right ideological orientation" into influential position in the labour movement.

Liato argues, however, that different perceptions and expectations of what independence promised to deliver, and the divergent interpretations of the role of trade unions in an independent state, led to conflicts between the ruling party and the trade union leadership, which has since the 1970's been made up of "economistically" oriented leaders. This cadre of leaders placed emphasis on the economic interests of workers and on the need for the trade union movement to maintain its organisational autonomy. Heightened tension between labour and the state induced both further incorporative efforts by the state and restiveness on the part of the trade union rank and file, undermining the strategy of worker acquiescence.

According to Liato (1989:160-164), in Zambia there was an average of 109 strikes a year between 1966 and 1985. Between 1966 and 1983, the agricultural sector, which employs 9.43 per cent of the Zambian work force accounted for 8.64 per cent of strike actions; the manufacturing sector, with 11.74 per cent of employment, had the highest number of strikes, accounting for 32.07 per cent of the total. The mining sector, which employs 15.92 per cent of the work force accounted for 12.61 per cent of the strike activities. She points out that between 1980 and 1985, there was a total of 495 strikes, with a total of 809,201 strike days lost to industry. Most of the strikes were of an economic nature, motivated by disputes over wages.

Other strikes were caused by grievances related to economic issues such as disputes over collective labour agreements, unfair dismissals, unfair labour practices by management, and the use of insulting or abusive language.

One thing is clear. In the context of peripheral capitalism workers are just as prone as elsewhere to resist their reduction to the role of mere producers of surplus value for capital. Strike actions are an indication of the awakening of the working class.

3.4. State-Labour Relation in Botswana

The state-labour relation in Botswana has not received the same kind of attention as in the three countries that I have mentioned. This is the subject matter of my work, and I shall be discussing it in the chapters that follow. In this section I shall give a resume of the small amount of literature that is currently available concerning this topic. As in the other countries that I have looked at, state-labour relations in Botswana are characterised by a high degree state of regulation, control and supervision. As in the other peripheral capitalist countries the reason given for this is the need for economic development. The trade union movement in Botswana has also had its rights hemmed-in in a way similar to that of non-democratic regimes and usually for the same reasons; Botswana's liberal democracy has

merely concealed the system of labour repression that is typical of so many developing countries.

Cooper (1978) has demonstrated how the Botswana government was prepared to use security forces to quell a strike in Selibe Phikwe, a mining town which has been built by the state with the assistance of international capital. Phikwe mine production is undertaken by the Bamangawato Concession Limited (BCL) which is owned 15 percent by Botswana government, and 85 percent by Botswana Roan Selection Trust (BRST). BRST is owned 30 percent by an American multinational, Amax, 30 percent by a South African multinational, Anglo American and 40 percent by several small shareholders based mostly in the USA.

When negotiations between a delegation of the mine workers and BCL management ended in a deadlock, mine workers responded by closing down the main gates, and evicted expatriate technicians from the smelter plant. The workers smashed windows and assaulted some expatriates. Not only was the strike forcibly suppressed, but sixty workers later faced criminal charges of rioting, intimidation, and malicious damage to property and sentenced to imprisonment.

There are those who have expressed skepticism about the ability of Botswana's labour movement to challenge the state or capital. Nengwenkulu (1980), writing five

years after the Selibe Phikwe strike, argued that the development of trade unions in Botswana has been accompanied by what he calls a process of "depoliticization, deradicalization and stultification", which negatively affected the birth and growth of class consciousness among the workers. He argued from a far left position that Botswana workers lacked what he called "revolutionary and political consciousness", that economism was rife, and that "proletarian ideology" had been subordinated to the ideology of nationalism. Whilst there may be some merit in Nengwenkulu's analysis, it both lacks theoretical perspective and a comparative approach, and the analysis has not taken into account the context of state-labour relations under capitalism in general.

As Kraus (1979a) has argued, following Independence virtually all African states moved to delegitimize the liberal conflict model of industrial relations and to articulate in its place a "corporate nationalist" model of industrial relations which emphasises the common interests of the state, capital and labour. This industrial relations model makes strikes illegal or virtually so. This model aims to do precisely what seems most to irritate analysts like Nengwenkulu, that is, blunt trade union militancy through legal and other restrictions. But these restrictions only limit trade union action, they do not make it impossible.

3.5 Conclusion. Towards a Theoretical Framework.

These challenges to capital by the working class need to be situated in a broader perspective of state-labour relations. There are two central issues that characterise this relation: those of labour control and labour resistance. Labour control refers to the activities of the representatives of capital to assert authority over labour and thereby incorporate it into capitalist relations of production. Labour resistance refers to the activities of representatives of labour to defy the authority of capital, assert the autonomy of labour and obstruct its incorporation into capitalist relations of production (Crisp 1984:1-6).

According to Crisp, capital seeks to maximise surplus value appropriation by habituating workers to the unequal distribution of the product of their labour and to the unequal distribution of effort and authority in the work place. In order to achieve these objectives, capital will seek to minimise the resistance of the workers by controlling their political activity. To protect capital and safeguard its privileged status, the state elite is able to use a wide range of legislative measures to obstruct the unionisation of workers and restrict the financial and administrative autonomy of established unions.

Workers also use a variety of methods to confront capital and the state. The methods of resistance can be informal, collective or institutional: they include familiar ones such as strikes and go-slows, and less familiar and less visible ones like malingering, absenteeism, theft, sabotage and restricted output. Workers respond to strategies of control imposed on them by taking their own initiatives, shifting between modes of resistance and forcing capital and the state to respond with new strategies of control.

The foregoing analysis of the state-labour dialectic provides the context within which I shall undertake the analysis of state-labour relation in Botswana. What is of particular significance in the case of a liberal democracy like Botswana is that the government has often used its electoral mandate to give repressive labour laws some legitimacy. It has then exhorted the labour movement to obey "the rule of law". But as Crouch (1977:4) points out, the core of industrial relations in a capitalist social formation is the economic relationship of domination and subordination expressed through the employment contract, which compels the worker to accept a subordinate and junior role in the organisation of work.

In these circumstances, Fine (1984:157) argues that the law appears as a neutral arbitrator between rival claimants, whereas it in fact puts its social weight

behind one claimant or another and so "resolves" disputes by virtue of its power rather than its impartiality. The "rule of law" does not concern itself with the content of any particular law, or necessarily mean that the law is just, fair neutral or even legitimate. It merely means that the consequences of the infringement of law are known in advance, are predictable and certain, and will be visited upon the dissident or the recalcitrant regardless of their class position (Collins 1982:12)

From the foregoing discussion of the state-labour relation, state emerges as complex entity which cannot just be regarded as an instrument of the bourgeoisie. Historical materialist analysis does not focus on the structures of repression alone, which undoubtedly imposes limits, but also on the tactics, strategies and actions of the working class and other social forces.

NOTES and REFERENCES.

1. I use the term Peripheral Capitalism, Third World and Developing Countries interchangeably to refer to all United Nations member countries that are outside Europe and North America. Most of these countries are located in Africa (excluding South Africa), Asia (excluding the so called newly industrialized countries of Singapore, Hong Kong, Taiwan and South Korea) and in South America. I follow the accepted UN usage of these terms and do not accept the perjorative meanings that have been attributed to these by the Western press. (See also endnote in Todaro 1989:xxxvi)

2. The meaning of economic development is by no means uncontestable. My definition of economic development follows therefore closely the definition given by Todaro (1989).

3. However, as researches from other parts of Africa show that the state regulation of labour is not new, and that there are discernible continuities with labour policies from the colonial period (Damachi, Seibel and Trachtman, 1979; Iwuji, 1979; Freund, 1988; Gertzel, 1979 and Sandbrook, 1975).

PART THREE.

THE BOTSWANA STATE: ITS RELATION TO ORGANIZED LABOUR

CHAPTER 4.

THE POST-COLONIAL STATE: THE CASE OF BOTSWANA

Introduction.

In Chapters Two and Three I built a theoretical framework within which to analyse the state-labour relation in both developed and peripheral capitalist societies. One of the main points raised in these chapters is that it is the function of the state in every society to secure the conditions of production and reproduction of that society. However, the manner in which the state goes about this task is largely a question of the mode of production. Included in this are the nature of the state, the level of the development of the productive forces and the constellation of class forces.

In a capitalist system, where the means of production are privately owned and private capital accumulation is regarded by those in control of the state as the most effective way of generating the society's material wealth, the state serves to secure the interests of private capital accumulation. The state assists in securing the conditions of capital accumulation by performing functions which private capital cannot or will not meet but which are nonetheless vital for capitalism as a mode of production. These functions include infrastructure development, the reproduction of

labour through the provision of basic education, training, health care, and general social welfare. The state also assists private capital accumulation through fiscal and monetary policies and state regulation and political and ideological domination of labour.

The object of this chapter is to analyse the manner in which the post-colonial state in Botswana, a society with its own historical and social and economic peculiarities, has set about this task. I start first by examining the historical emergence of the post-colonial Botswana state. I show how the roots of the petty bourgeois elite that controls the Botswana state go back to the pre-colonial period. I then examine the economic growth and structural transformation of the political economy of Botswana in the post-colonial period, a process that was spearheaded by the new state leadership. By investing in infrastructural development, the modernising elite which controls the Botswana state was performing a necessary function vital for the reproduction of the capitalist system.

Economic growth has indeed taken place in Botswana, in that there has been an increase in economic output measured in terms of Gross Domestic Product and Per Capita Income. Yet this process was marked by uneven development. Some sectors of the economy grew faster than others, and other sectors like agriculture experienced decline both in relative and in absolute

terms. Some people's wealth and power have increased while the majority of the people's wealth and power have declined. The development process in Botswana was accompanied by a particular process of class formation and class contradiction.

As in most capitalist countries, the intervention of the Botswana state in the economy was not exceptional. What was important were the specific relations of production that characterised this process. It is necessary to start this analysis with the examination of the character of the present Botswana state because the character of the state gives vital clues about its functions and policies. This is the task to which I now turn.

4.1 The Class Character of the Botswana State.

Botswana was a class divided society before the advent of colonialism. The traditional Tswana social structure was organised on a system of *merafe* or nations, each with its own *Kgosi* or king who was patrilineally descended from the *morafe's* founder. Social differentiation was based on both economic position and status. At the top of the social hierarchy was the *Kgosi* and his closest relatives. These made up the royal household. After this came the layer of *Dikgosana* or the aristocracy. This layer was made up of the king's other relatives like uncles and cousins. The third layer was that of *sechaba* or commoners or

ordinary people. Below the layer of the commoners was that of *bafaladi* or immigrants, and below the layer of immigrants were *batlhanka* or hereditary serfs. All of these classes had different privileges and obligations [1].

The highest organ of the state was the *Kgotla* or assembly, which was presided over by the king, who was a "presidential monarch" (Crowder 1988:22). The *Kgotla* made all the political, administrative and judicial decisions. The king exercised his powers through a hierarchy of relatives, close advisers and headmen, whose authority was exercised within *Dikgotlana*, specific geographical spaces which resembled boroughs or wards but which were inhabited by related households within the village (Parson 1984). These boroughs or wards were the lowest organs of the state and could also make political, administrative and judicial decisions, subject to approval by the *Kgosi* and the *Kgotla*.

Although theoretically every adult male had the right to make a contribution to the deliberations at the *Kgotla*, it was in practice dominated by a few members of the royal family, the aristocracy and the king's advisers. These men were also substantial cattle owners who because of their wealth had considerable political influence. Gossett (1986:103) argues that the actual level of participation in the debates at the *Kgotla* was

subject to all factors which affect participation in any democracy, such as wealth, status and the ability to articulate thoughts.

There is a famous proverb in Botswana which says *Kgosi ke Kgosi ka batho*, that is, the king rules by the will of the people. The *Kgotla* was therefore also used by the *Kgosi* to gauge the public mood and popular sentiments. Although the king had "executive powers", and the advise of the *Kgotla* was not binding, to ignore it would be unwise and a calculated risk which at times led to assassination or banishment of the *Kgosi* (Gossett 1986). As Gossett further points out, at the same time the king was only too aware of the potential threat posed by other members of the royalty or aristocracy, who were in the line of succession and could possibly challenge the king for his position. Parsons (1977:115) has recorded some seven coups and counter-coups in Bamangato territory between 1834 and 1875.

Although Botswana was a part of the British empire, British interests were primarily in Central and South Africa, and the country was not viewed as being of primary importance. The British wanted to keep the country as a secure buffer zone between the Boers of the Transvaal and the Germans in South West Africa (Gossett 1986). According to Parson (1984), Botswana had to be self-supporting and not become a permanent

ward of the British treasury. In order to meet the administrative costs locally, the colonial state imposed a Poll Tax, which resulted in many Batswana migrating to South Africa to seek employment. The British introduced what was called "parallel rule", a form of indirect rule based on the assumption that Botswana was being "protected from external threat" posed by the Boers and the Germans, and that the British administration would have no effect in the internal affairs of the country. According to Pickard (1985:11) the basic principle of the system of parallel rule was that:

The European administration would exist to regulate the affairs of traders, missionaries, and other Europeans in the district, and the magistrates would mediate in terms of the relations between the chiefs and the outside world.

However, this principle seems to have been honoured more in breach than in observance. Ever since 1895, the colonial administration created structures to help it govern the colony effectively. In 1919 they created a Native Advisory Council, which was a forum for all the Batswana traditional rulers. In 1920 the colonial state created the European Advisory Council to represent about 2,000 traders in the so-called Crown lands, and in 1950 the colonial administration created a Joint Advisory Council.

These councils lacked legislative powers and were used mainly as forums for the colonial administration to

announce its plans. The Native Advisory Council was especially used to try to persuade the traditional leaders to accept their subordinate role (Parson 1984). According to Crowder (1988), the establishment of the Native Advisory Council was the major objective of the colonial administration of Resident Commissioner Lt-Col Charles Rey who had long felt that the traditional leaders were too autocratic. The colonial administration plans to gradually take away the powers of the traditional leaders reached their climax in the 1930's, when Charles Rey promulgated the Native Administration and Native Justice Proclamations. The Native Administration Proclamation established Tribal Councils to "advise" the king on the affairs of the society.

The colonial administration also introduced salaried staff to run the "tribal" administration, created "tribal treasuries" and introduced financial procedures. The Native Justice Proclamation sought to remove the judicial powers of the *Kgotla* and create a system of "tribunals" in which the king would now be assisted by only two assessors. These two proclamations were fiercely opposed by the traditional leaders who realised that they were about to lose power, as they would no longer be the final arbiters of matters political, administrative and judicial (Crowder,1988).

There were two factors that were crucial to the development of nationalist politics in Botswana later. The first concerned the relationship of some members of the aristocracy to the colonial administration and the second concerned the relationship of the aristocracy to the king. As I pointed out, the aristocracy was made up of men who were substantial cattle owners. Because of their wealth, they were also relatively educated people, some with matriculation, and one, K.T. Motsete, had three B.A. degrees and a Master's degree in Philosophy from the University of London (Halpern 1965b). Motsete, as we shall see later, was undoubtedly the most educated man in Botswana at that time, and played a very crucial role in nationalist politics. One of his abiding contributions to Botswana's nationalism was to compose Botswana's republican national anthem, *Fatshe Leno La Rona*, whose English translation is "This Land is Ours".

At the same time that the colonial administration was trying to curb the powers of the traditional rulers, it also antagonised this group of the aristocracy, first through Credit Sales to Natives Proclamation of 1923. This Proclamation restricted Africans in Botswana from engaging in commerce. The Proclamation restricted the emergence of the indigenous commercial sector so much that as late as 1949 there were only ten shops owned by Botswana, as opposed to the 155 European-owned shops (Parson, 1984) [2].

Secondly in 1924, the Union of South Africa government imposed a trade embargo in the form of weight restrictions on the importation of cattle from Botswana to South Africa. This trade embargo denied this group, which owned large herds of cattle, access to beef markets and also affected their capacity to accumulate. The suppression of the growth of indigenous capital alienated this group from the colonial administration.

Although this group was made up of men of aristocratic or royal background, with wealth and good education, some of them were not in a position of power and influence within the traditional political structure. Although they were not happy with the colonial administration's position regarding African commerce and trade, they seemed quite prepared to collaborate with the colonial administration to curtail the powers of the traditional rulers (Crowder, 1988). According to Crowder some of these men supported the colonial state in its endeavours to curb the powers of the traditional leaders whom they saw as autocratic and feudal. They also gravitated more towards a kind of "bourgeois nationalism" and saw the need for the country to move towards a western type of parliament (Pickard, 1985). Crowder (1988:47) argues that like educated elites elsewhere in Africa, the elite in Botswana "resented the power of the traditional rulers

and saw themselves, rather than these heirs to the past, as the future leaders of their people".

This group, however, remained politically unorganised until the early 1960's when they coalesced into a political party, the ruling Botswana Democratic Party (BDP). The manner in which this group emerged is of interest because it was in this group that the colonial state found local allies against the radical nationalist Botswana People's Party (BPP). The BDP came about as a reaction to the emergence of the BPP which was formed in the aftermath of the banning of black political organisations in South Africa, including the African National Congress, the Pan-Africanist Congress and the multi-racial Communist Party of South Africa.

The BPP was formed by a group of more radical nationalists, some of whom had been political activists in South Africa before the bannings. The BPP demanded early independence, Africanisation of the civil service and nationalisation of the land. According to Halpern (1965b:287), the BPP was also strongly anti-tribalist and critical of chieftainship, which it referred to as a "an ancient institution" that had no place in present day Botswana. It denounced tribalism as a form of "communal chauvinism" characterised by "belief in a mythical hereditary divine right of precedence" and demanded that political office should be based on merit alone.

The main players were K T Motsete, who was the President of the Party, Philip Matante, the Vice-President and Motsamai Mpho, as the Secretary-General. The BPP was however, an uneasy alliance. Soon the ideological differences that had led to the split in the black opposition politics in South Africa and to the creation of the Pan-Africanist Congress, were reproduced within the BPP (Gossett,1986). According to Gossett, the internal dispute in the BPP concerned mainly two issues. First, there was an anti-communist pro-PAC faction led by Phillip Matante, and the pro-ANC faction led by Motsamai Mpho. The pro-PAC faction, with the support of some PAC elements started accusing the pro-ANC faction of being a front for white Communists, and its leader Motsamai Mpho, of being an Communist agent. Secondly, at about the same time that these allegations were going on, some monies donated by the Africa support groups based in Ghana went missing. Mpho reacted by expelling Matante and Motsete from the Party for failing to account for the missing funds. Matante also announced that he had expelled Mpho.

Despite the fact that the BPP had split up into factions, its nationalist rhetoric had sufficiently alarmed the colonial administration and spurred it into looking for alternative nationalist leaders to lead Botswana to independence. According to Gossett (1986), the colonial administration had warned London that the

BPP posed a serious threat to British interests in the colony, and that the only satisfactory opposition to the BPP would be a party headed by Seretse Khama.

The BDP was officially launched on the 27th of January, 1962, as a counter weight to the BPP, which was seen by the colonial government as too radical because of its ties with the African National Congress of South Africa (Motshidisi 1975; Gossett 1986). With the formation of the BDP, the class of petty bourgeois nationalists broadened its social base to include European commercial farmers and Asian traders. Pickard (1985) argues that after its formation, the BDP received unqualified support from the colonial administration, and received financial and organisational support from the financially influential European and Asian communities which feared the more radical BPP coming to power.

After it was formed, the colonial administration allocated the party ten seats in the Legislative Council, and Seretse Khama, its leader was appointed to the position of Government Secretary. According to Pickard, the BDP was in fact treated as the *de facto* government and was the incumbent party in the 1965 elections. The party won the 1965 elections, and its leader, who was also the leader of the Legislative Council, became the first Prime Minister and later the

President of the Republic of Botswana. Gossett (1986:248) argues:

In effect, by commanding the support of the majority of the unofficial Legco members and having the sympathy of the [colonial] administration, the BDP became the ruling party without ever having fought an election or waged a nationalist struggle.

Admittedly, at the time of independence, the petty bourgeois class that coalesced into the BDP was only strong at the political level. It was in control of the "new state" but had no firm economic base. I have already mentioned the causes: restrictions on beef exports to the South African market and on commerce and trading locally. It was therefore necessary that this petty bourgeoisie should transform the process of accumulation in such a way that it would generate a new centre of economic ownership and possession. The absence of developed forces of production necessitated an alliance with international capital.

The present strategy of capitalist of development should therefore be seen as an expression and outcome of specific class interests, whose roots go back to pre-colonial days. The decolonialisation process of Botswana and the colonial administration's support for the BDP, indicate that political independence for Botswana was a result of a strategic compromise of the colonial power to transfer power to a local petty bourgeoisie that would safeguard the interests of

metropolitan capital. According to Amilcar Cabral (cited in Harris 1975:22):

The objective of the imperialist countries [in granting political independence] was to prevent the enlargement of the socialist camp, to liberate the reactionary forces in [these] countries, which were stifled by colonialism, and to enable these forces to ally themselves with the international bourgeois. The fundamental objective was to create a bourgeoisie where one did not exist, in order to specifically strengthen the imperialist and capitalist camp.

As some of the post-independence state policy pronouncements have made clear, the infrastructural developments undertaken by the state since Independence were in order to create favourable conditions for the private sector to invest. These policies have, however been couched in the ideology of "national development", underlining the argument that each new class is compelled merely to carry its aims, to represent its narrow interests as the common interests of the whole nation (Marx and Engels 1970). According to National Development Plan 5:

The Government is committed to actively interventionist economic and social policies. The progress that has been made since Independence is the result of active Government efforts and careful planning. *The government's commitment to planning is not intended to stifle private initiative, but to create favourable conditions in which the private sector can contribute to Botswana's development.* The government's role in the economy is a broad one. It provides the basic infrastructure of the country...[and] takes responsibility for educating the labour force that the economy requires...The government also sets the legal, fiscal and monetary framework with which all sectors operate and is responsible for securing favourable international economic arrangements for

domestic producers and consumers (p.61)
(italics added).

But where do state policies come from, and how are they determined? Who makes up the private investor in Botswana? In the context of Botswana, can we speak of a class or alliance of class fractions whose influence is so pervasive and so strong that the state may be regarded as its "instrument"?

The answers to these questions will emerge in the various parts of this analysis. Suffice it to point out here that for the class forces that emerged politically victorious in the run up to Botswana's independence in 1966, that is, for the class of petty bourgeois nationalists who are represented politically in the ruling Botswana Democratic Party, the post-colonial economic policies and strategies were a class project for private capital accumulation. The petty bourgeoisie who gained control of the post-colonial state had a vision of where it wanted to lead the country.

The economic policies of the post-colonial period were a means of getting there. As Sandbrook (1982:81-82) points out, a development strategy is at the same time a class strategy. It indicates the general orientation of a regime with respect to the accumulation function. A development strategy also indicates which class or class fractions will take the main responsibility for expanding the economy, and hence benefit from the

accumulation of capital. At the same time, the accumulation process engenders class formation, and aids the emergence of a class or class fractions with the economic power to ensure that the state henceforth represents primarily their interests.

As Alavi (1972) has argued, one characteristic feature of the colonial state is that it did not rest on the support of any of the local classes, but instead subordinated all the indigenous classes. The political independence of Botswana that came in 1966 marked the political restoration of a previous ruling class that had been living under colonial domination; the nationalist demands for independence in the 1950s and 1960s represented above all a resurgence of this class (Mogalakwe, 1983).

Having been denied the opportunity to accumulate during the colonial period, the petty bourgeoisie entered into an alliance with international capital to enhance its economic position. At independence, it adopted a liberal bourgeois constitution which gave the citizens all the democratic rights and freedoms associated with bourgeoisie democracy. It can be argued that this was partly because of the influence of the British. But it was also due to the fact that the new men in power wanted to end what they considered a backward political system based on royalty. Another reason why a liberal democratic constitution was adopted came from

Botswana's own version of democracy, which was based on a form of consensus, albeit one based on domination.

Having delineated the class character of the Botswana state, I turn now to the examination of the functions of this "new state".

4.2 The Post-Independence Economic Growth Strategy.

As I pointed out in the Introduction, at the time of Independence, Botswana was among the poorest countries in Africa. Botswana's Gross Domestic Product was the equivalent of £12 million and the income per capita was equivalent of £25.00. The exports totalled the equivalent of £6 million. The bulk of the exports consisted of meat (carcasses), which amounted to the equivalent of £3 million a year; this was followed by the export of labour (deferred pay and remittances), hides and skins and canned meat. The import bill was the equivalent of £7 million in food, clothes and textiles, building materials, machines, equipment, chemicals and drugs [3]. In a population of 650,000 only 14,000 were in formal sector employment. There were 32,000 Botswana migrant workers in South Africa.

In order to transform the economy of the country, the government enunciated four economic planning objectives around which future development plans would be based. These four objectives were (a) Rapid Economic Growth, (b) Economic Independence, (c) Sustained

Development and (d) Social Justice [4]. I will briefly summarise each of these development objectives in turn.

(a) **Rapid Economic Growth:** it was the objective of the post-colonial state to ensure that the growth of the productive base of the economy would exceed population growth in order to sustain an increase in the average standards of living. To this end the new state sought to encourage production with more direct intervention in selected areas of the economy.

(b) **Economic Independence:** Botswana was a small landlocked country bordering a large and economically developed country, South Africa. Botswana therefore had to lessen its vulnerability and dependence by mobilisation of internal resources, diversification of the economy and emphasis on training and localisation. Externally Botswana had to diversify its communication routes, its trade and investment partners and its sources of aid. According to the National Development Plan 5:

Economic independence therefore became for economic as well as political reasons, a major objective and one that has to temper the quest for rapid economic growth (p.58).

(c) **Sustained Development:** The pattern of development was to be sustained by reinvesting resources generated from non-renewable sources in order to enhance the economy's long term potential, and to exploit

agricultural resources in such a way that they would not be destroyed.

(d) **Social justice:** Economic growth was not to be an end in itself but a means to other ends. A more productive economy was needed as the basis for the improved standards of living for Batswana, especially through employment.

4.3 Economic Growth and Structural Transformations (1966-1990)

According to Colclough and MaCarthy (1980), the government's revenue from domestic sources increased from P4.5 million to P28,1 million in 1972/3. This was the first time that the recurrent budget was balanced since independence. Over the same period, public development expenditure increased sixfold, from P5m to almost P30m, of which more than 10% were financed from domestic resources. In 1972/73 domestic production, measured in constant prices had almost quadrupled, allowing income per capita to triple over the same period. According to Coclough and Macarthy, the rate of economic growth was about 15 per cent per year between 1966 and 1973. The years from independence up to 1990 also saw very rapid economic growth and structural transformations in the country's social and economic landscape. These changes are summarised in Tables 4.1 and 4.2 below.

TABLE 4.1
DEVELOPMENT INDICATORS 1966-1991

ECONOMIC INDICATORS	1965	1975	1985	Most Recent Estimate	Year	Growth p.a.
GDP pm, 1988/89 prices	284	1284	3666	4988	88/89	13.0%
GDP per capita, Pula 1988/89 prices	537	1793	3364	4115	88/89	8.8%
Formal Employment ('000)						
Domestic	14	57	117	176	1989	11.1%
Abroad	31	n.a	32	24	1990	-1.0%
INFRASTRUCTURE	1966	1975	1985	Most Recent Estimate	Year	Growth p.a.
Km. of tarred road	20	219	1885	2664	1990	22.6%
No. of motor vehicles	4500	15400	51700	75000	1989	13.0%
Electricity Generated, Million Kwh	5	270	457	845	1989	25.0%
SOCIAL INDICATORS	1966	1971	1981	1991	Year	Growth p.a.
Total Population ('000)	541	597	941	1334	(Est.)	3.7%
Life expectancy at Birth	48.0	55.8	56.3	60.2	(Est.)	0.9%
Death Rate (per '000)	n.a	14.5	13.9	11.5	(Est.)	-0.4%
School enrolments:						
Primary ('000)	72	116	234	293	1990	6.0%
Secondary ('000)	2	12	32	55	1990	16.0%
Teacher Training						
Colleges	293	489	1188	1356	1989	6.8%
University	22	n.a	1022	3133	1989/90	21.9%
Health:						
Doctors per 100,000 pop.	5	11	16	17	1989	5.7%
Nurses per 100,000 pop.	6	86	143	179	1989	15.9%

SOURCE: NATIONAL DEVELOPMENT PLAN, (1991)

TABLE 4.2

GROSS DOMESTIC PRODUCT, 1966-1988/89 (selected years)

	1966		1977/78		1982/83		1988/89	
	pm	share %	pm	share %	pm	share %	pm	share %
Agriculture	124	39.6	309	19.9	153	5.8	149	3.0
Mining	-	-	241	15.5	815	31.2	2542	51.0
Manufacturing	25	7.9	106	6.8	165	6.3	209	4.2
Water & Electricity	3	0.8	44	2.8	65	2.5	93	21.9
Construction	18	5.7	73	4.7	142	5.4	166	3.3
Trade, Hotels	58	18.6	311	20.0	556	21.3	818	16.4
Transport								
Finance	13	4.1	65	4.2	66	2.5	82	1.6
Government	21	6.6	129	8.3	174	6.6	263	5.3
Social Services	52	16.7	253	16.3	451	17.2	638	12.8
Dummy sector	-	-	65	4.2	87	3.3	118	2.4
	-	-	-42	-2.7	-58	-2.2	-91	-1.8
Total GDP	313	100.0	1554	100.0	2613	100.0	4988	100.0
GDP per capita, Pula	578		1982		2677		4115	

SOURCE: NATIONAL DEVELOPMENT PLAN 7 (1991-1997)

Table 4.1 gives development indicators of physical, economic and social transformations that took place in Botswana since independence. The Table takes 1965, the year in which Botswana was given self- government, as the base line. The striking features of the table are the very high levels of growth in most areas of the economy. GDP per capita increased from P537 in 1965 (in 1988/89 prices) to almost P4000 in 1988/89, an increase of 8.8 percent *per annum*. In the same period formal sector employment increased from about 14,000 to 176,000 in 1988/89.

The other striking feature about formal sector employment is that employment abroad, mainly in South Africa, actually fell from 31,000 in 1965, a figure twice as high as employment inside the country, to 24,000 in 1990. According to Harvey and Lewis (1990), in the mid-1960s there were three Batswana employed outside the country for every one person employed in the formal sector. By the mid-1980s that situation had been reversed: there was a 20 percent fall in the recruitment of Batswana to work in South Africa. This was caused by two factors, the most important of which was the rapid growth of employment in Botswana. By 1986 employment within Botswana was five times larger than the number of Batswana employed outside the country. Harvey and Lewis argue that since 1987, the population of the young school leavers of working age was increasing by more than 20,000 each year; the job

market could not absorb the new entrants. The problem of unemployment is therefore still very much around in Botswana, despite all the post-independence economic achievements.

Other notable infrastructure developments include the building of a network of tarmacked roads, from a total length of 20 kilometres at Independence to more than 3000 kilometres in 1990, and provision of rural water supply. There have also been significant improvements in the transportation and communications network, including the national micro-wave telephone network and earth satellite link with most parts of the world (NDP 7). Education is another sector where there have also been major improvements. Primary school enrollment has increased from 72,000 in 1966 to 293,000 in 1990, and secondary school from 2,000 to 55,000. University enrollment increased from 22 to 3,133 students.

According Table 4.2 , the biggest economic growth was in mining, which grew from zero at the time of independence to 51 percent in 1988/89, contributing more than half of the GDP. Agricultural production declined from 39 percent to 3 percent during the same period. This means more people were now looking to formal sector for employment. Although mining alone accounts for more than 50 percent of the GDP, other sectors also grew significantly in real terms. The commercial sector (trade and hotels) followed mining,

accounting for 16.4 per cent of the GDP, followed by the public sector (government) which accounted for 12.8 per cent of the GDP. In terms of employment, the public sector has been, and is still the largest employer.

4.4 The State Institutions of Intervention.

The economic growth and structural transformations in the physical, economic and social landscape of Botswana just described can be attributed to two factors: (a) the discovery and profitable exploitation of diamond mining which increased government revenues and enabled the state to intervene indirectly through infrastructure developments; and (b) direct state intervention in the economy through the establishment of public companies. Though the Botswana state is committed to capitalism, and has been pursuing an overtly capitalist oriented strategy, the state has also been involved in a joint venture with the giant South African multinational, De Beers. Botswana has acquired a 50 percent equity in the diamond mining company, Debswana, with De Beers being the other partner. At the end of 1990, diamond mining contributed 60 per cent of government revenue and more than 50 percent of the gross domestic product (Harvey and Lewis, 1990; Jeffries 1991).

Besides direct involvement in mining through Debswana, another area of significant state intervention was through the establishment of a number of public or

state-owned corporations, known in Botswana as parastatals. The main ones are: the Botswana Meat Commission (formed in the mid-1950's), the Water Utilities Corporation (1970), the Botswana Power Corporation (1970), the Botswana Development Corporation (1970), the Botswana Housing Corporation (1971), the Botswana Livestock Development Corporation (1971), the Botswana Housing Corporation (1971), the Botswana Livestock Development Corporation (1972), the Botswana Agricultural Marketing Board (1974) and the Botswana Telecommunications Corporation (1980). Other parastatals are the Bank of Botswana and Air Botswana (NDP 7). These state enterprises were created to fill the gap in private sector provision, and their origin is related to the post-colonial economic development initiatives of providing the much needed infrastructure for the economy (Jeffries, 1991) [5]. As already noted, at the time of her formal independence, Botswana did not have the infrastructure capable of sustaining a modern society. In fact Botswana was even considered not ready for independence because of this lack basic infrastructure [6]. Because of the limitations of space, I shall concentrate here only on one parastatal, the Botswana Development Corporation (BDC), chosen because of the prominent position it occupies within the public enterprise system in Botswana.

The BDC is the country's primary development finance institution, with major shareholdings in joint ventures

with a variety of firms across the economy (NDP 7; Harvey and Lewis, 1990; Jeffries, 1991). The BDC was incorporated on the 15th April, 1970 and started operations in 1971. Its inception followed the recommendations of a team of management consultants from London. The consultancy report was based partly on a study of public corporations in seven newly independent countries, namely Uganda, Kenya, Tanzania, Zambia, Malawi, Ghana and Lesotho.

The objectives of the BDC are as follows: (a) the infusion of share capital, short and long term loan, and loan and overdraft guarantees; (b) procurement of industrial land and buildings, technical and managerial support; (c) promotion and development of new projects in the national interest; and (d) the provision of expert business advice and guidance. The state owns all ordinary shares and the BDC's international partners, N F M (Holland), International Finance Corporation (World Bank), Commonwealth Development Corporation (British) and D.E.G. (West Germany) own preferential shares [7].

According to Harvey and Lewis (1990), the BDC's primary function is to identify and participate in the direction and control of viable enterprises, and is not just a passive loan giver or sleeping partner. The BDC is an active participant in joint ventures with international capital, and supplies equity, loans, or debentures, as and when it judges necessary or

desirable on purely commercial calculations. Since its inception the BDC has acted as a partner with international capital in most industrial and commercial activities, and has acted mainly in a commercial and profit seeking way. According to Harvey and Lewis, the role of the BDC, whether as a partner with the private investor or as a provider of services, could thus be seen as supporting the private sector as much as threatening it as a rival. In 1983 the BDC consisted of twenty seven subsidiaries, which in turn owned a further fifteen subsidiaries. In addition BDC held shares in eleven associated companies and financed four others directly by way of long term loans (Harvey and Lewis, 1990).

In 1989, the BDC Group underwent an organisational restructuring. The BDC Group now consists of two very huge departments: the Projects and Operations Departments. The Projects Department is responsible for developing new projects and serves as the first point of contact between a project sponsor and the corporation. It evaluates investment proposals, negotiates investment terms and supervises the implementation of projects and the disbursement of loan and equity funds granted by the BDC. The Project Department is involved in 25 projects, ranging from crocodile farming and the production of semi-face clay bricks, to international hotels and a private hospital in Gaborone. The Operations Department is also active

in various sectors of the country's economy, and is responsible for the monitoring and development of the investments. The Operations Department is organised in six divisions, all corresponding to the key sectors of the economy. These are: (a) Industrial and Commercial Divisions, (b) Agriculture, (c) Transport, (d) Hotels and Tourism, (e) Property Management Development, and (f) Financial Services Division [8].

The Botswana state has been able to make these interventions in the economy largely because of the revenues that accrued to state coffers from diamond mining. Indeed the mining industry has had a positive knock-on effect on the country's economy in the sense that the state had enough revenues to develop the infrastructure. These in turn provided propitious conditions for private sector investment and development. To a large extent the overall objective of the post-colonial state of providing the necessary support for private sector development has been realised.

This has led some analysts to argue that it was the discovery and profitable exploitation of diamond mining that was at the centre of Botswana's development and that diamond mining had become "the engine of growth" and "a launching pad" (Colclough and Macarthy, 1980; Harvey and Lewis, 1990; Stedman, 1993). Whilst there is much truth in this argument, the question that remains

unanswered is this: since the diamond revenues were mostly invested in infrastructure development, where did the profit for private sector employers come from?

The manner in which the analysis of Botswana's political economy has been conducted leaves one with the impression that all is well as long as necessary infrastructure is created and factories are built. For these analysts, the means of production are everything, and the relations of production nothing. Because the key link for these analysts is not class struggle but the technical means of production, there is a lack of discussion of social relations and the working class appears as an aggregate number of employees. A detailed analysis of how labour actually contributed to the development of the country is undertaken in Chapter Five. Suffice it to point out here that to look only at mineral revenues alone in accounting for Botswana's post-independence economic performance, and to disregard the part played by labour is in my view inadequate and incomplete analysis of the political economy of a country.

4.5 The State and Development. Some Observations.

There is an on-going debate as to whether countries at the periphery of capitalism can succeed in transforming their economies towards a more modern industrial societies. As Lubeck (1987:1) argues, this debate has focussed on the degree of autonomy possible for

indigenous accumulation under the external structural constraints imposed by the capitalist world economy and the state system.

Taylor (1977) argues that the economic penetration of the Third World by capitalism has resulted in an economic structure whose development is both highly uneven and necessarily restricted to particular sectors of the economy. He argues that in peripheral capitalism production for export is greater than production for domestic consumption and the domestic sector is characterised by low level technology which results in a low level of productivity; by contrast the export sector is characterised by high levels of productivity. According to Taylor (1977:53), the effects of these forms of penetration are that the possibilities for directing production towards the requirements of the indigenous economy have been restricted.

Warren (1980) argues that it should be possible to attain some economic development amidst these constraints, and gives examples of some countries from Asia and Latin America which in his view have succeeded or are on their way to some capitalist development. Kennedy (1988) puts the blame for lack of economic development in the African countries on the doorsteps of the post-colonial state in Africa. He argues that since independence, African governments have tended to act in ways that obstruct rather than encourage African

capitalism because of the failure to provide assistance and to create favourable national economic climate within the limitations set by the international situation. He argues that the state and politics have had a particularly profound and often retarding effect on indigenous economic activity of all kinds, including emergent capitalists and that the state's own economic activities have stifled enterprise investment.

In his criticisms of Botswana's political economy, Parson (1980) starts by analysing what he identifies as the limits of capitalist transformation imposed on Botswana by South Africa. He argues that the limits to Botswana's ability to generate an autocentric process of development arise from its constitution as a particular kind of dependent capitalist country, a significant component of which has been its geographical position on the periphery of South Africa, and that the development efforts of a developing country are subject to the vagaries of the world economy.

It will be fair to put Taylor (1977) in the category of world system theory and Parson (1980) in that of dependency theory. This school of thought tends to place undue emphasise on a country's external linkages (external determination) especially if those linkages are of a dependent or unequal nature. The role of the state in redirecting the process of accumulation is

given a secondary consideration. This is a pessimistic view which also has serious flaws for analysing a country such as Botswana. As we have seen, the state has made significant advances in modernising the economy by transforming a backward agrarian economy into a fairly modern one within a space of 25 years.

On the basis of the empirical overview of the Botswana's political economy that I have given, I find the gloom and doom scenario of Taylor and Parsons difficult to accept. But at the same time, Warren (1980) who represents the more orthodox Marxist approach (internal determination), expresses a rather optimistic view which is also based on a limited number of countries. On the other hand, Kennedy stands on his own. Contrary to what he argues, in Botswana the transformation of the economy has been spearheaded by the state in alliance with both indigenous capital interests and international or multinational capital. Lacking in technical and managerial expertise, marketing channels and resource, the state and indigenous capital have deeply involved themselves with South Africa, United States, Britain and German capital. The beginning of the 1990's saw the arrival of more multinationals from South Korea, France, Kuwait, Lebanon and Peoples Republic of China (NDP 7).

It may argued that the presence of international or multinational capital in Botswana serves to highlight

the pessimism of the dependency theorists. But in the current phase of internationalisation of capital, it may be naive not to expect indigenous capital to engage in joint ventures with international capital. It is only through joint ventures that both the state and indigenous capital can acquire the technology and the organisational expertise to deepen the level of indigenous capital accumulation. Lubeck (1987:12) argues that the seminal question should be how the group identified as the national bourgeoisie is involved in the national economy, and how its participation transforms the economy and alters the balance of class forces in the society.

I have already shown how the state has helped create the necessary conditions for private capital accumulation. I have also argued that the structural transformations that took place in the various sectors of the economy have resulted in class formation. It is important to say something about some of the actors who comprise what can be termed the emergent national indigenous bourgeoisie to illustrate my argument. This is the point to which I now turn.

4.6 The Emergent National Bourgeoisie.

The term 'national bourgeoisie' is used here to refer to the class or alliance of classes of national entrepreneurs who collectively pursue an economic strategy that increases the national share or control

of the local economic processes. Depending upon particular conjunctures this class of national entrepreneurs may be in alliance with multinational capital or in competition with it (Kitching 1987). My task in this section will be restricted to identifying the emergent national bourgeoisie in Botswana, by looking at areas of their participation in the local economy, that is, their main economic activities. Other characteristics of this class, such as its relative strength vis-a-vis foreign capital, its cohesiveness or lack of it, its political influence, if any, or whether it is a "comprador" "bureaucratic", "managerial" or whatever bourgeoisie, is a task that will be left to future research.

As pointed out in the preceding parts of this chapter, colonialism stifled the growth and development of indigenous entrepreneurial activities. The emergence of indigenous capital in Botswana is therefore a post-colonial phenomenon. This is not to say that there were no propertied class in pre-colonial or colonial Botswana. As I have pointed out in Chapter 4.1, the aristocracy in Botswana were substantial cattle owners. Commercial ranching was, however, confined to European farmers in the so-called Crown Lands. These were fertile parts of the country that were designated by the colonial administration to resettle white farmers. But it was cattle farming that provided an impetus for capital accumulation even for indigenous Botswana.

Efforts to augment indigenous capital accumulation in the agricultural sector started in 1975 with the introduction of the Tribal Grazing Land Policy (TGLP). Under the TGLP, the state gave incentives to large cattle owners to leave communal grazing areas and commercialise livestock industry, which had hitherto been the domain of white Batswana. The TGLP was launched ostensibly for environmental reasons: to stop degradation of the land in communal areas. TGLP was viewed as a process of change from traditional and subsistence production of livestock towards a greater degree of market-oriented production; a movement from relatively lower level of production and low returns, to a relatively higher level of production and productivity and higher returns (NDP5, p.18). The new commercial farmers were given incentives such as soft loans for fencing and borehole drilling and equipment. This assistance was, however, only for farmers with more than 200 herd of cattle.

The TGLP was introduced against the background of the Rural Income Distribution Survey of 1974. Some of the findings of the survey were that only 5 percent of the rural population own more than 50 percent of the national cattle herd, and that 20 percent of the population did not own any cattle at all. In 1980 fewer than 28 percent of the rural household owned no cattle. This figure rose to 38 percent in 1988. Rural

households with less than 40 cattle declined from 51 percent in 1980 to 48 percent in 1988, and those with between 40-100 cattle declined from 14 percent to 9 percent in the same period (NDP 7).

The TGLP scheme therefore benefited only a small section of cattle owners. These were the big the traditional cattle owning class of petty bourgeois nationalists. These are the people who have, together with the white commercial farmers, dominated beef production and benefited from the guaranteed European market. For example, from 1979 to 1989, beef production from commercial farms accounted for about 42 percent of sales at the Botswana Meat Commission (BMC). The average price per beast slaughtered at the BMC rose from P303.00 in 1985 to P653.00 in 1989 (NDP7,p.253). Under the Lome Convention, Botswana was entitled to export up to 19,000 tonnes of beef per annum to the European Economic Community (EEC) on preferential terms. In so far as the domestic production of beef for world market was concerned, the national bourgeois has managed to exert significant control and derive large benefits.

Accumulation in other sectors of the economy has also proceeded apace, although it is not as impressive as it is the commercial agricultural sector. In 1968, of the 439 shops registered in Botswana, only 31 percent were Batswana owned (Best,1970). By 1984, local ownership in

the commercial sector had improved quite considerably. Of the 2,616 businesses in the commercial sector, 85 percent were owned by Batswana, and only 15 percent by foreigners (Selabe:1988:92).

However these were very small undertakings like bars and bottle stores (off-licence), small general dealers (corner shops) and petrol stations. Dube-Jones (1992:163) argues that having entered the already small commercial sector rather late, indigenous Batswana were operating under considerable disadvantages in terms of their late entry and due to constraints inherent in Botswana's economic position in southern Africa. As a result, Batswana businesses tended to lag behind those of the Europeans and Asians in size, sophistication, profit making and expansion possibilities.

TABLE 4.3

OWNERSHIP OF MANUFACTURING FIRMS BY CITIZENSHIP
(SELECTED YEARS)

YEAR	TYPE OF OWNERSHIP			TOTAL	CITIZEN OWNERSHIP AS % OF TOTAL
	Citizen	Joint Venture	Foreign		
1979	15	26	47	88	17.0
1984	32	55	122	209	15.3
1989	160	150	190	500	32

SOURCE: SELABE, 1988:92; JONES-DUBE, 1992:116; NDP 7:158

Ownership in the manufacturing sector gives important clues about the nature of capital accumulation. The progress made by Batswana petty bourgeoisie in this sector of the economy has not been very impressive, although by no means insignificant, considering where they were at the time of independence. In 1982 the post-colonial state started a scheme called Financial Assistance Policy (FAP). FAP has been described as a package of incentives for national and international investors to stimulate investment and create employment opportunities (NDP7:165). Businesses could receive FAP support for small scale project with fixed capital investment of up to P25,000; medium scale project of between P25,000 and P900,000; and large scale projects with fixed capital investment in excess of P900,000. Between 1985 and 1990, FAP financed 1,184 businesses to the tune of P258 million. About 73 percent of the projects financed under this scheme were small scale projects and accounted for only 3 percent of total investment. About 83 percent of FAP funding, accounting for about 26 percent of the projects, went to medium scale projects in urban and peri-urban areas. Large scale projects accounted for only one percent of the projects but for 14 percent of the FAP funding (NDP7:165-166).

According to Table 4.3, by 1979 citizen ownership in the manufacturing sector stood at 17 percent. By 1984,

there were 209 businesses in the manufacturing sector, but citizen ownership had fallen in relative terms to 15.3 percent. By 1989 the number of manufacturing businesses had gone up to about 500. Out of this 190 or 38 percent of businesses were foreign; 150 or 30 percent were joint ventures and 160 firms accounting for 32 percent, were Batswana owned. Employment in manufacturing also increased from about 9,500 in 1984, to about 22,000 in 1990, accounting for about 12 percent of formal sector employment (NDP7:158-9).

Although the participation of Batswana in the local economy has not grown by leaps and bounds as in countries where there has been an unambiguous "affirmative" action for indigenous capital, for example Kenya, such participation has been growing steadily over the years. In order to promote such participation, the state passed the Trade and Liquor Act of 1986 to reserve certain businesses such as fresh produce, filling stations, bar and bottle stores, for citizens. The hope is that participation in these businesses can be a launching pad for bigger things. It is now said that the Government is concerned about the limited participation of Batswana in large undertakings like wholesale trade, chain store, hotel and import and export business, which continue to be dominated by non-citizens. Thus it will be the major challenge for the government in 1990s that more Batswana break into these relatively advanced business activities, which require

greater financial and managerial capabilities
(NDP7:162)

4.7 CONCLUSION.

In the foregoing empirical analysis, I have provided an overview of the political economy of Botswana from independence to about 1990. First I gave an account of the class character of the post-colonial Botswana state and then proceeded to delineate the functions of this state, especially with regard to social and physical infrastructure development. I have argued that these are the traditional functions of the state. Every society has to reproduce the conditions of production at the same time as it produces and a society that does not do this will not last. In order to achieve this, the state in capitalist society intervenes to provide the necessary conditions for economic growth and development.

This process has resulted in class formation. During this process, some groups of people have been able to increase their wealth and power, whilst others' wealth and power declined. A large class of the urban proletariat has emerged alongside a small class of the petty bourgeoisie and the bourgeoisie. The petty bourgeoisie are those involved in small businesses and the bourgeoisie are those who have been able to break into the manufacturing sector and in commercial agriculture. As I pointed out, these two classes have been benefited directly from the state policies such as

Trade and Liquor Act, Financial Assistance Policy and TGLP. It is on the basis of this that it can be argued that state policies only appear neutral, whilst in practice they help some sections of the people at the expense of others, usually the majority.

The Botswana state has also been involved in infrastructural development and in the management of the economy through the BDC. Admittedly, in Botswana, as in most peripheral formations, the state's involvement in economic management tends to be much more direct and obvious. But even in developed capitalist countries, the state is also involved in economic management or development. Duncan (1989:3) argues that in the 1980's, public sector spending in OECD countries accounted for 45 per cent of all economic activity, reaching up to 67 per cent in the case of the Netherlands. The involvement of the state in economic management and development is therefore a common phenomenon in both developed and developing countries. The emphasis on economic growth and economic independence helps the national bourgeoisie and enhances national sovereignty.

The involvement of the state in economic management and development and in infrastructure development in Botswana is a long term strategy by the petty bourgeois who control the post-colonial state, to create what they describe as "favourable conditions for private

sector development". This means securing conditions for private capital accumulation. This is what makes the Botswana state a capitalist state. The state was "capitalist" in the sense that it has structural links with the economically dominant classes, and because it is actually helping nurture private capital accumulation through schemes such as TGLP and FAP. The state was also capitalist, first because it happens to be largest single employer of labour; secondly, as a partner with international capital it was involved in the valorisation of capital. The form of the Botswana state as a capitalist state is, however, revealed in its relation to labour. This is the point to which I now turn.

NOTES and REFERENCES.

1. The traditional Tswana society was comprised of several merafe (sometimes called tribe, nation or kingdom), each living in large villages within a given geographical space described as kgaolo or district. Each morafe was headed by a Kgosi (also called a chief or a king), or a presidential monarch with executive powers. The social patterns and institutions of all Batswana, regardless of the geographical space they occupy, are similar.
2. See the Bechuanaland Protectorate Credit Sales to Natives Proclamation No 38 promulgated on 3rd August, 1923.
3. Transitional Plan for National Development, 1966, p3.
4. National Development Plan 5. p 2-5.
5. Needless to say, it is an understatement to say that Botswana's take off for industrial development has come very late in the day. Most of the developed capitalist countries started their industrialisation about 150 years ago. For instance Britain started in the 1790's. Other countries like France started in the 1830's, USA in the 1840's, Germany 1850's; Japan, 1870's; and Canada, 1890's. Amongst developing countries are Argentina (1935), Turkey (1937) China and India (1952).
6. Seretse Khama's address to the workers at Selibe Pikwe, 19th, December, 1975.
7. Botswana Development Corporation Annual Reports, 1988
8. Annual Report, op cit.

CHAPTER 5.

The Post-Colonial Wages Policy.

5.0 Introduction.

Capitalism is predicated on the institutional separation of the polity from the economy in such a way that the state appears autonomous or removed from the economic processes on the ground. These economic processes, however, depend upon specific modes of state intervention in the economy, such as infrastructural development, and other conditions that the apparently autonomous state provides. The inability of capitalism to guarantee its economic self-generation, and the reliance of the state on the revenues from private capital imply a symbiotic relationship between the state and capital. It is this structural link between the state and capital that reveals the state as a capitalist state.

The purpose of this chapter is to analyse specific mechanisms used by the Botswana state to secure pre-conditions of existence of capital accumulation in the post-colonial era. The state set about this task first formulating a wages policy that made Botswana a low wage economy. The state also created the necessary state apparatuses for the monitoring and implementation of this policy. It was this low wages policy that revealed the Botswana state as a capitalist. It is argued that though this low wages policy may have led to a higher per income capita and facilitated the

economic growth, it also led to very unequal income distribution and the maintenance of poverty wages for the majority of wage earners in Botswana.

5.1 Post-Colonial Wages Policy (1972-1990).

As already indicated, at the time of independence Botswana was an economically backward and poor country. Soon after Independence, the state embarked on a policy of industrialisation and rapid economic growth. The National Development Plan (1970-75) stated that the major economic goals for the country were: (i) to secure the fastest possible rate of economic growth and to secure a rapid expansion of employment opportunities and (ii) to achieve financial independence, such that recurrent Government expenditure is covered by revenue generated within the country.

In 1970, Professor Dharam Ghai, a Nairobi based economist, was engaged to study Botswana's economic position and to make necessary recommendations. The consultant's terms of reference were:

To study the present structure and level of salaries, in Botswana, and to draft a long term wages policy, consonant with the National Development Plan. The wages policy should include criteria for establishing recommended wage structure, minimum wage levels and wage differentials. The expert must bear in mind Botswana's need to retain a competitive economic position in relation to its neighbours, and that labour costs are a critical aspect of this problem [1].

Ghai noted that Botswana was a very poor country, even by standards of developing countries in Africa, which

themselves were among the poorest in the world. Ghai pointed out that the 1968 figures show that the country had a per capita income of only R67.00, and that if the salaries of expatriates were discounted, the per capita income would come down to a mere R50.00. Since the economic objectives were already clearly set out in the NDP, the consultant advised that Botswana could take one of two options: either to have a small but relatively highly paid labour force in the modern formal sector, or a larger but lowly paid labour force. He argued that:

socially higher wages will have the effect of reducing employment, at a given level of income, forcing employers to use labour force more efficiently, leading to higher productivity per employee; lead to a reduction in the labour force due to mechanisation and other labour saving devices; stimulate migration from rural areas [and that] high costs of labour will lower profitability of investment, and lead to reduced investment through reduction in the inflow of foreign capital; retard the industrial development of the country and limit the expansion of exports where prices are determined in the world market.

The second choice was one that:

will have the opposite effect to those of the high wage economy. It will lead to a less efficient use of labour, with lower productivity, higher volume of employment, lower unemployment, lower rural-urban income gap, reduced migration from rural areas, higher levels of investment, and a more rapid expansion of the quantity and quality of public services [2].

Ghai further recommended that in order to stop wages in what he called "privileged highly capital intensive industries to rise to excessively higher levels", the

government should seek powers to approve all wage agreements. Most of Ghai's recommendations were accepted by the government, and in 1972 were translated into a wages policy [3].

The wages policy stated that because there are certain special skills that are vital to the economy, there should be no competition for manpower amongst various sectors of the economy. In other words, salaries and wages should not follow the law of supply and demand. It was felt that high wages offered by one sector of the economy or by a particular employer will affect the allocation of skilled labour by attracting workers to that sector or employer, thereby creating shortages in other sectors or enterprises. This situation was found to be undesirable [4]. The state took steps to ensure that the public and private sectors do not enter into what was regarded as "unprofitable competition for scarce resources". The policy emphasised that there should not be any competition in the various sectors of the economy for the inadequate pool of trained workers as this would force up wages and salary levels without necessarily improving labour productivity [5].

To this end, the government moved on to fix minimum wages for the unskilled labour force and maximum levels for the skilled labour force. According to the wages policy, minimum wages in the urban areas would be equal to the average rural income of farmers, with an

allowance for any differential in the overall costs of urban living. In so far as salaries and wages for skilled labour were concerned, the policy stated that:

Basic local wages and salary levels in the private and parastatal sectors should generally conform to, and on no account significantly exceed those paid by government to comparable grades of public employees...Government will review wages and salaries in the public sector on a regular basis, and the private sector and parastatals sectors should not anticipate the outcome of such reviews by granting premature increases [6].

Though the wage and salary reviews to were supposed to take into consideration such factors as economic conditions prevailing at the particular time, proven increases in the cost of living and increases in labour productivity, the wages policy emphasised that there could be no guarantee that wages and salaries would be increased in step with inflation. This "formula" remained the point of reference in all matters of wage and salary determination in Botswana. This policy lasted from 1972 to 1990, and marks a period I characterise as the second phase of Botswana's peripheral capitalist development.

From the time of the inception of the wages policy in 1972, until 1990, the state was the wage leader, and public officer's wages and salaries were used as bench marks to determine wages and salary structures throughout the economy, influencing the wages and salary structure in the private and parastatals organisations. The state was also the largest single

employer. The share of the state in total employment at the time of the inception of the first incomes policy was 33 percent. After increasing in the mid 1970's, the state's share fell back to 33 percent in 1981. In 1985, the state's share reached its peak at 39 percent, but after 1985, with the private and parastatals sector employment growing rapidly, the state's share declined to 34 percent [7].

The question of the cost of public sector employment in most developing countries has always been a very thorny issue. The state develops a direct interest in regulating industrial relations and outcomes, and its predominance in the economy leads to the process of collective bargaining becoming "trilateral" instead "bilateral" in that wage determination is not a matter for trade unions and management alone. The intention of the petty bourgeois who control the state is to keep the cost of the public sector employment deliberately low so as to pay for infrastructure development.

In many developing countries this has become one way of influencing wage trends: the state exerts indirect pressure on the general wage level because of the preponderance of the public sector employment, and most undertakings model their wage structure on the public sector wages and salary structure, and the decisions taken by the state have a substantial effect on the level of remuneration in the private sector. Its

example becomes the standard bearer for the regulation of employment in other sectors. (Sandbrook and Cohen, 1975; Caire, 1977; Bean 1985).

As I have noted, infrastructure development cannot be seen as an act of magnanimity or neutrality on the part of the state because such infrastructure development goes to benefit a minority of those who have the means of production. What is more, infrastructure development is a function that the state performs to secure the general conditions of economic growth and development. Under the conditions of capital accumulation, such infrastructure development, and the attendant wage policy will largely benefit owners of the means of production. This further reveals the structural links that exist between the post-colonial state and the capitalist economy.

5.2 Framework For Implementation.

The White Paper (1972) advised that if the proposed wages policy was to be enforced according to government's wishes and intentions, there was a vital necessity to monitor its implementation and to establish machinery to coordinate and elaborate the policy in all its details. To this end a tripartite structure with token representation of workers were created. This was the National Employment, Manpower and Incomes Council (NEMIC). NEMIC comprised seven permanent secretaries, four members from the private

sector, two members from the trade union movement and one member from public sector employees. Since its creation in 1972, NEMIC has been under the chairmanship of the Assistant Minister in the Ministry of Finance and Development Planning (MFDP) [8].

The terms of reference of NEMIC were (i) to review the overall trends in incomes, prices and profits in the light of national policy and make recommendations as appropriate; (ii) to review Government's plans for education and vocational training in the light of present and projected national skilled manpower requirements and make recommendations to the Minister of Education. NEMIC made recommendations to the government on proposed salaries and wages in the public sector. Government would then announce its award to the public sector employees. The private sector would then adopt the same percentage increase with little or no consultation with the trade unions (Frimpong and Olsen, 1985).

NEMIC's terms of reference, however, did not contain the mechanisms of determining wages and salaries, but could only pronounce on matters of economic policy. Since the question was beyond the terms of reference of NEMIC, another structure, was created to process and approve private and parastatal sector wages and salaries. This machinery was the Wages Policy Committee (WPC). Like NEMIC, it was also chaired by the Assistant

Minister of Finance and Development Planning and its secretary was a senior economist in the Employment Policy Unit, MFDP. But unlike NEMIC, members of WPC were all senior state officials and there was no representative from the private sector employers or trade unions. The membership comprised the following:

- (1) Secretary for Economic Affairs, MFDP.
- (2) Administrative Secretary, Office of the President.
- (3) Deputy Director, DPSM,
- (4) Deputy Permanent Secretary, MLHA'
- (5) Commissioner of Labour.
- (6) Job Analyst, DPSM.

The terms of reference of the WPC were: (i) to review proposals for increases in wages rates in the private and parastatals sector, and to determine the extent to which these may be justified in the light of the incomes and localisation policies; (ii) to advise employers of any modifications or additions to these proposals that may be necessary; (iii) to advise the Minister concerned on the need to establish wages councils in any particular sector, and to review existing wage regulation orders.

According to Colclough and Olsen (1985) the WPC was established as a "watch-dog" committee to monitor the implementation of the wages policy, and ensure that the private sector wages and salaries do not significantly exceed those being paid in the public sector. In July, 1974, following Wage Regulation Orders promulgation, five wage councils were established to supplement WPC. The five wages councils were:

1. Building and Construction Wages Council,
2. Hotel and Catering Wages Council
3. Garage and Motor Trade Wages Council,
4. Wholesale and Retail, and Distributive Trades Wages Council,
5. Manufacturing Trades Wages Council.

These councils, which were in effect WPC sub-committees, met regularly to establish minimum rates and hours of work for each of the five sectors. In addition, the councils laid down regulations for annual leave, overtime rates and public holidays. The councils were consolidated by the 1982 Employment Act which established a single Minimum Wages Advisory Board in place of the five wages councils (Colclough and Olsen,1985).

It would seem that the WPC has been effective in its "mission" of wages and salary cuts. According to Colclough and Olsen, between 1974 and 1980, WPC reviewed the wages and salaries of some 30 private and parastatals organizations including major mining houses, commercial banks and a number of the large manufacturing, retail and hotel organisations, accounting for about 40 percent of non governmental formal sector employment, and succeeded in bringing basic wages and salaries into line with government's and in accordance with the wages policy. In one case, the WPC reduced a company's wage bill by about P78,000 a month.

The cornerstone of the wages policy, and one which the WPC adhered to very strictly, was the so-called job-to-job comparison, in which the government insisted that comparability must be maintained between a job in the public sector and a "similar" job in the private sector. The job-to-job comparison seldom took into account factors such as technical complexity, productivity, specialised nature of the job or its level of responsibility (Presidential Commission, 1990). According to Frimpong and Olsen (1985) although wages and salaries in some sectors like mining, railway, meat processing and banking were re-negotiated biennially, such agreement had to be vetted by WPC.

In its attempt to augment capital accumulation, the state tended to be too enthusiastic and protective towards the private sector. For example, Frimpong and Olsen (1985) point out that in 1978, the Banks management had to withdraw a salary deal with the banks' supervisory and middle managerial staff under pressure from the WPC. In 1983 the state rejected recommendations of a review of the wages policy in which the consultants had recommended that the government should abandon the job-job comparison and allow the private sector to determine salary grading and structure for specific groups within approved salary bands. According to the Presidential Commission, recommendations were rejected on the grounds that their implementation will vitiate the wages policy [9].

The enthusiasm to protect and nurture private capital accumulation was, however, not always in the best interests of individual accumulators because the policy was applied strictly, without reference to a firm's profitability or ability to pay, and compete. The constraints of the policy were highlighted in a conversation I had with one personnel manager of a wholesale company. According to the personnel manager, his company, Sefalana Sa Botswana, had advertised for the position of a driver for one of their articulated lorries. The advertisement stated the salary to be offered. According to the manager, among the letters that they received responding to the advertisement was one from the secretary of the Wages Policy Committee, Ministry of Finance and Development Planning, objecting to the salary offer on the basis that it contravened the wage policy. According to the manager, what was even surprising to them as the management was that the government had objected without knowing what the job actually entailed. As the manager pointed out:

The government objected to a driver being given P900.00 per month, just because he is a driver. But this driver was going to be driving a truck worth hundreds of thousands of Pula, and crossing the border carrying goods worth with millions of Pula from South Africa. The company was prepared to pay the driver that amount because we did not want him to disappear with our merchandise [10].

This incident shows the extent to which the state was prepared to go to safeguard the interests of capital as

a whole, even in cases in which such intervention was not in the best interests of a particular capitalist. The significance of the WPC as a state apparatus charged with the responsibility of monitoring the wages policy was not only in the fact that it was staffed exclusively by senior state officials but that it excluded the people whose interests it was supposed to serve, the private sector employers, thus keeping the competing interests of individual capital from the state arena.

Several years later the Presidential Commission (1990:66-69) observed that the wages policy had restricted labour mobility, killed incentives, and impeded the development of collective bargaining. It pointed out that the policy was too rigid for the dynamic economic developments in Botswana and advised that greater flexibility in the setting of wages is a necessary condition for expanding the quantity, quality and efficient use of professional and technical skills.

5.3 Salary Review Commissions.

In addition to the institutional structures that were set up to monitor the observance of the wages policy, the government had constantly reviewed the wages and salaries of public sector employees, in keeping with the spirit of the 1972 incomes policy. This was that government will review public sector wages and salaries on a regular basis, taking into consideration economic

conditions of that time and proven increases in the cost of living. From the time of the inception of the wages policy, until the early 1980's, wages and salaries of public sector employees were reviewed through a series of Salary Review Commissions.

The first of such reviews was the 1974 Makgekgenene Salaries Commission. This was followed in 1976 by the Chiepe Salaries Commission. In 1978 there was the Mmusi Salaries Commission, which was followed by the Meswele Salaries Commission in 1980. The last salaries commission was the Gasannelwe Salaries Commission in 1982. The first four salaries review commissions were chaired by cabinet ministers and the last one by the chairman of National Development Bank. Like the NEMIC and the WPC, the commissions were also dominated by top civil servants, or managers of private sector and parastatals organizations, again with only a token representation from the labour movement. Since 1982 the system of appointing salaries review commissions was abandoned and replaced by a system of annual across the board percentage increases, or annual inflation adjustment (Colclough and Olsen 1985).

In 1989, the government appointed a Presidential Commission to Review the 1972 wages policy. The Commission was chaired by Minister GKT Chiepe and out of the eighteen members of the Commission, only four were from the labour movement. The rest of the members

of the commission were politicians, senior civil servants, government consultants, private sector representatives and managers of parastatal organisations [11]. The Commission presented its findings in 1990. One of its major recommendation was that the 1972 wages policy should be abandoned and that the government must deregulate the labour market. This marked the beginning of a new phase in Botswana's peripheral capitalist development. The analysis of the implications of this phase for the labour movement is undertaken in the final chapter. For the moment I would like to turn to a discussion of the effects and impact of these economic growth and wages policies on income distribution and social inequality.

5.4 Income Distribution and Social Inequality.

It is characteristic of bourgeois economists to measure economic performance of a country only in terms of Gross Domestic Product and per capita income levels. Countries with higher levels of GDP or per capita income are seen as performing well economically. It is important, however, to realise that neither of these measurements adequately addresses questions of distribution or social equality (Thirlwal 1989; Nafziger 1988). For example, GDP is a measure of the total output of goods and services which encompasses income earned within a country's boundaries. What can be misleading for a Third World country like Botswana is that such a measure includes income earned even by

foreign residents and companies, even if this income is transferred abroad. At the same time, per capita income is a measure of the average social wealth and does not address the problem of distribution.

It is therefore important that these measures are used with caution, especially because both can grow side by side with growing social inequalities. In other words, social inequalities and poverty are not incompatible with high levels of growth of the GDP. Whilst higher levels of GDP and per capita income may make a country look respectable on paper, this does not necessarily mean the position of its citizens is any better. For instance, as Table 5.1 illustrates, although in all the sectors of the Botswana economy, people with the highest salaries are expatriates, the calculation of both the GDP and per capita income does not take this into account. Consequently those not familiar with the political economy of Botswana may expect the higher levels of GDP and per capita income to reflect higher levels of incomes. But as the table shows, the average monthly earnings for Botswana workers was a paltry P566 per month compared to the average earning for an expatriate at P2,762 a month.

TABLE 5.1
ESTIMATED AVERAGE EARNINGS BY ECONOMIC ACTIVITY AND CITIZENSHIP OF EMPLOYEE
(MARCH, 1991)

ECONOMIC ACTIVITY	CITIZEN EMPLOYEE	AVERAGE MONTHLY EARNING (PULA)	NON-CITIZEN EMPLOYEE	AVERAGE MONTHLY EARNING (PULA)
Agriculture	6,499	216	177	3,575
Mining & Quarrying	7,447	733	359	5,850
Manufacturing	24,803	456	1,220	3,478
Electricity & Water	2,397	984	115	5,317
Construction	31,272	424	2,558	2,119
Commerce	39,757	378	1,288	2,398
Transport & Communication	8,698	761	392	2,216
Finance & Business Services	14,352	821	1,792	3,457
Community & Personal Services	7,931	473	675	1,303
Education	1,925	869	615	3,562
Sub-totals:				
Private	133,828	462	8,673	2,642
Parastatal	11,253	926	521	5,108
Central Government	62,466	737	12,079	2,677
Local Government	12,866	596	108	2,170
TOTAL ALL SECTORS	211,413	566	11,381	2,762

SOURCE: Labour Statistics Bullentin 1991; Molutsi, Mogalakwe and Mufune, 1992

Though one of the guiding principles of the 1972 wages policy was to achieve social justice and equitable distribution of the country's income and wealth, in practice, this proved to be nothing but a platitude. What seems to be the case is that income inequality in Botswana has increased as the country became richer. In Botswana, as in most peripheral capitalist economies, the problem of distribution emanates from the pattern of economic growth, rather than the rate of growth. Though the levels of per capita income have actually increased substantially since independence in most Third World countries, the available evidence suggests that growth and development that has taken place has served largely to benefit the richest 20 per cent of the population. Usually income inequality is considered high if the income share of the bottom 40 percent of the population is less than 12 percent of the GNP (Sandbrook 1982; Thirlwall 1989).

The first income distribution survey in post-independent Botswana was in 1974, when the Central Statistics Office (CSO) carried out a Rural Income Distribution Survey, commonly known RIDS (1974), the results of which have been extensively used in the debate about Botswana's income distribution. According to RIDS, in 1974, about ten years after independence, the poorest 40 percent of the rural households had less than 12 percent of the national income whilst the richest 20 percent of the rural households had 58

percent of the national income. The Gini Coefficient, the measure of inequality, was 0.052. Whilst this could be explained away as a colonial legacy that had left the country economically stagnant for eighty years, income inequality has steadily increased.

TABLE 5.2
CASH INCOME DISTRIBUTION

PULA PER MONTH	ALL HEAD OF AREAS HOUSEHOLD			
	Male	Female		
	%	%	%	cum %
<0	0.5	0.2	0.4	0.4
0	4.5	7.3	5.8	6.2
0- 25	18.2	21.6	19.8	26.0
25- 50	10.7	13.3	11.9	37.9
50- 75	9.1	11.9	10.4	48.3
75- 100	4.4	6.1	5.2	53.5
100- 125	6.0	7.0	6.4	59.9
125- 150	4.3	5.9	5.0	64.9
150- 200	7.4	6.5	7.0	71.9
200- 250	4.8	4.2	4.5	76.4
250- 300	4.1	3.2	3.7	80.1
300- 400	4.8	3.4	4.1	84.2
400- 500	4.7	2.4	3.6	87.8
500- 750	6.4	5.1	5.8	93.6
750- 1000	2.6	0.7	1.7	95.3
1000- 2000	5.1	1.2	3.3	98.6
>2000	2.3	0.2	1.4	100.0
all	100.0	100.0	100.0	

SOURCE: CENTRAL STATISTICS OFFICES HOUSEHOLD INCOME AND EXPENDITURE SURVEY 1985/86

In 1985, the Central Statistics Office (CSO) conducted a more comprehensive national income distribution survey, which covered both rural and urban areas. The survey, Household Income and Expenditure Survey 1985/86, (hereinafter HIES) showed that the gap between the rich and the poor in Botswana had continued to grow, and had widened in the previous fifteen years, despite impressive growth in the economy, as measured by per capita income.

According HIES, the overall distribution of income (that is, cash and income in kind) was such that the poorest 40 percent of the population earned only 10,7 percent of the total national income; the next 40 percent earned 27.8 percent of the national income; and the richest 20 percent of the population earned 61.5 percent of the total income. The Gini coefficient in 1986 was 0.56, up by four points from the 1974 level. HIES revealed further that 12 percent of the national income went to only 1 percent of the population, and that 35 percent of the national income goes to only 5 percent of the population and further that the lower 10 percent of the population has only 3 percent of the national income.

HIES also analysed income distribution by households. The survey revealed that 73.9 percent of urban households had an income of less than P500 per month,

while on the other hand a mere 4.4 percent of the urban households had income of P2000 or above a month. This income inequality was greater in the rural households, where only 0.3 percent of the households earned P2000 or more a month. Altogether, only 1.4 percent of all the households in the country earned more than P2000 per month.

An independent study by the BFTU argues that the rate of profit repatriation has been increasing over the years. The report shows that there has been a heavy annual flow of profit income from the economy, and this flow has increased from 33.4 percent in 1978/79 to 43 percent in 1985/86. According to this study:

In 1978/79, for every one Pula entering the economy in foreign investments. 0.6 Pula was returned in repatriated profits. By 1982/83, the situation changed drastically to where every Pula entering was met by 1.5 Pula leaving. The situation continued to worsen until the most recent period, 1985/86, where for every one Pula in foreign investment in Botswana, 2.2 Pula was returned to foreign nations in repatriated profits [12].

There has been, however, a small minority of workers in both the public and the private sector employment who experienced an increase in real wages over the years (Table 5.3 illustrates). This minority of workers, in senior management positions netted an increase of between 12 percent and 24 percent between 1982 and 1986. The majority of the workers at the bottom of the rung comprising some 94,646 or about 58 percent private

or parastatal employment, experienced a loss of minus 10.3 percent in real earnings in the same period.

TABLE 5.3

AVERAGE MONTHLY REAL EARNINGS OF CITIZENS BY OCCUPATION (ALL SECTORS)
EXCLUDING CENTRAL GOVERNMENT

	no. of persons	Average real monthly earnings (in constant 1980 prices)		per cent change
		1982	1986	
Professional and Technical	12,109	288.75	324.40	12.4
Administrative and Managerial	1,551	362.47	450.3	24.2
Clerical	11,915	181.33	190.66	5.2
Sales	7,487	99.91	110.97	11.1
Service	11,415	97.32	91.29	-6.2
Other	50,169	117.26	105.13	-10.3

Source: LABOUR STATISTICS BULLENTIN 1986

This pattern of income distribution is quite consistent with the assumption often made that workers do not deserve higher salaries because of their natural propensity to consume (Sandbrook,1982). According to this economic logic, it is in the interest of the nation (meaning employers, traders and property owners) that more income should accrue to people who can save and invest. The rhetoric justifying this, as in most developing countries has been the need to create employment creation and promote national development. And this has been reinforced by the argument that higher wages and salaries will drive away investors because Botswana will become a high wage economy. The trade union movement has also tried unsuccessfully to fight against this position, arguing that there is no evidence to support the argument that low wages create jobs for the unemployed, or deprive the peasantry of income, and that profit is only a potential source of investment, not an automatic source [13]. This fact is of course illustrated by the conspicuous consumption of the business community in Botswana [14]. There seems to be very little evidence that high wages will have a negative effect on economic development, reduce the volume of employment, slow its growth as unskilled labour becomes more expensive and employers seek to economise in its use by substituting machines for labour, while some firms find it impossible to pay the

higher wage rates and are forced out of business (Caire 1977).

The Presidential Commission (1990:28) noted this problem of high inequality in income distribution in Botswana, but reacted in a way that sought to explain away the problem, by just blandly stating that comparative household income distribution show that Botswana is not too dissimilar to that for the other African countries for which data are presented, and that income in these countries is fairly inequitably distributed.

Though the Commission did not indicate where it stood in connection with this issue, it is worth noting that conventional development economics wisdom always takes as a given that it is natural and consistent with laws of development economics that there should be a high unequal distribution of incomes in developing countries. According to this conventional wisdom, owing to the dual character of the developing countries economies, inequality follows an inverted U-shaped curve, first increasing, and eventually decreasing with economic growth. This is supposed to have happened to the now developed capitalist countries of Europe and North America in their earlier phases of development. This conventional wisdom suggests that productivity and therefore incomes are highest in the modern sector than in the traditional sector, and that as the modern

sector expands, more and more people will be absorbed into it, start getting better income as a result of their participation in the modern sector, and gradually the inverted U-shaped curve of income distribution skews to the right, and income distribution will become less unequal, very much like in the developed capitalist countries, where inequality of income distribution is relatively low (Nafziger 1990:102-115).

However, even in the developed capitalist countries, the income share of the bottom 40 percent of the population has less than 20 percent of the gross national product Nafziger argues that there is no guarantee that as the country develops, inequality in income distribution will lessen. He identifies Argentina and Brazil as examples of countries where inequality in income distribution has not come down despite economic growth; and Sri Lanka as an example of countries where income inequality has declined despite low income levels. As Nafziger argues, the inverted U-shaped pattern of income distribution, even if assumed historically correct, is not inevitable, but a consequence of economic growth policies that place the highest priority on growth, while incorrectly assuming that profits will trickle down to the poor.

5.5 CONCLUSION.

The organising principle of capitalism is the relationship between wage labour to capital within a

system of generalised commodity production and exchange in which the materials and equipment are combined with labour to produce outputs (goods or services) which are sold by their owners for a profit. To realise profit, the owner of the means of production must exploit labour, that is to say, reward labour below its value. Exploitation of labour is defined as the ratio of unpaid labour to paid labour.

In the foregoing analysis, it has been revealed that the Botswana state, through the low wages policy, and the state apparatuses that it created to monitor the implementation of this wage policy, was at the same time sustaining the process of private capitalist accumulation. The Botswana state is therefore not a neutral state. It is situated in capitalism and sustains its logic by the maintenance of a specific pattern of relations of production. The state is therefore implicated in the generation and distribution of surplus value. The Botswana state's structural links with the capitalist economy serve to secure the conditions of existence of capitalism not only through the maintenance of this pattern of ownership, but also through the ideological manipulation and political domination of the working class. This is the point to which I now turn.

FOOTNOTES and REFERENCES.

1. See Professor Ghai's covering letter on his report on the A Long Term Wages Policy For Botswana, 28th May 1970. It is well worth noting that in this report, Ghai talked about a wages policy, and the need for wage restraint, and not about an incomes policy. I will therefore use the term "wages policy" rather than the preferred "incomes policy". This is so because though the this policy was supposed to regulate prices, profit and rent, that did not happen. The policy was more directed to wages and salaries.
2. Ghai Report, p 7-8.
3. Government White Paper No. 2, (1972) on National Policy on Incomes, Employment, Prices and Profits, hereinafter the wages policy.
4. Wages policy, p.4-5.
5. Wages policy, p.5.
6. Wages policy, p.5.
7. The Presidential Commission, 1990.
8. I say token representation because trade union representatives are usually vastly outnumbered by state functionaries and private sector representatives and in effect trade union's representations is just symbolic and merely makes them just junior partners in the whole process. Trade union officials have been involved in most of these Salaries Review Commissions.
9. Presidential Commission, p. 49.
10. Interview with Mr Mookodi, Personnel Manager, Sefalana, Gaborone (6/02/1992).
11. For a list of the members of this Commission and the interests that they represented, see the Presidential Commission, 1990, p.3.
12. Botswana Federation of Trade Unions' Policy Proposal on the Regulation of Wages and Salaries, Prices, Profits and Rents, p.11. No date given.

13. BFTU Policy Proposal, op cit.

14. BFTU Policy Proposal, op cit.

CHAPTER 6.

THE CAPITALIST STATE AND TRADE UNIONS .

INTRODUCTION.

Capitalism is not just about the production of things, but it is simultaneously the production of social relations and ideas about those relations (Braverman 1974; Althusser 1977). To understand this process, one should look at growth in employment not only in quantitative terms where workers are discussed as an inert category or aggregate number of employees in a factory, but as part of a dynamic social process that entails definite social relations of production.

This chapter examines the perception and attitude of the post-colonial petty bourgeois state elites about the role of the trade unions in development. This perception of and attitude to the role of trade unions in development should be placed against the class character and the form of the Botswana state as a capitalist state. It is argued that in order to alleviate the class contradictions that have been engendered by the post-colonial economic growth policies, the petty bourgeois state elite responded by an attempt to inculcate in the minds of the workers a labour discipline that will remove or at least minimise the threat posed by the working class to the process of capital accumulation.

I start by discussing the strategies of the post-Independence state to restructure and remodel the trade union movement, the formation of the Botswana Federation of Trade Unions (BFTU), the role played by some international labour organisations in inculcating the capitalist labour discipline, and the exhortations of the petty bourgeois state elites to the trade union movement to accept sacrifice in the interest of "national development". I shall also refer to speeches and policy statements by the first President of Botswana, Seretse Khama, and some of his colleagues, on the role of the trade unions in development.

These speeches emphasise what I call four principles of industrial relations in Botswana: wage restraint, industrial peace, political stability and national development. These principles give vital clues to the post-colonial state trade union philosophy and the model of trade unions that have emerged in Botswana. This model can be characterised as a "corporate nationalist" model, with its stress on the commonality of interests between the state, capital, and labour. Political activism by the trade union movement is discouraged, strikes actions though legal, are virtually impossible (Kraus 1979a).

The state has adopted a paternalistic attitude in the name of "national interest" and "industrial peace" and "social justice" by providing the so-called floor of

rights and minimum legislation to protect workers. All these points will be elaborated on in the chapters that follow this one. Suffice here to point out that the measures taken by the state against the trade unions were motivated by the desire on the part of the state elite to neutralise trade unions as possible centres of opposition to the new economic and social policies envisaged by these elites (Gladstone 1980).

These forms of control used by the state and employers are often referred to in the current literature in labour studies as "habituation". Habituation is a process embarked upon to make the working class acquiescent or supportive of the exploitative social relations of production. It refers to the process of forming a "new habit" in the worker, that is, adjusting the worker to the labour process in its capitalist form, in order to overcome resistance (Braverman 1974; Crisp 1984; Cohen and Henderson 1991).

The state, as the guarantor of private capital accumulation, seeks to control labour and to maximise surplus value extraction through the control of wages. This proceeds through making or persuading the workers to accept the system of unequal distribution of the product of their labour and unequal distribution of effort and authority in the labour process (Crisp 1984:1-7). Habituation also involves "interior determination", a process which involves the

transmission of elements of culture and ideology which become accepted or even generated by the institutions of proletarian culture itself. For example, work orientations that inculcates "pride" in one's work, such as the machismo of male workers, state welfarist strategies such as pension, sickness benefits, improved working conditions that include recreational facilities, and the use of "model worker" (Cohen and Henderson 1991:37-40).

For the purpose of this chapter, I will extend the concept of habituation to include strategies of labour control such as restructuring and remodelling of trade unions, state's ideology or conception of the role of trade union in "national development", in so far as that can be seen as an attempt to gain the support or at least the acquiescence of the workers for the state defined economic goals. Even though these do not take place at the point of production, they do affect the behaviour of workers at that level. However, I hold the view that habituation can not succeed entirely as it is often resisted by the target group, the workers, through various strategies (Braverman 1974; Crisp 1984; Cohen and Henderson 1991; See also Chapter Nine).

6.1 Restructuring and Control. The Early Phase.

When Botswana became independent in 1966, there were only four registered trade unions: the Francistown African Workers Union (FAEU) and the Bechuanaland

Protectorate Workers Unions (BPWU). The two trade unions supported the Botswana Democratic Party. On the other hand there was the Bechuanaland Trade Union Congress (BTUC) and the Bechuanaland General Workers Union (BGWO). These two trade unions were aligned to the Botswana Peoples Part (BPP). These trade unions were therefore split ideological lines. The pro pro-BDP trade unions were more inclined to pure and simple trade unionism, whilst the pro BPP trade unions espoused a more radical nationalist line (Motshidisi 1975). The squabbles within the trade union movement continued to fester, and by 1968 there were about 20 splinter unions with only a handful registered under the Trade Unions and Trades Disputes Proclamation (see Chapter 7). According to Motshidisi, most of these unions existed in name only, and the whole trade union movement had degenerated into what he called "personal fiefdoms".

In 1968, three years after Botswana's independence, there was an outbreak of waves of spontaneous wildcat strike actions and work stoppages in such places as Francistown, Lobatse, and Gaborone. More than twenty of these "industrial actions" of one sort or another were recorded in a period of two years. The major ones involved meat workers in Lobatse and government manual workers in Gaborone. Most of the grievances were about alleged unfair dismissals, unfair labour practices and racial discrimination [1]. As I have noted in Chapter

4, at this time, most businesses in Botswana were owned by either Indians or whites. Trade union consciousness therefore took the form of anti-racist protests (see Chapter 8 below).

These strike waves must have sensitized the post-independence state to the inadequacy of the existing labour legislation [2]. To begin with, the state found itself faced with a myriad of organisations and union leaders in any trade dispute. These waves of industrial actions and political factionalism within the trade union movement prompted the state to take its first steps to regulate labour by introducing two labour laws, the Trades Disputes Act and the Trade Unions Act. The two Act were enacted to "make provisions for the registration and control of trade unions" [3].

The Trade Disputes Act laid down new procedures for settlement of disputes and defined circumstances under which a legal strike could occur. The Trades Unions Act introduced the concept of industrial unionism and stipulated a number of conditions to be met before a trade union could be registered and become a legal organisation. Among these conditions were that if a union that represents similar interests already exists and has been registered, no other union can be registered. The Act also gave registered trade unions automatic right of recognition if 30 workers or at least 25 percent of the labour force in the same trade

or calling, should want to form a union. As a result of this Act most of the unions were forced to amalgamate in order to meet the requirements of the new Act, and some simply withered away (Motshidisi 1975). By October 1971, five years after Botswana's independence, only eight unions from the original 30 unions remained.

These were :-

1. National Union of Government Manual Workers (NUGMU)
2. Botswana Commercial and General Workers Union (BCGWU)
3. Botswana Meat Industries Workers Union (BIIWU)
4. Botswana Construction Workers Union (BCWU)
5. Botswana Local Government Workers Union (BLGWU)
6. Botswana Mine Workers Union (BMWU)
7. Botswana Bank Employees Union (BBEU)
8. Botswana Railway Workers Union (BRWU)

All of these unions, except the BCGWU, were restructured and remodelled as horizontal industrial unions in line with the requirements of the new Act (Motshidisi 1975; Frimpong and Olsen 1985). Only the BCGWU, which organised in the hotel, retail and wholesale sector, was allowed to remain a general union. This restructuring, and remodelling of trade unions along industrial lines and the increased state control of trade unions was very much similar to the measures taken against the trade unions in other developing nations like Zambia, Kenya and Ghana. The important point to note is that these countries were also one party states, or as in the case of Ghana, a military government. But notwithstanding these differences in the form of the government in these

countries, the actions of the post-colonial states in these countries were very similar. In Botswana, as it was the case in these countries, it was the fragmented nature and enterprise orientation of the pre-colonial period that made it difficult for the state to exercise any control over these multiple trade unions. The state responded by restructuring, consolidating, remodelling trade unions in order to maximise its control and influence in the trade union movement.

These measures, however, did not completely eradicate the trade union ideological rivalry of the pre-independence era. In January, 1968, the Commissioner of Labour, who was also the Registrar of Trade Unions, Mr Peter Mmusi called a meeting of all registered trade unions in Botswana [4]. At this meeting, the Commissioner of Labour argued that the continued existence of ideological rivalries in the trade union movement was indicative of a lack of elementary trade union education on the part of the workers. It was decided by the government, through the Commissioner of Labour, that trade union education programme should be started without any delay (Motshidisi 1975). To this end, a labour education committee, called National Labour Training Committee was set up with G.M.K. Mmusi, a representative of Botswana Federation of Labour, as its chairman, and K. Motshidisi, a representative of Bechuanaland Trade Union Congress, as the Secretary. The Committee was also requested by the

Commissioner of Labour to look into the question of unity in the labour movement. It was also resolved that unity talks between BTUC and BFL should be initiated. But while the efforts of the Mmusi-Motshidisi coalition were still under way to find an internal solution, the government sought and received technical assistance from the American African Labour Centre (AALC) (Frimpong and Olsen 1985).

In 1971, AALC gave funds for the construction of the Botswana Trade Union Education Centre (BTUEC) offices. The Centre, which was staffed by AALC technical advisers, was charged with the responsibility of organising a trade union educational programme and to work towards the establishment of one national centre. Thus the AALC technical assistance effectively removed the task of building the trade union movement from indigenous people, namely the Mmusi-Motshidisi coalition. Between 1972 and 1974, over 2,000 trade unionist participated in seminars and workshops organised under the auspices of this project [5]. One other area of AALC involvement in Botswana, like elsewhere in the Third World, was through "leadership training" courses in the United States, and several members of the BFTU executive committees, have at one time or another, been to the United States for a variety of trade union leadership courses. The AALC's budget for trade union education for Botswana for the

year ended 1975 was US\$61,275. (Thompson and Larson 1978).

6.2 Restructuring and Control. The Later Phase.

At the same time the state started to put pressure on the trade unions to come together in a federation. For instance Seretse Khama, the first President of Botswana, argued very strongly for the restructuring and remodelling of the trade unions in Botswana. Speaking at the ceremony to mark the opening of the Botswana Trade Union Education Centre (BTUEC), a trade union centre run by the AALC, he stressed the need for a central body representing all the registered trade union in Botswana. He argued:

This should eliminate the dangers of rival unions competing against each other in destructive militancy and not protecting the interests of their members in a responsible way. The existence of industrial unions should also help to eliminate the damaging personal rivalries which used to handicap trade union development [6]

It was only in 1977 that the trade union movement in Botswana came together to form the Botswana Federation of Trade Unions (BFTU). Unlike in countries like Zambia, Kenya, and Ghana, the formation of the national centre was not imposed by the state, nor is it compulsory for trade unions in Botswana to affiliate to BFTU. In fact the BFTU initially comprised only four trade unions: the Railway Workers Union, the Mine Workers Union, the Bank Employees Union and the Diamond Sorters and Valuers Union. However this apparently liberal policy

does not depart from the main argument that the creation of the BFTU was form of state control envisaged by the state, as the following discussion will elucidate.

The formation of the first BFTU executive committee in 1977 saw a power struggle between the remnants of BFL and BTUC. A former Secretary General of BFTU has pointed out that he and his colleagues had for some time suspected that AALC and FEF were secretly involved in lobbying and funding the elections for position of the chairman and secretary general of the new federation [7]. It would seem that some members of the ruling party, AALC and FEF, especially one J Helfer, who was the AALC Chief Representative for Botswana, Lesotho and Swaziland, and a Dr Adams, FEF representative in Botswana, who was also rumoured to be a political adviser to the ruling BDP, were worried by the influence of radical elements of from BTUC.

According to Mabiletsa, there were rumours that BDP-AALC-FEF circle had a slate of candidates for the BFTU leadership and that the top jobs in the federation, that of the national chairman and the secretary general were earmarked for BDP leaning unionists, namely Gaotlhaetse Matlhabaphiri and Pelotelele Tlhaodi. After some intense lobbying, the BDP candidates got the jobs. This victory by the pro-BDP unionists led to another round of power struggle as the radicals resurrected

the old rivalries and campaigned among the rank and file against the two. Matlhabaphiri was at this time the chairman of the Diamond Sorters Union. Within about six months of the election of the BFTU executive committee, the federation almost split up, with the rank and file members saying that they did not want BDP party activists leading the federation, and by mid 1978, there were two "Secretary Generals", namely Tlhaodi from BDP-AALC-FEF camp, and Ditiro Saleshando, from the more radical faction.

This problem continued to fester until the end of the Matlhabaphiri and Tlhaodi term of office in 1980, when the radical faction amended the BFTU's constitution, removed the clauses that prohibited them from electing their leadership in full freedom and elected a new executive [8]. However, the Registrar of Trade Unions refused to recognize the new executive on a technicality, saying that their elections were illegal because the elections were carried out before amendments to the BFTU's constitution were notified to the Registrar as required by the Trade Unions Act. New elections were held, and Ronald Baipidi, the present secretary general, was chosen as a compromise candidate. Matlhabaphiri later became a specially elected Member of Parliament and Tlhaodi became a specially elected councillor in Gaborone Town Council [9].

Having delineated some of the problems that bedevilled Botswana's trade union movement in its formative years, especially during the immediate post-independence years, and the reaction of the post-colonial petty bourgeois state elite to increase its control of the labour movement, I now turn to the role played by some international labour organisation assisting trade union development in Botswana. This is important to mention, even if briefly, since their ideological position gives us important clues about trade unionism in Botswana and has implications for the direction of the trade union movement in the country.

There are at the moment three international trade union organisations operating in Botswana. These are the ICFTU, a trade union international whose regional head office is in Harare; the African-American Labour Centre (AALC), which I have already alluded to, and the Fredrick Ebert Stiftung (FEF) a German organisation with links to the Social Democratic Party [10]. The WFTU presence in Botswana has never really been that significant, and the ICFTU is not very active and less involved in the day to day affairs of BFTU. The most active of these organisations in Botswana today are the AALC and the FEF [11].

The role of AALC in the trade union movement in Botswana and in the Third World trade unions should be examined within the context of the cold war rivalry

that plagued the international trade union movement. As Thompson and Larson (1978) argue, the Third World unions have been a site of clashes and rivalry between the AFL-CIO and the ICFTU for the control of Third World trade unions. Horbart Spalding a researcher on the foreign policy of the American labour movement has argued that:

AFL-CIO foreign policy flows from its domestic position. Abroad it combats anti-capitalist ideologies and organisations and it aids and encourages pro-capitalist unions. It attempts to influence existing unions and to form new ones in its own image. Where interests overlap. It works with US corporations, and in close cooperation with their representatives, the government. Disagreements between business and labor bureaucracy in foreign policy matters, as in internal affairs, stem from tactical questions, and not from philosophical antagonisms [12].

Thompson and Larson (1978:1) quote George Meaney, a long time the head of AFL, and later head of the amalgamated AFL-CIO remark that "We are not about to trade in our system for any other" that he believed in capitalism, he is a member of a capitalist society and that he was dedicated to the preservation of the capitalist system which, he argued, rewards workers.

According to Thompson and Larson, in Africa, the AFL-CIO operates through its Africa arm, the AALC. They argue that the AALC seem to have got the upper hand, while the ICFTU has had many doors slammed in its face, because of the accusation that it is linked with the CIA. They argue that in fact it is the AALC which is linked with the agency. Thomson and Larson argue that

the AALC has been able to glide with consummate ease through several countries, because what it has got behind it is money, the political support from the State Department, and a way of organising trade unions "that appeals to governments not noted for their affection towards workers movements" (Thompson and Larson 1978:48).

Having described the processes of restructuring and remodelling, and retraining of trade union leaders, as forms of state control of trade unions, I turn now to yet another form of trade union control which can be characterised as ideological habituation. This involves the manipulation of trade unions through the ideology of "national interest" or "national development". This form of control is instilled through persuasion, or ideological manipulation. Here the state or its representatives attempt to represent the interests of capital as the common interests of all, and attempts to persuade the working class to accept the system of unequal distribution of the product of their labour. By so doing the state or the petty bourgeois state elite try to adjust the workers to the labour process in its capitalist form. This is the point to which I now turn.

6.3 Ideological Habituation of the Trade Unions.

Ideological habituation, unlike other forms of habituation such as restructuring, which involve an element of legal coercion, is a form of labour control

which functions predominantly by ideology. It seeks to maximise surplus value extraction by making the workers accept the system of unequal distribution of the product of their labour for a reason such as "national development". It can be directed at both the individual worker, a group of workers, or the whole working class. Thus for the most part of the post-independence period the labour movement in Botswana has been reminded time and time again of its responsibility to the nation. The petty bourgeois state elite, specifically President Khama and his cabinet colleagues, have on various occasions stressed the need for "wage restraint", "industrial peace" and "political stability" in order to achieve "national development".

This perception of the role of trade unions in development was first articulated by Seretse Khama in July, 1971. The President mentioned that while his government recognized that trade unions have a role to play in participatory democracy, workers must realise that they have a responsibility to assist in the development of the country. President Khama argued:

We in Botswana have given trade unions freedom to represent their members' interests and guide the aspirations of our workers so that they make a productive contribution to national growth... In return we expect the trade unions and their officials to recognize that their contribution must be made through these channels and not by direct involvement in the political arena... Equally workers must recognize that if we are to attract industry to Botswana in order to assist our development, and create jobs for our people, we must make

sure that the investment offers a reasonable return [13].

The President pointed out that workers were in the minority and should exercise the freedom to bargain collectively carefully, bearing in mind their responsibility to the nation as a whole. According to President Khama, freedom carries with it responsibility: "Your first responsibility is to assist in the development of the country. This is the first responsibility of all Batswana."

Again when he officially opened Orapa diamond mine in 1972, the President pointed out that workers must understand that the "objective of an organised labour movement is not just to promote the narrow interests of its members", but has "a responsibility to the nation as a whole"[14]. In his address to the Selibe Phikwe mine workers, two months after Botswana's most violent strike, the President, Seretse Khama, had this to say:

Botswana is a poor and underdeveloped country. We all agree that this is so. And I am sure we all agree that in order for meaningful economic development to take place in the country, in an orderly fashion, there is a need for industrial peace and political stability...Even our Independence was considered premature in 1966 since we did not have an industrial base from which to develop our economy and thus ensure our survival as a nation... It is well to remind you that as a young developing country we will for many years depend to a large degree on external assistance for development funds. This assistance cannot continue unless we maintain peace and stability in our country. Botswana would lose its reputation as a stable and safe country thereby scaring away investors... if every time there is some grievance among workers, rioting takes place with no regard whatsoever to the legal

machinery provided for settling disputes peacefully and amicably [15].

Again in 1977, at the first delegates conference of BFTU, Seretse Khama told the delegates:

You do not live in isolation from the rest of the country and its economic realities. Like government you have a wider responsibility...you are first and foremost Batswana, and your first responsibility is to assist in the development of the country [16].

Cabinet ministers have also argued on various occasions that Botswana workers must recognize that if the country is to attract foreign investment to assist in national development and create jobs, and if investors are to be persuaded to come to Botswana rather than go elsewhere, Botswana must make it worth their while by ensuring that their investments offer a reasonable return. Ministers have also exhorted workers to work hard, be disciplined and to exercise restraint on wage demands and follow legal channels in the pursuance of industrial disputes, and to avoid unnecessary strike actions; that workers are a minority and should not demand more than their fair share of the country's wealth in wages; that workers must not hold the country hostage by illegal strike actions, and that trade unions must be responsible organisations that respect the rule of law [17].

In Chapter 4 I have given an account of the role of the state in fostering the economic growth of the country, and in Chapter 5 I have examined some of the policies adopted by the state towards that end. One such policy

was the policy on wages. As I have already posited, this policy that was structured in such a way that it virtually ruled out collective bargaining as the mechanism of wage determination in a market economy [18].

The question that arises is, if it was solely diamond mining revenues that were responsible for Botswana's economic development, and not low wage policy, as some of the analysts referred to want us to believe, then what would have been the point all these exhortations by the petty bourgeois state elite on the need for wage restraint and industrial peace? What would have been the point of clinging to a policy that, for all intents and purposes was redundant? I want to posit, on the basis of what I have discussed in this chapter, that the low wage policy was never redundant or even made temporarily irrelevant by the diamond boom. The wages policy has always been used to control and hold down wages even during this period of diamond boom.

The fact that the policy has never lost its relevance conceded by the ruling party and government. This point was illustrated succinctly by Daniel Kwelagobe in a speech at the delegates conference of BFTU. According to the Minister:

One reason why we [Botswana] have been able to sustain this [economic] growth ...and for this the trade union movement must take a lot of the credit- has been through the implementation of

a policy of wage restraint. This policy does restrict the ability of unions to bargain freely with employers. We have never pretended otherwise. It is, if you like Government interference in freedom of collective bargaining. Despite this restriction on legitimate trade union aspirations, you have, I believe understood and appreciated the economic reasons behind the policy, and it is to your credit that most workers in Botswana now accept the policy...I do not think there are many countries in the world where workers would accept a total pay freeze with the understanding which the trade unions and workers of Botswana [have] expressed...and an appreciation of the economic conditions which made the pay freeze necessary [19].

Minister Kwelagobe pointed out that though his party supports a strong trade union movement in Botswana, the interests of the workers should not take precedence over what he called the interests of the country as a whole, and that Botswana's trade unions should develop a role which meets the needs of the country and should not adopt what he termed "an imported trade union philosophy with its folk history and perceptions built up over years of strife in Europe".

The other factor that points to the centrality of wage labour in Botswana's development concerns labour productivity. There has been in the last few years an orchestrated campaign by the state and employers accusing workers of low productivity [20]. What I wish to point out, without going into all the arguments for and against this accusation, is that it is not surprising that it is labour productivity, and not world markets, that should be singled out and blamed. This supports my argument that it was a low wage

policy, and not diamonds per se, that played a crucial role in the post-Independence economic development, notwithstanding the valuable contribution of the diamond mining industry. It is a point well worth noting because even in the third phase of Botswana development, the petty bourgeois state elite still maintains that Botswana must continue to seek foreign investment as well as overseas aid to provide for all the capital required to archive rapid growth. The government has argued that such investments can only be attracted to the country "if it is permitted a rate of return not less favourable than normally obtainable elsewhere", and that the basis of a policy of wage restraint would be vitiated if the level of taxation or profits in Botswana was raised to a point at which no investor would take advantage of the comparative advantages offered in Botswana (Government Paper No 1 of 1990) .

6.4 Trade Unionism in Botswana.

Trade unions have been variously defined as continuous association of wage earners for purposes of improving the conditions of working life or as independent employee organisations whose main objective is to negotiate with employers in order to regulate the pay and conditions of its members (Farnham and Pimlott 1990). The capitalist mode of production, the separation of direct producers from their traditional means of production, the land, and the buying and

selling of the commodity labour-power on a significant scale are the antecedent material conditions for the emergence of the trade union movement.

The trade union movement has historically evolved from the development of wage labour which was ushered in by industrial capitalism. In other words, trade unions are a natural product of the capitalist system. In this regard my discussion of the political economy of Botswana in the preceding chapter, on the economic growth policies of the post-independence state, the consequent structural transformation, and class formation, demonstrate this point. Like in *other parts* of the world where capitalist relations of production have emerged, trade unions in Botswana arose with the main objective of fighting for the improvement of the conditions of work, negotiating with the employers about pay and conditions of service of their members, and generally protecting the legal, social and economic rights of workers.

Though there is little agreement on either the functions or the substantive content of the theories of trade unionism, Marxists have not been content with just explaining the relationship between the labour movement and capitalism, but have injected a more normative element in their theorisation, and sought to explain what the role of the labour movement ought to be (Marshall et al, 1980). Thus Karl Marx had at times

argued that the workers struggles against capitalism was just the beginning of the process of working class emancipation, and the formation of a new society. To Marx, the first stirrings of the workers to be emancipated was the trade union movement, which was also an essential expression of the antagonism that existed between the proletariat and the bourgeoisie; an antagonism that will lead to total revolution after which all classes and oppression disappear (Moses 1990).

Marx's optimism about the revolutionary potential of the trade union was cautious. He cautioned that trade unions seemed to be too exclusively bent upon the local and immediate struggles with capital, and have not fully understood their power of acting against the system of wage slavery itself. He argued that the future of trade unions lay in then learning to act deliberately as organising centres of the working class in the broad interest of its complete emancipation. He put this point more emphatically in Value Price and Profit when he pointed out that workers must not exaggerate their everyday struggles with capital because in these struggles the workers are fighting with effects, and not causes of those effects; they are merely retarding the downward movement, but not changing its direction, and are just applying palliatives, and not curing the malady (Marx 1968b).

Lenin (1902) was more skeptical about the revolutionary potential of labour organisation. He acknowledged the necessity of trade union movement. But he argued that the the history of several countries showed that the working class tends to develop only trade union consciousness, that is, the conviction that it is necessary to fight employers and strive to compel the state to pass necessary legislation. Lenin argued that revolutionary consciousness can not develop out of the spontaneous economic struggles of trade unions, but must be brought from outside the sphere of relations of production. These two statements by Marx and Lenin lays the contours within which the organisation of the trade union movement varies. That is, the exclusive bent on local and immediate struggles with capital, on the one hand, and the struggles for the "complete emancipation" of the working class as a whole. This is the context within which I want to locate trade unionism in Botswana today.

The aims and objectives of the labour movement in Botswana can be inferred from the constitutions of the trade unions. The constitution of the BFTU best sums up the aims and objectives of the labour movement in Botswana and reflects what I call trade unionist consciousness as opposed to revolutionary consciousness. The BFTU constitution has been greatly imbued with the doctrine of liberal democracy that is contained in the constitution of Botswana. The

constitution the BFTU state that Botswana workers believe that freedom of thought, expression and association, guaranteed by the constitution of Botswana must form the basis of relationship between the workers organisation and the employers and the state. BFTU proclaims the goals of the trade union movement to be to fight for the rights of the worker to adequate wage to give a decent living wage of the worker and his family; hours of work that will give the worker the opportunity of enjoying proper leisure, recreation and cultural development; security of employment, free collective bargaining and protection and maintenance of agreement arising from collective bargaining. In pursuance of these goals, the BFTU seeks to maintain good relations between employers and employees through collective bargaining; make representation on labour and trade union legislation and other matters affecting trade unions and workers in Botswana; secure adequate representation on state apparatuses dealing with labour legislation, and actively participate in the development of Botswana in accordance with Botswana's national principles and objectives [21].

The constitutions of most trade unions in Botswana emphasise welfarism. For example, Manual Workers union, the most militant of Botswana's trade union aims to obtain and maintain just and proper rates of pay or remuneration, security of employment and reasonable

hours and conditions of work for its members. The constitution of the Botswana Bank Employees Union (BBEU) also has this objective. In addition the BBEU constitution points out that it will pursue joint consultation with the management at all levels in order to secure the greatest possible measures of effective participation by the union in all decisions affecting the working conditions of its members.

The public sector labour organisations are no different from their private sector counterparts. Botswana Primary School Teachers Association (BOPRITA) has as its objective to afford fair representation wherever and whenever matters pertaining to teachers are being discussed,; to advocate for professional training of teachers, and secure humane conditions of its members such as decent accommodation and subsidized rent. Botswana Secondary School Teachers Federation's objectives are to promote and enhance the status of teachers in society, and promote and elevate the status of teachers, and preserve the integrity of the teaching profession.

6.5 CONCLUSION.

The foregoing discussion has examined the various forms of state of control of the trade union movement in post-colonial Botswana. After independence, the post Independence state embarked on a systematic programme of restructuring and remodelling the trade union

movement to maximise state control of the trade unions and make the workers acquiescent and supportive of the state defined economic policies. To this end the post-colonial petty bourgeois state elite created a corporate nationalist model the labour movement in which wage restraint for national development became the rallying cry. Lack of infrastructural development in the colonial era served as a powerful reminder to the workers that wage restraint is in the "national interest", and that workers have to accept sacrifice. As pointed out, habituation is also a process that involves interior determination, that is, a process of transmitting the elements of culture that are even generated by the institutions of the proletarian culture itself. Trade unions in Botswana seem to have accepted to work within the system of exploitative relations of production, and their constitutions emphasise welfarism and protection of the rights of their members within that system.

However, this acceptance to work within the existing exploitative relations of production does not necessarily invalidate the argument that trade unions have a potential to transform society. The acceptance points at the limits of trade unionism at this present conjuncture. The extent to which the efforts to restructure and remodel the trade unions, that is, to habituate the working class to make it acquiescent or supportive of the capitalist relations of production

will be discussed in Chapters 8 and 9. Suffice it to point out here that the ready acceptance and willingness of trade unions to work within the existing relations of production is also due to the fact that the working class is itself a product of such a system.

These limits of trade unionism in Botswana are not unique to the Botswana conditions. They are the limits of trade unionism in general. As Perry Anderson (1978) pointed out, trade unions are an essential part of the capitalist society because they incarnate the differences between capital and labour. They are dialectically both an opposition to capitalism and a component of it. They both resist the given unequal distribution of income and at the same time ratify the principle of an unequal distribution by their existence, which presuppose the existence of management. It is the capitalist system that has produced the working class, and it is the capitalist system that is defining the parameters of working class action by all manner of control and concessions. In a word by continually "habituating" the working class to support or at least acquiesce to the capitalist system.

Habituation as a form of ideological control presupposes consent. The critical aim of class analysis is to reveal relations of domination and subordination often concealed false explanations and justifications

perpetuated by the state elite to sustain the process of accumulation (Zeitlin 1980). To the extent that these false explanations and justifications are accepted by the working class, the petty bourgeois state elite would have achieved class hegemony by consent. But consent of the dominated can sometimes be eroded or subverted by the counter ideologies of the working class. As Zeitlin points out, class hegemony can not rest on consent of the exploited alone, but also on coercion. This is ultimately the indispensable means of class domination because without it consent can be withdrawn, with it, consent can be enforced and imposed. In the field of industrial relations this coercion appears in the form of labour law. It is to the analysis of this particular social relation of domination and subordination that I now turn.

NOTES and REFERENCES.

1. Botswana Daily News of 23/7/1968; 19/1/1968; 19/7/1968; 24/7/1968.
2. Ian Kirby, Botswana's Deputy Attorney General in a paper entitled "The Role of the Law in Contracts of Employment and Settlement of Disputes", delivered at the Seminar on the Revision of the Employment Act and the Trade Unions Act, Gaborone, August, 1990. See also Chapter Seven for an analysis of labour law in Botswana.
3. See the Preamble to the Trade Unions and Trade Disputes Act (Amendment Bill) 1968.
4. Peter Mmusi was later to become Botswana's Vice President, and chairman of the ruling party. In this he had followed some other African politicians like Tom Mboya of Kenya, Rashid Kawawa of Tanzania and even Sekou Toure of Guinea, to use trade union movement as a stepping stone to political office. Peter Mmusi resigned in disgrace from both the government and the chairmanship of BDP, following a scandal on abuse of office.
5. See Molutsi, Mufune, and Mogalakwe, 1992.
6. Seretse Khama's speech at the BUTEC ceremony, 10/July/1971.
7. Interview with Isaac Mabiletsa.
8. Isaac Mabiletsa.
9. Matlhabaphiri was later appointed a specially elected Member of Parliament; later he became Botswana High Commissioner to London, and is at the moment, again a specially elected MP. Tlhaodi is a specially elected councillor.
10. FEF has always maintained very strong links with the ruling party, having supported that party financially for the last 20 years. In order to side the step laws on foreign funding, FEF releases the money for payment of the party "conferences and seminars". In 1988 a BDP administrator was found guilty of embezzling P80,000 of party funds sent by FEF to the party.
11. Interview with Ronald Baipidi.
12. See United States Labour Foreign Policy and the Role of the American Institute for Free Labour Development, unpublished paper by Horbat Spalding Jr,

Brooklyn College of the City University of New York. No date given.

13. Seretse Khama's speech on the 10/7/1971. The ceremony was also at a ceremony attended by two senior AALC officials, Mr Patrick O'Farrell, AALC Deputy Director-General based in Geneva, and Mr Gerry Frank, AALC Regional Director based in Addis Ababa, Ethiopia.

14. Seretse Khama's speech at Orapa, 26/May/1972.

15. Seretse Khama to workers in Selibe Phikwe, 19/12/1975.

16. Seretse Khama's speech at the inauguration of First Delegates's Conference of the BFTU, 2/4/1977.

17. See a compilation of several speeches Botswana cabinet ministers Why we need an incomes policy, ministers speak. Botswana Government Printer, no date, and also The Role of Workers and Trade Unions in Botswana, a compilation of speeches by BK Kgari, Minister responsible for Labour, in the 1979's.

18. See the Keynote address to the Seminar on the Revision of Employment Act and the Trades Dispute Act, by T Lebang, Commissioner of Labour, Ministry of Labour and Social Security, 27th August, 1990.

19. See the address by Daniel Kwelagobe to the BFTU Delegates Conference. June 23, 1984. Before his political down fall, this minister was perhaps the most powerful man in Botswana after the President. He was the secretary-general of the ruling BDP and also the minister of Public Service and Information. This ministry, which is now called Ministry of Presidential Affairs and Public Administration, is responsible for the Botswana state apparatuses, the army, the police, and the civil service. The ministry also controls state owned Radio Botswana and Botswana Daily News tabloid.

20. See the "Working Harder for Botswana". A Report on the National Seminar on Labour Productivity. University of Botswana, July, 1985.

21. See the Preamble to the BFTU Constitution, and Rules (f), (g), (h) and (n). The information of the aims and objectives of the trade unions discussed below has been gleaned from their Preambles and from the sections on Aims and Objectives of their constitutions.

CHAPTER 7

INDUSTRIAL RELATIONS IN BOTSWANA (1966-1990).

INTRODUCTION.

In his path breaking analysis of the industrial relations system Dunlop (1958) argued that every industrialising community, regardless of its political form, creates an industrial relations system. He described an industrial relations system as a network of rules which govern the work place and the work community. This network of rules consists of procedures for establishing rules, substantive rules, and the procedures for deciding their application to particular situations. These rules appear in different guises such as legislation and statutory orders; in trade union regulation, in collective agreements and in arbitration awards (Flanders 1965).

According to Dunlop, because of the dynamic nature of society, the rules and their administration are under frequent review, and in the course of time may be altered as a consequence of changes in the contexts and in the relative statuses of the actors. But, Dunlop points out, the form of the rule does not alter its essential character: to define the status of the actors and their interrelations. Dunlop identifies three principal "actors" at the centre of any industrial relations system. These actors are (a) the workers and their organisation, (b) the managers and their

organisation and (c) government agencies concerned with the work place and work community.

I am particularly interested in Dunlop's argument that the industrial relations system is bound together by an ideology or understanding shared by all actors. That is to say all the three actors share a common belief, values, and objectives which reinforce social stability. My position is that an industrial relations system is another form of state control of the trade union movement. It is a form of habituation which seeks to inculcate a "habit" of the rule of law and order in the worker. In this regard Potter and Wetherell (1987) point out that the language of law as a social text tends to overtly or covertly order people's perceptions of the social structure, construct specific forms of social relationships, and simultaneously construct and create social interaction, and therefore has political implications .

This chapter analyses the development of Botswana's industrial relations from the time of Independence in 1966 until 1990, when the state abandoned two decades of direct intervention in the economy and in the industrial relations scene. It is argued that the industrial relations system that emerged after independence was characterised by the state's domination and subordination of labour through various labour control strategies. This was due to the

pressures of capitalist economy and private capital. All these factors gave rise to a system of labour repression that has often been concealed by Botswana's liberal democratic constitution and commitment to individual rights and freedoms.

There are four pieces of legislation that will be considered here. These are (a) the Employment Act, (b) the Trades Unions and Employers Organisations Act, (c) the Trades Disputes Act, and (d) some sections of the National Security Act. Botswana's industrial relations system must be viewed within the context of the country's post-colonial policies of economic growth and development through the private capital accumulation and the need to attract foreign capital to one of the most underdeveloped countries in Africa. But first an introductory historical background.

6.1 An Historical Background.

At the time of independence in 1966, Botswana was a predominantly agrarian society, with very little in the form of industrial or commercial activity. The working class was very small and scattered. The majority of Botswana "workers" were working in the South African mines and other industries as migrant labourers. Although trade unions in Botswana were legalised in 1942 by the Trade Unions and Trades Disputes Proclamation, the country had no established industrial relations system at independence [1].

The legalisation of trade unions in Botswana followed the 1930 memorandum from Lord Passfield, then Britain's Secretary of State for the Colonies in which instructed the colonial administrators to take necessary steps to allow Africans to form trade unions. Lord Passfield pointed out that unless this is done, the workers might fall into the hands of what he described as "disaffected persons who may use workers to achieve political objectives" [2].

According to Kirby (1990), as a result of the gradual expansion in formal sector employment, it was felt that there was a need to bring together some aspects of common law affecting the employment relationship up to date, and a new law, the Employment Act NO 15 of 1963, was enacted to replace the old Master and Servants Act. The Trade Union and Trades Dispute Proclamation (1942) and the Employment Act of 1963 remained the main labour laws until 1969. Kirby (1990:2-3) points out that at the time of independence there was still no machinery for the settlement of trade disputes, and the 1942 trade union legislation was woefully inadequate. As a result in 1969 the Trade Unions Act No 24/69 and the Trades Disputes Act No 28/69 were enacted to replace the outdated legislation of 1942. These were Botswana's introduction to modern labour legislation. But with the rapid development of new industries in the various sectors of the economy, these laws were perceived to be

inadequate. In June 1983 a comprehensive and updated Trades Disputes Act was enacted, and was followed in 1984 by the revamped Employment Act and the Trade Unions and Employers' Organisation Act. In 1992, these laws were again amended and an Industrial Court was created, and some of the provisions of these laws were given to the Court.

Since Botswana is a formally liberal democratic country, and it is on the country's constitution that its statute law is based, any analysis of Botswana's labour laws must begin with an examination of the country's constitutional provisions on labour issues. It is argued here that Botswana's labour laws, which constitute a system of labour repression are predicated on the constitution of the country which guarantees fundamental rights and freedoms of individuals, but restricts these rights and freedoms in the case of labour organisations.

7.2 Botswana's Constitution and Labour Legislation.

The Independence constitution that paved the way for Independence in September, 1966, guaranteed and protected the fundamental rights and freedoms of the individual. These rights and freedoms include the right to personal liberty, protection from deprivation of property, freedom of conscience and expression and freedom of assembly and association. In particular Section 13(1) of the constitution states that:

Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests.

However, these rights and freedoms only apply to individuals, and have been restricted in the case of labour organisations. That is to say, though Botswana's constitution guarantees the individual's right to form and belong to a trade union, the rights and freedoms of the trade unions have been restricted whilst the rights of the individual who may belong to such trade unions are left untrammelled. This was made possible by the 1969 constitutional amendment which followed a wave of illegal and wild cat strike actions across the country.

The original independence constitution, which was drafted with the help of British constitutional experts, had not sought to restrict trade union rights and freedoms to the extent that post-independence government now felt was necessary. The 1966 Independence Order Section 13(2) stated that:

nothing in or done under the authority of any law shall be held to be inconsistent with section 13(1) to the extent that the law in question makes provision

(a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health, or

(b) that is reasonably required for the purpose of protecting the rights and freedoms of persons, or

(c) that imposes restrictions upon public officers and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society [3].

In April 1969, Parliament amended the original 1966 independence Constitution to include a sub-section restricting the rights and freedoms of trade unions. According to the 1969 amendment, Section 13(2)(a) of the 1966 Independence Order was reformulated to read that "no law that imposes restrictions upon public officers, employees of local government bodies or teachers shall be held to be inconsistent with the provisions of section 13(1)", and another new sub-section, 13(2)(d) was added. The additional part stipulates that "a law can be formulated that makes provision for the registration of trade unions and imposes *reasonable conditions* relating to the requirements for registration"[4]. The effect of this is that Botswana's constitution guarantees individual rights and freedoms, but restricts collective rights and freedoms, especially as they apply to the labour movement [5].

These restrictions on the constitutional rights of trade unions were political and intended to control the trade unions, make them tow the line and create propitious conditions for capital accumulation in line with the post-independence government stated objectives of rapid economic growth based capitalist strategy.

Gladstone (1980:55) argues that many governments in newly independent African countries sooner or later came to the conclusion that measures to deal with trade unions and reform the industrial relations system had to be taken. He argues that the call for change in the trade union movement was motivated by the desire by the ruling elite to protect itself from organised labour as a source of opposition, as well as the need to neutralise the labour movement as a centre of opposition to new economic and social policies that were envisaged by the new rulers.

Botswana's experience has to a very large extent vindicated Gladstone's argument. In 1969, just three years after independence, the new government decided to revise the pre-independence labour laws. Leading the debate on the proposed amendments, the then Minister of Health, Labour and Social Services, Mr BC Thema, argued that the government should have the powers to restrict the activities of workers, especially those in the public sector because they are paid by the state. But it is interesting to note that although the amendment was ostensibly for public sector employees, it carried a provision that laws can be formulated that "impose reasonable conditions relating to the registration of trade unions." In fact it was at the same sitting of Parliament in the aftermath of the 1968 waves of strikes, that the process to overhaul Botswana's labour laws started [6].

The amendment was opposed by the only two opposition party members in Parliament, Mr PG Matante and Mr TW Motlhagodi, but even then on the grounds that it discriminated against the trade union specifically, and not other voluntary organisation like political parties and women and youth organisations. In his reply, the Minister argued that:

[Whilst] other voluntary organisation contributed to the social progress of the country, they did not have the same potential for building up or breaking down the economy of the country such as trade unions had, and that is why the world over, governments controlled the formation and running of the trade unions while they took no such interest in the political, women's and youth organisations.[7].

In that month alone, in addition to passing this constitutional amendment, Parliament also enacted three amendments to the labour laws: the Trade Unions Act of 1969; the Trades Dispute Act of 1969, and the Regulation of Wages and Conditions of employment Act of 1969. Parliament also passed the Public Service Act which govern the conditions of service of the public sector employees. Reacting to criticism from trade union leaders that they have not been consulted, Mr Thema was very blunt and forthright in his reply:

Representative democracy, as against the popular type, provided for delegating legislative responsibility to few people who may consult the electorate, follow some or none of its views as they find fit, which we have done in this particular case and that generally as elected leaders of people, we are not going

to follow people all the time, but must lead them [8].

The restrictions on the trade union rights and freedoms in Botswana provide a typical example of the shortcomings that are characteristic of bourgeoisie democracy. As Marx (1968a:107-108) has argued, these freedoms are only dressed in "a constitutional uniform". Each of these freedoms is proclaimed as the absolute right of a citizen, but always with the "marginal" note that it is unlimited so far as it is not limited by other laws. As Marx points out:

[Each] paragraph of the constitution contains its own antithesis, its own Upper House and Lower House, namely, freedom in the general phrase, abrogation of freedom in the marginal note. Thus so long as the name of freedom was respected and only its actual realisation prevented, of course in a legal way, the constitutional existence of freedom remained intact, inviolate, however mortal the blows dealt to its existence in actual life.

In effect, these laws replaced the Trades Unions and Trades Disputes Proclamation(1942) and the Employment Law No.15 of 1963 and marked the beginning of Botswana's own industrial relations system. The labour laws were again amended in the early 1980s to reflect the changing nature of the political economy of Botswana. In June 1983 Parliament amended the Trades Disputes Act of 1969, and in 1984 a revamped Employment Act and a Trades Unions and Employers Organisation Act came into force. Though these are the major labour laws that are germane to my thesis, I would also discuss the National Security Act, in so far as some parts of it relate to the trade union movement.

7.3 The Employment Act (1984).

The Employment Act of 1982 is the basic labour law of Botswana, and provides the so-called floor of rights, that is, the statutory employment rights for individuals at work. The Act replaced the Regulation of Wages and Conditions of Employment Act (1969). The Act defines, guarantees and protects conditions of employment. These include contracts of employment, rest periods, hours of work, overtime, public holidays, annual leave, employment of females, children and young persons, the infirm and handicapped, establishment of labour health areas, sick leave, determination of minimum wages, redundancy procedures and specifies remedies, jurisdiction, procedures and penalties in respect of matters pertaining to the infringement of the Act. It covers all employees in the country except the public sector employees and domestic and agricultural workers, who are not defined as employees for the purpose of the Act [9].

The Act defines an employee as any individual who has entered into a contract of employment for hire of his labour, provided that the expression does not include a public officer or a person employed by a local authority unless he belongs to the industrial class. According to the Act the term "employer" applies to government only in respect of any of its officers or servants who belong to a category of such or servants

the members of which are declared by the regulations to be employees for the purposes of the Act.

In accordance with Section 13(1) of the Constitution, the Act restricts employers from terminating employees' job contracts as a result of their participation in a registered trade union and or for any reason which could be interpreted as discriminatory on the basis of colour, creed or ethnic origin. Before the 1992 amendments, there were sections that had caused disagreements amongst the employers, the employees and the workers. These were Sections 26 and 27. Section 26 of the Act gave the employer the right to terminate a contract of employment without notice, where the employee was guilty of "serious misconduct". The trade unions felt that the employers have abused the clause to get rid of "trouble makers" in the work force. The 1992 amendments defined "serious misconduct" more precisely. Section 27 of the Act gave both the employer and the employee the right to protest against termination of employment by either party to the contract of employment. Under this section, the labour officer had the powers to investigate cases involving termination of contract of employment by either party to the contract, and to order reinstatement in cases of unfair dismissals. The employers argued that they were being forced to retain workers who were unproductive. This section was repealed by the 1992 amendment.

According to the revised law, allegations of unfair dismissals will be decided by the Industrial Court.

7.3 Trade Unions and Employers Organisations Act (1984).

This Act replaced the Trades Union Act of 1969. Through this Act, the state provided procedures for registration, recognition and ultimately, control and supervision of trade unions by the state. It is only when trade unions have been duly registered and issued with a certificate of registration that they become lawful and legal organisations. Once a trade union is registered, the trade union and its officers and members enjoy trade union rights, immunities and privileges conferred by section 17 of the Act. The section stipulates that no suit or other legal proceedings shall be maintainable in any civil court against the registered trade union or any of its officers or members in respect of any act done in furtherance of a trade dispute. According to Section 17 of the Act:

no suit against the registered trade union or any officer or member thereof on behalf of himself and all other members of the trade union in respect of any delictual act alleged to have been committed by or on behalf of the trade union shall be entertained by any court;

and

the objects of the registered trade union shall not, by reason only that they are in restraint of trade, be unlawful so as to render-

- (i) any member of the trade union liable to criminal prosecution, or
- (ii) void or voidable any agreement or trust.

Once a trade union has been registered by the state and issued with a Certificate of Registration it becomes the recognized trade union for that particular industry, and it does not have to negotiate for recognition with the employer. Section 50 of the Act compels the employer to deal with that trade union as a negotiating body, and any employer who fails to negotiate with a registered trade union or its branch is guilty of an offence.

On the face of it, this is a very generous allowance to trade unionism, especially by Third World standards. But a closer reading of the Act reveals that in practice trade union rights and freedoms in Botswana are severely restricted. The Act actually contains a variety of labour control measures and restrictions on the rights and freedoms of trade unions.

For example, Section 10 of the Act gives the Registrar of Trade Unions the power to refuse to register a trade union, and/ or to cancel the registration of a registered trade union for a number of reasons. For instance registration of a trade union can be refused if one of its principal officers has been convicted of an offence under the TUEO Act or under the Trades Disputes Act, or if the Registrar is satisfied that any of its principal officers is not a citizen of Botswana.

Another mechanism of trade union control which interferes with the freedom of a registered trade union organisation, concerns the rights, immunities, and privileges conferred by section 17 of the Act. Although once registered, a trade union enjoys certain rights, immunities, and privileges, these extend to trade union officers and members only, but not to the people in full time employment of the trade unions, that is, full-time administrators or employees of the trade unions.

Another control mechanism is contained in Sections 21 and 22 of the Act. These restricts membership of the trade union. According to Section 21, no person shall be admitted to membership of a trade union unless he is an employee in an industry with which the trade union is directly concerned and that no employee of a trade union can be a member of that trade union and that a member of a trade union who becomes an employee of the trade union shall cease to be a member of the trade union. Before the 1992 amendment, the Act stipulated that a member of a trade union who has ceased to be an employee, shall also cease to be a member of that trade union. This section was amended to allow a worker to remain a member of a trade union whilst his or her case is still on appeal. The worker will still cease to be a member if he loses the appeal. Section 22 of the Act stipulates who qualifies to become an officer of a trade union. According to the Act, no person can become

an officer of a trade union or a federation of trade unions unless that person is a member of the trade union or of a trade union belonging to the federation of trade unions. The Act also prevents full-time union employees becoming officers of a trade union.

These two sections are of particular importance in the state control of the unions in Botswana. In the first place, these sections of the Act effectively prevent the trade unions, and the trade union federation, the B.F.T.U., from having full-time officials. The B.F.T.U. and the national unions, can only have as full time staff, *employees* who are not entitled to the enjoyment of the rights, immunities and privileges conferred by section 17 of Act. What this means is that in Botswana, trade unions, from a branch to a national union and up to B.F.T.U, can not have full-time officials. They can only have employees, who do not enjoy rights, immunities and privileges accorded to trade unionists under section 17 of the Act. These people are regarded as *employees*, and not *officials* or even members of the trade unions they are working for, and as employees, as opposed to officials or members, they do not enjoy the immunities, rights and privileges granted by Section 17.

The current Secretary-General of the BFTU, Ronald Baipidi, is a member of Botswana Diamond Sorters and Valuators Union (BDSVU). He is married and has a

family. He has been the BFTU secretary-general for several years and knows the difficulties and frustration caused by the state's interference in trade union matters only too well. He articulated the problems of his organisation in this words:

BFTU and the national unions are run on a part-time basis because that is what the law says. They (the government) know that it is logistically impossible for us to meet every time we want to meet, because members of the executive committees are spread all over the country. We are expected to conduct our affairs by telephones, and even then after hours. The BFTU's full time staff have no political mandate. It is the part-time officials who have the mandate. But we are expected to be at our places of employment during normal working hours. Unlike the employers organisation, union employees can not make decisions on behalf of the BFTU. They can not vote for or against a proposal because they have no political mandate. Those with the mandate like the secretary general are full time employees elsewhere and are not often available to decide on important matters at the right time. We attend executive committee meetings after hours, when we leave our place of employment. This part-time work for the union does not give the officials the time they require to attend to union or BFTU business. You must also understand that these people have family commitments after work. It is either the unions suffer or it is the family that suffers [10].

The state's restrictions on the rights and freedoms of the trade unions stands in sharp contrast to the absence of such interference in the employers organisation. There are no restrictions on membership of the employers organisation nor does the state prescribe to them the type of office bearers they can, or can not have. To begin with most employers in Botswana are expatriates, and secondly, though the employers' organisation, Botswana Chamber of Commerce,

Industry and Manpower (BOCCIM), has a local Director and Deputy Director, it is largely run by expatriate staff or "technical advisers" from the abroad. According to sources inside BFTU and Labour Department, BOCCIM is really run by the expatriates who do the technical or specialist jobs, with the local Director and or his deputy just used to rubber stamp and execute the decisions [11]. As Ronald Baipidi again put it:

Our labour laws are repressive, and pro-employers. We are not allowed to request money from outside the country, yet employers are not likewise restricted. That organisation is run by employers who are not citizens of the country. We are not allowed to have the assistance of non-citizen, but BOCCIM is staffed by expatriates. Its local director is a figurehead. All technical experts are American or British [12].

These are of course subjective views which can not be easily verified. But when one looks at the size of BOCCIM's highly qualified expatriate staff and financial resources, one can see the extent of the involvement of foreign capital in the affairs of BOCCIM. The fact that the Act covers both the trade unions and employers, should not be interpreted literally to mean the state puts similar restrictions on the organisation of capital. But this is to be expected, because after all, the state is committed to attracting foreign capital to Botswana, and it is quite possible that such foreign capital will come only on certain terms, including the right to run their affairs in their own way. That capital should be allowed the rights and freedoms that are not available to labour

indicates that the state is never neutral in a class divided society. As I have pointed out already, under conditions of private capital accumulation, the state, although appearing to be standing above the fray of class antagonisms, in reality serves the long term interests of capital.

The provisions of the TUEO Act that have been examined here show how that the Botswana state has been able to control labour and keep the trade unions organisationally weak, but allow the employers organisation a relatively free hand. However, according to one former government minister, there is nothing wrong with the Act. Addressing the 1984 BFTU Delegates' Conference, the ruling Botswana Democratic Party (BDP) Secretary General, Mr Kwelagobe said that he saw no way in which the Act infringes on what he called the "legitimate concerns and interests" of the trade union movement, and that the legislation is there to ensure the "orderly development" and administration of trade unions. He further stated that:

We in the Party have always felt strongly that economic development in Botswana is a partnership between government, employers and workers. We see the role of government as providing a suitable environment to promote development and the necessary ventures to attract investment [13].

The implication in the minister's remarks is that the need to provide incentives for investment is by far more important than the trade union rights to

organise in full freedom. Although trade unions are supposed to be partners in development, the terms of the partnership are defined for them by the state. Needless to say, the meaning of such concepts as "legitimate" and orderly, as used by the minister are not always self-explanatory. Rather the meaning of these concepts are subject to various interpretation, depending on the ideological orientation of the user. Pay demands are not legitimate in the eyes of the employer, nor are strike actions an "orderly" process in the eyes of the government.

Addressing himself to the organisational problems posed by these legal restrictions, Minister Kwelagobe defended the government position by arguing that there is a general principle of separating policy issues from implementation issues. He argued:

The same principle of divorcing the implementation of decisions applies in Government. Members of Parliament and Ministers are charged with the responsibility of establishing policy and the civil service has the responsibility of implementing such policy. A permanent secretary doesn't have to be a minister in order to implement government policy. He still remains a permanent secretary and his job is to implement policy which has been formulated or fashioned by Parliament and Ministers [14].

Peter Olsen, the Gaborone based consultant labour economist, and a former Industrial Relations Officer, was sympathetic to the government view. He said in our discussion that he thought that the trade unionists are using Section 17 as a "red herring" and argued that

BFTU is not the only organisation with a split between policy and administration. He argued that the difference between officials and employees of BFTU is that officials can vote whereas employees can not, but that they are all free to participate in BFTU activities. Olsen argued thus:

To say Section 17 of the Act is discriminating and weakens the labour movement is not true. I know that they (trade unionists) always say that. This is just a red herring. Most organisation in Botswana, including the ruling party, clearly differentiate between administration and policy making. The BDP policy makers are employed elsewhere as ministers, and they only run the party on part time basis. I think the problem with BFTU is the calibre of their manpower. Contrast it with Botswana Mining Workers Union. It is really strong because of the calibre of people like Saleshando and Setlhare. But the union is run on part time basis. The chairman and secretary general are both full time employees of BCL [15].

There is some truth in the argument of both Kwelagobe and Olsen that there is a difference between policy and implementation. But whether the BFTU should be able to function efficiently without full time officials is debatable. In the first instance, the issue is about the fact that the state has created structures for the labour movement and the labour movement is not happy with those structures. In the view of the trade unions, these structures prevent the trade unions from organising in the way that they as the labour movement feel is most effective. It is the state, and not trade unions themselves, which has prescribed ways on how the labour movement should organise. This is the central

issue raised by the BFTU's Secretary General in his remarks above. To argue, as Kwelagobe and Olsen do, that policy must be separated from implementation and administration, does not in any way invalidate the arguments raised by the BFTU through its Secretary General, let alone lessen the repressive nature of the TUEO Act. The bottom line is that the trade unions in Botswana do not organise in the manner and methods chosen by themselves, but in the manner and method prescribed for them by the state. This is a system of labour repression, notwithstanding the fact that BFTU may have incompetent full time administrators.

In the second instance, there is very little basis to compare BFTU officials to government ministers. It is not true that ministers are responsible for policy formulation. The policies are the responsibility of the party and of Parliament. *Ministers are appointed to go* and implement these policies, and to do this they rely on the state civil bureaucracy. At the same time Ministers and Permanent Secretaries are paid from the national coffers, and not by the party. The state and the employers command resources that the BFTU does not have.

Another mechanism of control that was repealed by the 1992 amendments was in Section 30 of the Act. This section empowered the Minister to send a representative to the meetings of BFTU's executive

committee meetings. According to the Act, the Minister could send a representative to attend every meeting of the body in which the ultimate authority of BFTU is vested, that is, the National Council of the BFTU, which meets biennially. The Minister could also send his representative to the federation's executive committee meeting. Though the minister's representative could take part in the deliberations of the meetings, he could not vote. In addition to this, the constitution of BFTU carried a clause that recognizes the attendance of the government representative. Issac Mabiletsa, the former executive committee member of the BFTU, and now an Accountant with Barclays Bank in Gaborone informed me:

The BFTU constitution has to carry a clause that recognizes the government representative at their conferences. You have to write to the Registrar of Trade Unions informing him of the time and date of the meeting, so that he could arrange to send a representative. Any attempts to exclude the minister's representative will render those deliberations null and void [16].

In addition, trade unions and the BFTU are required to furnish the Registrar of Trade Unions with the names of their office bearers, and as Mabiletsa pointed out, "if the registrar can detect that one of the office bearers is not a citizen or a full time employee, he may dissolve the executive committee". To crown all these mechanisms of control of trade union movement, Section 32 of the Act stipulated that the books containing the minutes of the proceedings of the executive committees of registered trade union or meetings of the body in

which the ultimate authority of a registered trade unions is vested or of the executive committee of the trade union federation, shall be open for inspection by any member of the trade union or by any person authorised on that behalf by the Registrar. This section was repealed by the 1992 amendments.

7.5 The Trades Disputes Act (1983).

Before the 1992 amendments, this Act covered areas such as procedures for settlement of disputes, arbitration by the Permanent Arbitrator, settlement of claims and collective labour agreement, unlawful industrial action, enforcements of collective labour agreements and awards of the permanent arbitrator, and the protection of essential services. There were two major characteristics of this Act in the period up to 1992. The first was to give the state the powers to intervene at any time in any trade dispute, and the second characteristic was to create a mediation-conciliation compulsory arbitration procedures to deal with bargaining deadlocks.

Sections 4 to 11 of the Trade Disputes Act, spelt out the procedures for the settlement of disputes, prescribed steps to be followed in any labour dispute, and also gave the Commissioner of Labour the power to intervene in any trade dispute, even if that dispute had not been formally reported to him. For example, section 4.1 of the Act stipulated that:

Where the Commissioner of Labour is satisfied that a trade dispute exists or is apprehended, he may, whether the dispute has or has not been reported to him under section 5, mediate between the parties to the dispute or authorize some other person so to mediate.

The Act provided the procedures and administrative framework through which disputes between employees and employers could be settled and handled. The Act made provisions for a legal strike, but excluded workers in essential services, (that is, electricity supply, water supply, health). Certain procedures, however had to be followed for strikes to legally occur. The Act specified that strikes (or threats of strike) could be declared illegal by the Minister of Labour and Home Affairs if in his/her judgement the procedures for settling a dispute had not been exhausted; or when workers wanted to strike in sympathy or in support of others; or when the strike was intended to force employers to employ only union members (i.e closed shop), or when the issue at hand is in the hands of the Permanent Arbitrator.

The other important feature of the Act was the creation of the mediation-conciliation-compulsory arbitration procedures, to deal with deadlocks. These procedures made strikes effectively illegal. The Act provided stages for conciliation and mediation by Commissioner of Labour. As I have indicated above, the Commissioner of Labour could intervene at any appoint in the dispute, regardless of whether he had been invited or

not. If the efforts of the Commissioner failed or ended in a deadlock, the matter would be referred for voluntary arbitration if both parties agreed. But where one party to the dispute did not accept voluntary arbitration, the Commissioner of Labour was then statutorily bound under section 7 of the Act to report the dispute to the Minister. This section has been amended and the Commissioner will now take the matter to the Industrial Court. Section 9 of the Act empowered the Minister to declare an industrial action unlawful has been retained. The Minister can still refer a trade dispute to the Industrial Court without the consent of the parties to the dispute. Once the dispute has been referred to the Industrial Court, it is unlawful for workers to continue with the dispute or the industrial action. Before the amendment, Section 20(1) of the Act empowered the Permanent Arbitrator, who has now been replaced by the Industrial Court, to make an award to settle a dispute and stipulate that such an award would be binding. The relevant part read:

Every award of the Permanent Arbitrator shall be binding upon every party to the dispute in question, whether that party did or did not appear or was or was not represented at the hearing and determination of the dispute

Section 20 (2b) of the Act stipulated that every award by the Permanent Arbitrator should not be inconsistent with any written law or fail to take into account the social and economic policies of government. In a situation where a capitalist strategy has been adopted

as the state's policy of development, the implication is that the state's social and economic policies will have to ensure that the award of the Permanent Arbitrator should be such that capital will feel protected against any tendencies that might disrupt its accumulation and or valorisation. Whilst section 20(2b) did not instruct the Permanent Arbitrator on what to do, it remained an important political terms of reference [17].

Another major area of contention with regard to the Trades Disputes Act is the length it takes to exhaust procedures in order to have a legal strike. Workers have always found themselves in a situation whereby it was impossible to follow all rules and regulations to be able to go on a legal strike. As a result of these cumbersome procedures, Botswana has never had a legal strike since its Independence in 1966, and all strikes have been declared illegal in terms of this Act. In a recent survey on trade unions that was conducted for BFTU most trade unionists expressed skepticism about the Trade Disputes Act. They pointed out that although the Act was formulated to facilitate settlement of disputes, it deliberately makes it impossible to effect legal strikes in Botswana [18].

In the survey, in which some 151 trade officials were interviewed, 87 percent of the respondents felt that in practice, it is impossible to have a legal strike in

Botswana and identified the Trade Disputes Act as the source of constraint. Asked which of the labour laws they are most unhappy with, the Trade Disputes Act was the first, followed by TUEO Act, with the Employment Act coming last. In the same survey, 72 percent of the respondents felt that it was not fair for the Commissioner of Labour to intervene in a dispute not reported to him, whilst 65 percent felt it was not necessary to report a dispute to Commissioner of Labour unless there is a deadlock. The trade unionists also pointed that the powers of the Commissioner of Labour to intervene in a dispute at any time seriously impeded collective bargaining, or made it virtually irrelevant. Section 4 of the Act, which allows the Commissioner of Labour to intervene in disputes not reported to him has been retained.

7.6 National Security Act (1986).

This Act was passed in May, 1986, following military incursions by South African army commandos into Botswana. The Act was enacted to make provision for national security and other activities prejudicial to the interests of the nation such communication of information relating to the country's security and or the deployment of military or security agents or installations.

However the Act extends to trade unions as well and brings the definition of necessary services under its

ambit. According to the Act, "necessary service" include any service to provide electricity supply or distribution; fire service; rubbish disposal and sanitation services; health or ambulance service; service relating to the production, supply or distribution of water, food or fuel, and any other service or facility declared by the President to be a necessary service. The Act supplements the Trade Disputes Act, which also lists essential services and empower the Minister of Labour and Home Affairs to declare any service an essential service. In 1990 the Minister declared a strike by Barclays Bank workers illegal in terms of the Trades Dispute Act, and went on to declare banking an essential service. This was the first time that a banking service was declared an essential service. Although the National Security Act had up to 1992, been invoked only once in connection with a strike action, the fact remains that a Minister or the President can still declare any service an "essential service" for the purpose of outlawing a strike action.

7.7 Labour Organisation in the Public Service.

The public sector includes central government, local government authorities (District Councils), and education. That is, teachers in primary and secondary schools and teacher training colleges. The army, police force and the prison services are also regarded as public officers although in addition to the Public

Service Act, as members of disciplined forces, they have their own laws and regulations [19].

As I have I pointed out above, the Employment Act, though the basic law of the country, does not cover all categories of workers. For instance the Act does not cover domestic workers. Public sector workers also do not fall under the provisions of the Employment Act or any of the countries labour laws that I have discussed thus far. This section of the working class, numbering about 80,300 workers, or about one third of formal sector employment, is governed by the Public Service Act, and their conditions of service are spelt out in the General Orders.

The most important thing to note in this discussion on public sector workers is that the term "public officer" as it is applied in the context of Botswana is too wide and all-embracing, and includes everyone from the most junior clerical assistant through to a Permanent Secretary and the Secretary to the Cabinet. The definition of a "public officer" is to be inferred from the Constitution of Botswana. According to Section 127 of the Constitution, a public office means "an office of emoluments in the public service" and the public service means "the civil service of the Government", and a "public officer" means "a person holding or acting in any public office". According to Botswana labour laws, a public officer is excluded from the

definition of "employee" as defined in the Employment Act (see Chapter 7.3 above).

The effect of this exclusion is all workers in the public sector do not have the right to form and belong to trade unions for the purpose of free collective bargaining. Collective bargaining is defined as a method of negotiations between an employer, a group of employers or one or more employers' organisation on the one hand and one or more representatives of workers organisation on the other, with a view to reaching an agreement (Farnham and Pimlott 1992:140).

At same time, the state, which is the single largest employer, does not, in terms of the law, regard its relationship with its employees as an employer-employee relationship. The law also has the effect of preventing all public officers, regardless of rank, or occupation from forming or belonging to a trade union, which is defined by Section 2 of the TUEO Act as:

an organisation consisting, wholly or in part, of more than 30 employees the principal objects of which include the *regulation of relations between employee and employers* or employers organisation or between employees and employees (emphasis added)

Neither the Public Service Act nor the Constitution of Botswana provides a machinery for the regulation of relations between public sector employees and their employer, the state. The Act empowers the President of Botswana to make regulations for the setting up of a

body for the purpose of *consultations* between government and public sector workers.

The body that has been created to cater for the interests of public sector workers is the Botswana Civil Servants Association (BCSA), which can only consult, but not enter into collective bargaining. BCSA's method of consultation is as follows: at the grass root level there is a Ministerial Consultative Committee (MCC) for each of the twelve or so ministries. An MCC is chaired by the Permanent Secretary of that ministry. It is made up of the "staff side", that is the representatives of workers chosen at the annual BCSA conference, and the "management side", that is senior members of the ministry chosen by the Permanent Secretary.

A regular MCC meeting is devoted to considering submissions from various public officers scattered through out Botswana, and the issues discussed are on how to make the public service more effective in administering government policy, and not about the welfare of the public officers themselves. Matters of welfare of an employee in the public sector are between the public officer, his supervisor and the Permanent Secretary. The Permanent Secretary may make recommendation to the Director of Public Service Management, or resolve the matter "internally". Some of the issues discussed by the MCC may be resolved by

the Permanent Secretary on the spot, by issuing a directive pronouncing on the matter. Some issues may be taken to the Central Joint Staff Consultative Committee (CJCC), which is a committee made up of Permanent Secretaries and some members of BCSA executive committee. The CJCC is chaired by the Director of Public Service Management, and the committee may resolve certain issues, or make recommendation to the Permanent Secretary to the President, who is also Secretary to the Cabinet, for him to act on the recommendation or forward them to cabinet [20].

There are other labour organisation in the public sector, but none of them can negotiate or enter into collective bargaining with government, and all of them have to channel their views through BCSA which acts as a de facto national centre for public sector labour organisations. These organisations are:

- (a) Botswana Unified Local Government Staff Association (BULGASA)
- (b) Botswana Teachers Union (BTU)
- (c) Botswana Federation of Secondary School Teachers, (BOFESETE)
- (d) Botswana Nurses Association (BSA)
- (e) Botswana Primary School Teachers (BOPRITA).

The essential feature of public sector employment in Botswana, that emerges from the foregoing account is

the complete absence of collective bargaining at all levels of the public sector. The public sector employees do not fall under the category of employees in terms of the Employment Act, and therefore are not entitled to bargain collectively with their employer. BOFESETE and BOPRITA actually broke away from the BTU after dissatisfaction with BTU's strong ties with the Ministry of Education, and the way that the old guard in BTU had become too bureaucratic and acquiescent to the government [21].

Whilst in developed capitalist countries such as Britain for instance, it has been possible for governments to legislate for the right to belong to trade unions, and to restrict or ban strike actions by workers certain services such as those that affect national security, law and order and health services, a complete ban on all public sector employees to form and belong to a trade union is unusual.

7.8 Botswana and ILO Conventions.

The discussion of Botswana's labour laws and industrial relations system will not be complete without reference to Botswana position regarding the International Labour Organisation (ILO) Conventions. Botswana joined the ILO in 1978, immediately after the formation of the Botswana Federation of Trade Unions, (BFTU). Though Botswana has been a member since then, the government has not ratified the ILO Conventions essential to the

development of free and independent trade unionism. Botswana government has refused to ratify Conventions NO 87 of 1950, on Freedom of Association and Protection of the Right to Organise; Convention NO. 98, concerning the Application of the Principles of the Right to Organise and Bargain Collectively, and Convention NO 151 on the Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service, commonly known as the Labour Relations (Public Service) Convention, 1978 [22].

Convention No. 87 states inter alia, that "workers and employers, shall have the right to draw up their constitution and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes" and that "public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof". Part II Article 5 of Convention 151 on the protection of the right to organise in the public sector states that public employees' organisations shall enjoy complete independence from public authorities; that public employees' organisation shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration and that in particular:

acts which are designed to promote the establishment of public employees' organisation

under the domination of a public authority, or to support public employees' organisations by financial or other means, with the object of placing such organisations under the control of a public authority, shall be deemed to constitute acts of interference within the meaning of this Article.

However as of January, 1994, Botswana had ratified only two ILO conventions, all dating back to the 1920's. These are Convention 14 of 1921, on Weekly Rest, (Industry) and Convention 19, of 1925 on Equality of Treatment (Accident Compensation) [23].

A question may be posed as to what the relevance of the ILO conventions is to the analysis of labour law in Botswana, especially because where international conventions are at variance with laws of a sovereign country, laws of sovereignty prevail. This question is important for two reasons: first, as a member of the ILO, Botswana is expected, though by no means required, to abide by these conventions, otherwise there is very little sense in belonging to such an organisation. Secondly, ratification of these laws will mean Botswana has to put them into effect, and this would mean removing section 13(2) of the constitution, which, as I have pointed out, was enacted specifically to control the labour movement in both the private sector and in the public sector.

7.9 CONCLUSION.

This chapter has charted out the structure of the Botswana industrial relations system, and revealed

various forms of labour control embodied in these structures. These forms of control involve a variety of strategies such as the state's creation of minimum conditions of service and protection of basic rights, as provided for in the Employment Act, the intervention of the state, through the Labour Office, in industrial disputes, to mediate, conciliate and if necessary to order compulsory arbitration to break any bargaining deadlock, the denial of the state employees the right to form and belong to trade unions, but the creation of an alternate and less demanding form of representation in the public sector. This had the effect of limiting the strength of organised labour in the public service by emasculating its capacity to bargain collectively with the employer.

The state, however, has not sought to impose a constitution on either the BFTU or the national unions, or to impose a secretary general as it happened in Kenya or Ghana. Nonetheless, the Botswana state still defines the parameters of organisation of the trade union movement both internally and externally. The legal environment within which the trade union movement in Botswana has been operating in the last two decades has seriously constrained its development and limited its autonomy. This constitutes a system of labour repression.

Contrary to what Dunlop (1985) argues, an industrial relations system is not bound together by an ideology shared by all actors. The foregoing account of labour law in Botswana show that an industrial relation system is not stable and integrated but is bound together more by coercion than by consensus. As Hyman (1975:11) points out, to define industrial relations system solely in terms of rules and regulations presuppose that industrial relations is about the maintenance of stability and regularity, with the focus put on how conflict is contained and controlled, and the question of whether the existing structure of ownership and control in industry is a source of conflict is dismissed as external to the study of industrial relations.

As Hyman argues, an industrial relation system is just an element in the totality of capitalist relations of production: it does not presuppose consensus, but it is a relation of domination and subordination. An industrial relations system viewed from the vantage point, is therefore, a process of control over work relations in which job regulation, is merely one of the many forms of such control.

But having said all this, it must be pointed out that there have been changes in the political economy of Botswana. These changes have been accompanied by quantitative and qualitative changes in the composition

and the awakening of working class consciousness on the part of the workers. Whilst the state's industrial relations practices such as the wages policy and labour laws, such as I have analysed, provided objective structural limitations within which the working class could perceive their options, the working class has gradually developed their own counter-ideologies and counter-discourses and learnt, in the course of the on-going confrontation with the state and capital, that it can challenge the system. Neither the state nor the capital have a monopoly of political or ideological dominance.

As Marx and Engels (1968a:37-38) argued, one of the progressive roles played by capitalism is that wherever it has got the upper hand, it has put to an end all social relations that bound man to his "natural superiors", and has left remaining "no other nexus between man and man than naked self interest". It is this self interest that propels workers forward. As Hyman (1975:6) argues, the social contradiction which offers the greatest potential for structural change is that between the independent collective character of productive activity, and the concentration of ownership and control of economic resources in a small number of hands. According to Hyman, the spontaneous collaboration which modern production requires offers a basis for collective intervention of workers to transform society, and the crucial additional

ingredient for such a transformation is a conscious organisation in pursuit of this objective.

Botswana workers have at times displayed a capacity to resist their domination by the state and capital. These acts seek to exert the autonomy of labour and challenge the hegemony of capital albeit within the limits of the structures of state control, domination and subordination. This is the point to which I turn to.

NOTES and REFERENCES.

1. See The role of the law in Contracts of Employment and Settlement of Disputes, a paper delivered by Ian Kirby, Botswana's Attorney General, at the Seminar on the revision of the Employment Act and Trades Disputes Act, Gaborone, 27th August 1990.
2. See Damachi, U et al, Industrial Relations in Africa. Macmilian, London.
3. See Botswana Independence Order, 1966, pxx. HMSO, London.
4. See Botswana Daily News of 8th June, 1969.
5. See Kirby, op cit.
6. See Botswana Daily News of 18th June, 1969. The discussion on these strike actions is undertaken in Chapter 9.
7. Botswana Daily News, ibid.
8. Botswana Daily News, ibid.
9. Section 7 of the Act empowers the Minister to restrict application of the Act, and the government has restricted the application of the Act in the case of domestic workers, ie workers employed in small undertakings such as cattle posts or doing household work for a family.
10. Interview with Ronald Baipidi, current Secretary General, Botswana Federation of Trade Unions. Gaborone.
11. Based on the interview with Baipidi, but also on informal discussion with other trade unionists.
12. Interview with Baipidi,
13. See Minister Kwelagobe's address to BFTU Delegates Conference, 23rd June, 1984.
14. Kwelagobe, ibid.
15. Interview with Peter Olsen, Gaborone based labour consultant, and Managing Director of Tsa Badiri, Labour and Management Consultants.
16. Interview with Issac Mabiletsa, former executive committee member, BFTU, Now Accountant with Barclay's Bank.
17. The Permanent Arbitrator (who has always been referred to as acting Permanent Arbitrator), should,

according the Trades Dispute Act, be a person qualified to be appointed as a judge of the High Court of Botswana, with the same privileges, immunities and protection of a judge. The Permanent Arbitrator was an Assistant Attorney-General, Mr O M Mapitse. The Act establishing the Industrial Court stipulates that Industrial Court judges shall be persons possessing the qualifications to be a puisine judge.

18. This data comes from a collaborative work with my colleagues at the University of Botswana. See The Report of the study of the Trade Unions and the Botswana Federation of Trade Unions by Molutsi, Mogalakwe and Mufume, Department of Sociology, University of Botswana, March, 1993.

19. Documents refereed to here are the Public Service Act, and the General Orders Governing the Conditions Public officers.

20. This is based on my on experiences as a member of the Ministry of Local Government MCC, from 1986-1987, and from my experiences as a participant in Botswana Civil Servants Association annual conferences.

21. See the speech by OB Gabasiane, BOFESETE Chairperson, 15th, September, 1990.

22. See ILO publication "Lists of Ratification by Conventions and by Country" Geneva. (for the year ended,1992)

23. ILO, ibid.

PART FOUR.

ORGANIZED LABOUR IN BOTSWANA: ITS RELATION TO THE STATE.

CHAPTER EIGHT.

Trade Union Growth and Development. The Post-Colonial Era.

INTRODUCTION.

One of the key features of the development of capitalism and capitalist relations of production is the growth of formal sector employment, whereby the labour force is freed from the traditional non-waged economic activities, such as subsistence agricultural production, into waged labour. The economic growth and the consequent structural transformation of the various sectors of Botswana's economy in the post-independence period have provided a dynamic new basis for an increase in the number of wage earners, led to class formation, engendered class contradictions and created a potential for unionisation.

The purpose of this chapter is to give an historical overview of the growth and development of the trade union movement in Botswana. Trade unions, and the movement of class of which they are a part, are dynamic social organisations that develop both quantitatively and qualitatively over time, with regard to both size and density. That is, the proportion of trade union membership as a percentage of the working class as a whole or in particular industries. Working class consciousness is also a dynamic phenomenon. With time, trade unions gain experience, confidence and foresight in their dealings with the management.

I start this chapter with a brief historical overview of the trade unions in colonial Botswana and show that trade unions in Botswana have always been viewed with suspicion by the

colonial state. I then move on to the examine the state of the trade union movement in the post-colonial period and show how the working class have growing numerically due to the changes in Botswana political economy. I then examine the limitations of collective bargaining and the settlement of disputes procedures. I conclude by arguing that notwithstanding its obvious limitations, the trade union movement in Botswana has proved to be an important organisation of workers, and one that they cannot do without.

8.1 Trade Unions in Colonial Botswana.

In Botswana, as in the rest of Sub-Saharan Africa, the development of trade unionism, to a large extent parallels the late arrival of capitalism in this part of the world. Until the 1940s there were no trade unions in the country. The persistent underdevelopment of the economy and the absence of wage labour on any significant scale ensured that there was virtually no working class in the country to support a trade union movement. The opportunities for formal employment were in South Africa, where most of Botswana's workers went as migrant workers. The limited extent of industrialisation during the colonial period, the first trade unions in Botswana, as in many other parts of Africa, were concentrated in the lower and middle ranks of the civil service and public enterprises such as the Public Works Department (Gladstone 1980).

The first trade union in Botswana was the whites only European Civil Service Association formed in 1948. It was followed by the formation of the African Civil Service Association in

1949. These two existed as parallel organisations, speaking on behalf of white and black employees respectively. After Independence, the two merged to form the Botswana Civil Servants Association (BCSA) [1]. In the very small private sector side, the first trade union to appear was the Francistown African Employees Union (FAEU), which was formed in 1949. The FAEU was a local union based in Francistown, in the northeast of Botswana. The FAEU was open to all workers in all manner of employment, except public officers. Most of its membership were unskilled and semi-skilled labourers with very little formal education (Simkin, 1975). According to Simkin, the FAEU collapsed after about six years after its formation due to such problems as poor quality leadership, lack of resources and financial mismanagement.

The efforts to form a country-wide trade union were only realised in 1959 with the formation of the Bechuanaland Protectorate Workers Union (BPWU). The BPWU, had its headquarters in Serowe, and branches in Mahalapye, in central Botswana, Lobatse in the south and Maun, in the north. In 1963, the Bechuanaland Trade Union Congress (BTUC), was established, and was later instrumental in the formation of the Bechuanaland General Workers Organisation (BGWO) in 1964 [2].

As in most parts of sub-Saharan Africa at this period, the trade union movement in Botswana, small as it was, was also involved in nationalist politics of the time, and the trade unions were divided along ideological lines. For instance, two of the four trade unions mentioned above were aligned to the

two rival nationalist political movements. The FAEU and BPWU being the more conservative, and inclined to the so-called "bread and butter" trade unionism, were aligned with the Botswana Democratic Party, (BDP), which was viewed as more reactionary and pro-imperialist, whilst the BTUC and BGWO supported the radical nationalist Botswana Peoples Party, (BPP) [3].

As noted in Chapter 4, the BPP had very strong links with the African National Congress (ANC) of South Africa, and the Convention People's Party of Kwame Nkrumah in Ghana. The BPP was therefore viewed as a pro-communist and subversive organisation by the out-going colonial administration. It appears that the administration had become increasingly worried by the political direction of the infant trade union movement, and was taking more than a passing interest in the emerging trade union movement [4]. Though police surveillance reports show that all the parties had established relations with various trade unions, the colonial administration seemed to have been more worried by the radical nationalist BPP. In one report on the BGWU, the Special Branch noted that unlike the other trade unions, this trade union was politically inspired, and was following the Ghanaian pattern. According to the report:

[Its] formation is an attempt to prevent any opposition to the BPP, on the part of the workers... [The] decision to form a country wide Trade Union movement affiliated to and part of the BPP was definitely inspired by Ghanaian contacts [5].

The report concluded by noting that there was an increasing awareness of the trade union movement in the urban areas, and that it would be essential to encourage, if possible, the

development of "healthy" trade unions guided along independent and non-political lines.

The greatest threat to this growth would be the formation of a strong BGWU organised by the BPP and influenced and guided and possibly financed by the Ghana TUC. Pressure would no doubt be brought to bear on this union, to undermine any ICFTU influence and affiliate with AATUF [6].

Another confidential report on trade union activity in the country advised that:

Although it is inevitable that trade unions will be subjected to political influences, it is essential to establish them on sound foundations, and to develop constructive attitude which will enable them to resist the effects of subversive movements to turn them into their instruments for achieving their own ends...The basic need appears to be that of ensuring that the embryonic movements in the Protectorate are put in official contact with western international movements, visited, entertained and trained by their officials, and assisted financially to enable this to be done before the eastern international movement takes them under its wing [7].

To understand a little about the colonial state worries about the emergent trade union movement in Botswana one needs to look at the international and regional situation prevailing at this time. This was during the height of the cold war between the capitalist West and the Eastern Bloc of countries. This cold war rivalry had permeated and caused a split in the international labour movement (Thompson and Larson 1978). There were now two international trade union movements, the International Confederation of Free Trade Unions (ICFTU) based in Brussels and supporting the free enterprise system, and the World Federation of Trade Unions (WFTU) based in Prague, and supporting socialism.

This cold war rivalry percolated down to the colonial countries and pervaded local trade union movements. With regard to trade unions in the colonies, Gladstone (1980:53) points out that in the pre-independence period, political factionalism was an important factor responsible for trade union multiplicity. He argues:

Political orientations of different parts of the trade union movement were ideological, spanning the entire political spectrum. In part this situation was influenced by the pressures of the ideologically divided international and metropolitan trade union movement and mirrored these divisions.

Even in Botswana, this cold war rivalry was felt. According to Motshidisi (1975), the FAEU and BPWU, had now merged to form the Bechuanaland Federation of Labour (BFL) and had established links with and received assistance from the ICFTU in Brussels, while the BTUC had established links and received assistance from WFTU based in Prague. It is within this context that in 1962, one J.S. Longrigg, wrote a confidential memo to the Government Secretary in Mafikeng warning the government about trade union developments in Botswana. Longrigg said that in the course of gathering material for a despatch on trade unionism in South Africa, he met Leon Levy, President of the South African Congress of Trade Unions (SACTU) and that during their discussion, Levy told him that SACTU was negotiating with the "infant" trade unions in the High Commission Territories for their affiliation to SACTU. Longrigg cautioned:

This [SACTU] is the left-wing trade union organisation affiliated to the Congress Alliance, to which the majority of the African trade unions belong. On the international plane, it is affiliated to the All African Trade Union Federation (AATUF) whose headquarters is in Accra. Levy himself is reputed to be a Communist, although I am bound to say that he did

not talk like one when I saw him...It will be unfortunate if the Territories trade union movement joined SACTU. In the first place, it would line them with the South African Congress Alliance and thus directly involve them in political activities against the South African Government. In the second place it would link them firmly with Accra; and thus reduce the chance of healthy influence being brought to bear on them from ICFTU or the British TUC [8].

Thompson and Larson (1978) point out that the ICFTU and the WFTU were bitter ideological enemies who were striving for spheres of influence in the trade unions around the world. Motshidisi (1975) argues that:

Following the break between the WFTU and the ICFTU in 1949, the ICFTU wasted no time in spreading its influence into Africa. It sent missions to make contacts with trade unions and their leaders. To this end, it had the support and cooperation of the colonial authorities- for at least, they had one thing in common, they were anti-communist, and they both did not want the WFTU to entrench itself in Africa.

The 1960's were also a turbulent era in the history of the Southern African sub-continent. This was the period when the Nationalist Party in South Africa had just banned the leading black political organisations, namely the African National Congress, the Pan Africanist Congress, and the multi-racial South African Communist Party. Through trade, labour migration, and contiguity, some Batswana were enmeshed in South African politics, and the nationalist demands for independence in Botswana was regarded as very much a part of the whole liberation movement in Southern Africa. According to Parsons (1984) the BPP had about 20 branches in South Africa, five of them in the Johannesburg area alone. These links between the BPP and the black nationalist politics in South Africa caused the colonial government in Botswana to throw their weight behind the BDP.

There are two closely related points that arise from this brief historical overview, and against which we should locate state control of the trade union in post-colonial Botswana. In the first instance, in the on-going anti-colonial struggles of that era, trade unions had thrown their lot with the nationalist forces. Even in Botswana, with its limited industrialisation during the colonial era, even the small trade unions that were there were also involved in the anti-colonial struggles, as we can see from the concerns expressed by the colonial administration about the alliance of the BPP and the BTUC and BGWO.

This alliance, which seemed to have taken its organisational inspiration from Nkrumah's Convention Peoples Party and the ANC, had made some political impact through rallies, marches and boycotts of businesses allegedly discriminating against black people (Gossett, 1986). Boycotts of business were particularly strong in urban areas such as Lobatse, Gaborone, and Francistown. In one such boycott, the police surveillance report stated:

This is a political boycott which is fashioned on recognisable Congress lines to test the influence of local political leaders and at the same time launch a demonstration against local Europeans. [9].

The report went on to say that it appears that the boycott was intended to give a boost to a local activist or "budding politician" as he was labelled, and that there was a pronounced "anti-BOER" flavour which was based on "minor" grievances such as allegations of contemptuous attitude on the part of some European staff towards African customers and on a case of unfair dismissal of some African workers. The

boycotts, however, had their opponents, beside the colonial administration. Gossett (1986) points out that some of the prominent violators of the boycotts were none other than Seretse Khama and his BDP supporters, who had made a habit of crossing BPP picket lines, presumably in an effort to win the support of the business community.

The second point to note is that the development of the trade union movement in Botswana can not be seen in isolation from the international and regional situation. Botswana is part of a region dominated by South Africa, in the international capitalist system. As I pointed out in Chapter Four, the unease of the colonial administration with the BPP and the emergence of the BDP under the tutelage of the colonial state, persuade us to view the decolonisation process in Botswana in the context of attempts by the imperialist countries to contain or roll back socialism and to strengthen the capitalist camp.

Capitalism is indeed a world system which reaches out to every corner of the globe. That is why the control of trade unions around the world is an important foreign policy item of imperialist countries. This was particularly important during the cold war, and the developments in the trade union movement in Botswana were taking place at the height of the rivalry between the ICFTU and WFTU (Thompson and Larson 1978). There is therefore a running thread of suspicion and hostility in the attitude of both the colonial the post-colonial state towards "politicised" trade union movement. This hostility and suspicion were underlined by the measure that the post-

colonial state took to restructure the trade unions to make state control more effective.

8.2 Organized Labour in the Post-Colonial Period.

By and large trade unions in Botswana do not have a long experience or even seasoned leaders. That notwithstanding, it can be argued that the attempts that have been made since independence to habituate the trade union movement along the lines that I have described in Chapter 6 were really a reaction by the petty bourgeois state elite to the stirrings of working class consciousness and restiveness and class contradictions engendered by Botswana's rapidly changing post-independence political economy.

As I have demonstrated in Chapter 4, the rapid economic growth policies of the post-independence era have led to a significant structural transformation in various sectors of the economy. These have led to growth in formal sector employment and rapidly expanded the social base of the working class on an ever increasing scale. The process of industrialisation, the separation of direct producers from their means of production, and their re-constitution as a "proletariat", increases the potential for workers to constitute themselves in a new class organisation, the trade union. It is the advent of trade unionism that accentuates the class struggle against capitalism.

The trade union movement in Botswana really took off only in the 1970s, when a number of collective labour agreements were concluded with various employers. The first collective labour

agreement in Botswana was signed in March, 1972 between the Botswana Commercial and General Workers Union and the Botswana Breweries Limited. The Mine Workers Union also entered its first collective labour agreement with the mining house, Bamangwato Concessions Limited in 1972, and with the De Beers Mining in 1973. The Botswana Bank Employees Union concluded its first collective labour agreement in 1974, with Barclays and Standard banks, the only two commercial banks in Botswana at that time [10]

The increase in formal employment has meant that, at least theoretically, that more workers have come into the labour market to support trade unions. These collective labour agreements were not just symbolic or just formal, but were indicative of the growing awareness on the part of trade unions in Botswana. They have also opened the way for more collective agreements by other unions and strengthened unionism in Botswana. Table 8.1 shows the various sectors of the economy and the corresponding levels of employment in these sectors.

TABLE 8.1
ESTIMATE NUMBER OF PAID EMPLOYEES BY ECONOMIC ACTIVITY (SELECTED YEARS)

ECONOMIC ACTIVITY	AUGUST 1981	SEPTEMBER 1985	AUGUST 1991
Agriculture	4,800	4,000	6,700
Mining & Quarrying	7,300	7,300	7,800
Manufacturing	6,400	9,900	26,000
Electricity & Water	1,600	1,900	2,500
Construction	15,200	11,500	33,800
Commerce	15,300	18,300	41,000
Transport & Communication	3,900	5,700	9,100
Finance & Business Services	4,900	6,800	16,100
Community & Personal Services	3,800	3,900	8,600
Education	1,600	1,900	2,500
TOTALS:			
Private	----	----	142,500
Parastatals	64,800	71,200*	11,800
Government**	32,600	45,600	68,500
TOTAL: All Sectors	97,400	116,800	222,800

SOURCE: STATISTICAL BULLETIN, SEPTEMBER, 1988; LABOUR STATISTICS, 1991.

* INCLUDES PRIVATE SECTOR
** INCLUDES LOCAL GOVERNMENT

TABLE 8.2
ESTIMATED NUMBER OF EMPLOYEES BY ECONOMIC ACTIVITY
SEX AND CITIZENSHIP (MARCH, 1991)

ECONOMIC ACTIVITY	MALE	FEMALE	CITIZENS TOTAL	NON-CITIZEN
Agriculture	4,717	782	5,499	177
Mining & Quarrying	6,977	470	7,447	359
Manufacturing	15,301	9,502	24,803	1,220
Electricity & Water	2,173	224	2,397	115
Construction	27,688	3,584	31,272	2,558
Commerce	19,336	20,421	39,757	1,288
Transport & Communication	6,921	1,777	8,698	392
Finance & Business Services	9,584	4,768	14,352	1,792
Community & Personal Services	5,047	2,884	7,931	615
Education	835	1,090	1,925	615
Sub-Totals:				
Private	89,722	44,106	133,828	6,673
Parastatal	8,857	2,396	11,253	521
TOTALS:				
Private & Parastatal	98,579	46,502	144,081	9,194
Central Government	39,361	23,105	62,466	2,079
Local Government	8,708	4,158	12,866	108
TOTAL ALL SECTORS	137,648	73,765	210,413	11,381

SOURCE: CENTRAL STATISTICS OFFICE, LABOUR STATISTICS, 1991

TABLE 8.3

REGISTERED TRADE UNIONS AND ESTIMATED MEMBERSHIP, OCTOBER, 1991

NAME OF UNION	HEADQUARTERS	ESTIMATED MEMBERSHIP
1. Manual workers Union	Gaborone	40000
2. Commercial and General Workers Union	Gaborone	8890
3. Construction Workers Union	Gaborone	8234
4. Mining Workers Union	Selibe-Phikwe	3401
5. Meat Workers Union	Lobatse	1665
6. Railways Workers Union	Gaborone	1125
7. Telecommunication Workers Union	Gaborone	700
8. Postal Services Workers Union	Gaborone	450
9. Bank Employees Union	Gaborone	400
10. Railways Senior Union	Mahalapye	230
11. Diamond Sorters and Valuers Union	Gaborone	212
12. Development Bank Staff Union	Gaborone	196
13. Railways Staff and Artisan Employers Union	Gaborone	174
14. Housing Co-operation Workers Union	Gaborone	152
15. Bank Union	Gaborone	150
16. Air Botswana Employees Union	Gaborone	104
17. Non-academic Staff Union (UB)	Gaborone	50
18. BAMB Workers Union	Gaborone	46
19. BPC Workers Union	Palapye	30
20. BVI Workers Union	Gaborone	30
	TOTAL=	66239

Source: Register of Trade Unions and Employers Organisations, Botswana Federation of Trade Unions, National Unions

Table 8.1 shows the key sectors in terms of employment, and also the trend in employment patterns. By August 1991, formal sector employment in Botswana stood at 222,800. Of these citizen employment stood at 211,413 (see Table 8.2). According to Table 8.1, the private sector has emerged as the largest employer. In August 1991, the private sector employment stood at 142,500 or 64 percent of total employment, followed by central government with employment level of 68,500 and parastatals with some 11,800 workers. The five dominant sectors in terms of employment are: Commerce 41,000; Construction 33,800; Manufacturing 26,000; Finance and Business 16,100. But with a total 36 percent of total employment, the state remains the largest single employer.

Table 8.2 gives a breakdown of formal sector employment by economic activities, sex and citizenship. The table shows that employment opportunities in Botswana are skewed in favour of males. Out of total formal sector employment, some 137,648 or 65.1 per cent of formal sector employees were males, and only 73,765 were females. There seem to be only one sector where females predominate at work, that is in the teaching profession. Non-citizen employment in Botswana is also quite high, accounting for about 11,381 or 5 percent of total employment. The most noticeable feature of non-citizen employment in Botswana is that most non-citizens are mostly employed in managerial, professional and technical jobs or supervisory positions (Lebang and Olsen, 1990), and as such, a large share of Botswana's income accrues to non-citizen employees.

In March, 1991, average non-citizen earnings were five times higher than that of citizen employees (Table 5.1). This disparity has always been justified on the grounds that government needed to attract skilled manpower from abroad, and to do this the wages policy allowed employers, including government, a leeway to pay expatriate workers "contract addition" which gave the expatriate workers more in terms of remuneration than a local employee with similar qualifications and experience.

The predominance of non-citizen employees in management positions have a historical explanation, and stems largely from the fact that at the time of independence, in 1966, Botswana's manpower resource base was virtually non-existent. As I have discussed this at length in the Introduction, I shall not repeat it here, suffice to point out that this wage disparity was deeply resented by the citizen employees and had been one of the factors that led to illegal strike actions by public officers, in an unprecedented violation of the country's laws banning strike by public officers (see Chapter 9).

Table 8.3 shows trade union membership in Botswana. By October 1991, total trade union membership stood at 66,239. Based on March, 1991, formal sector employment (see Table 8.2) this makes trade union density of 31 per cent. It is possible that trade union membership and trade union density in Botswana could be higher if the public sector workers were not denied the right to form and belong to trade unions. Compared with some developed capitalist countries where there has been a

decline in trade union membership, this is not a bad performance. In 1988 trade union density was highest in Sweden at 85.3 percent, and lowest in France at 12 percent. In Britain trade union density stood at 41.5 percent in the same year. (World Labour Report 1992:156).

By far the largest union in Botswana is the manual workers union. In October, 1991, the estimated membership of this union stood at 40,000, or about two thirds of the total trade union membership in Botswana. The manual workers union, is an organisation of the so-called industrial class employees in the state sector, that is in central government, local authorities and parastatals. The manual workers union therefore represents the "blue collar" section of the state workers. The "white collar" public sector employees belong to Botswana Civil Servants Association (BCSA), an "association" registered in terms of the Societies Act, rather than the Trade Unions and Employers Organisation's Act.

Next in line in terms of membership strength is the Botswana General and Commercial Workers Union (BCGU), with a membership of 8,890. The BCGU, it will be recalled from Chapter 6, is the only general union in Botswana. It was exempted from the restructuring process of the late 1960s. The next in line is the Botswana Construction Workers Union with a membership of 8,234, followed by the Mine Workers Union, with an estimated membership of 3,401, followed by the Meat Workers Union with a membership of 1,665, and the Railway Workers Union with 1,125. The rest of the unions are very small, with a membership of less than a thousand. However, these small trade

unions include the Bank Employees Union, which, despite its size is one of Botswana's best organised, well resourced and militant unions (See Chapter 9).

8.3 Collective Bargaining in Botswana.

One of the most striking features of the industrial relations system in Botswana concerns the weakness of organised labour vis a vis capital in the process of collective bargaining and or in negotiations on various labour issues, including the settlement of labour disputes. This fact was acknowledged by the former Commissioner of Labour. In the 1989 Annual Report, the commissioner pointed out that:

While the Labour Movement and Labour Department constitute a weaker and a weak partner respectively in the tripartite structure of our national labour relations machinery, the employer constitutes a strong partner. His representation is often by a mature and experienced personnel officer. In urban areas of Gaborone, Francistown, Selibe Phikwe, Lobatse, Orapa and Jwaneng, the employer's representative is often a retired top public officer, i.e. ex-Permanent Secretary, a lawyer or a representative of a consultancy company. [11].

But while it is true that BFTU is cash strapped and can not employ people of the calibre of a retired top civil servant or a top lawyer or labour economist, or a host of other experts that are found at BOCCIM, there are several other important reasons for its weakness. Certainly BFTU has a serious manpower problem but this is not the only problem that BFTU is faced with. There are two other problems, namely (a) lack of disclosure of information for collective bargaining, and (b) the absence of formal structures of collective bargaining. I will deal with the last problems first, and then return to the problem of manpower raised by the Commissioner of Labour.

It is doubtful, even in the event the BFTU can raise enough cash to hire experts to assist them in any collective bargaining, especially in wage and salary determination, that these people can do their work effectively. The TUEO Act stipulates that once a trade union has been registered, the employer is expected in terms of section 50(1) to deal with the trade union as the negotiating body in respect of all matters of employment. However, neither the TUEO Act nor Trade Disputes Act, (as amended), make any provisions for the disclosure of information for the purpose of collective bargaining.

In other words, although legally an employer is compelled to recognize a registered trade union, and deal with it in collective bargaining negotiations, the employer is not under any legal obligation to disclose to the workers side, the financial and other information concerning the company's performance. This is yet another strategy of labour control because it impedes the ability of trade unions to bargain effectively. Salamon (1987:245) defines disclosure of information for collective bargaining as:

[The] transfer to employee representative of information generated as an integral part of the managerial function of planning, controlling and decision making and traditionally retained within the exclusive possession of management.

In Botswana, the employer has no legal duty to keep his employees informed about the state of the enterprise. Most trade unionists have argued that they usually go to the negotiating table with no factual information or knowledge

that they can use to conduct a meaningful collective bargaining [13].

The question that arises is, what really is the significance of automatic recognition of trade unions, and the legal requirement that employers should negotiate with registered trade unions in their industries, whilst the management is under no obligation to give out information for that purpose? We are once again faced with a situation where the state gives with one hand and takes with the other.

Admittedly, the disclosure of information for the purpose of collective bargaining is a controversial and sensitive issue. Salamon (1987:247-248) argues that managers have always resisted the disclosure of information for various reasons. One reason that has been put forward by the managers is that in a competitive and conflictual environment of collective bargaining, the possession of knowledge by one party to the exclusion of the other is an important determinant of relative power relationship, and that any disclosure of such exclusive knowledge may affect the balance of power to the detriment of the management. Another reason given is that the disclosure of managerial information on a formal and regular basis may lead to pressure for the expansion of joint regulation into much wider areas of decision making, because the assumptions, logic and implications of such information may be questioned or debated by the recipients. The other reason that Salamon cites is that managers are reluctant to disclose information because it may be imprecise, and thus reflect adversely on their capability and credibility to manage.

In the developed capitalist countries like Britain, there exist a legal requirement for the disclosure of information for the purpose of collective bargaining. The question that remains is, what type of information to disclose. According to Salamon in Britain there exists a requirement to release to the workers side information without which the trade union negotiators will be to a material extent, impeded in carrying on such collective bargaining. For instance, Advisory, Conciliation, Arbitration Services (ACAS) Code of Practice provides guidance as to the range of information which management may be expected to disclose for purpose of collective bargaining. Such information will include information concerning the performance of the company, that is, data on productivity and efficiency; savings from increased productivity and output; return on capital invested; sales and the state of the order book. Companies may also be required to disclose financial information, that is, cost structures; gross and net profits, allocation of profits; sources of earnings; assets and liabilities; details of government financial assistance; transfer prices; loans to parent or subsidiary companies and interest charged (Salamon 1987:249-250).

As Salamon points out, however, this development must be seen in the right context, which is that, in a developed country such as Britain, there has been a general pressure within the society for more openness in political and governmental systems at all levels. The pressure on commerce and industry is therefore directly linked to these societal pressures.

However in small peripheral countries like Botswana, with their industrialization dependent on foreign investment, it is not easy to make such demands on foreign investors. As I have pointed out in Chapter 3, the international political economy of capitalism exerts pressures on the developing countries, and the peripheral state, in its quest for foreign investment. In turn exerts pressure and incapacitates the labour movement in various ways. Lack of disclosure of information is therefore one of the several mechanisms used to paralyse the trade union movement. This is the first handicap for union negotiators.

The second handicap concerns the absence of proper structures for collective bargaining. Although trade unions were compelled by law to organise along industrial lines, capital was allowed to remain amorphous, with no corresponding employer organisation. Martin Setlhare, former executive committee member of BFTU, and Deputy Administrative Secretary for Botswana Mine Workers Union in Selibe Phikwe, has argued that trade unions are made deliberately weak by being forced to negotiate at plant or enterprise level. He argued that the present employer's organisation, BOCCIM, is just a heterogeneous organisation of various employers. He argued:

BOCCIM can not address regulation of relationship between employers and employees. They are more concerned about profit. BOCCIM can not have a role in industrial relations because it is not an industrial organisation. Trade Unions in Botswana have been formed along industrial lines, but they have no counter-part employer organisation to negotiate with. What workers want is employer organisation to negotiate with, not to negotiate with the management of a particular plant or enterprise [14].

These views were also echoed by Johnson Motswarakgole, the National Organising Secretary of the largest union, the manual workers union, which represents the 40,000 industrial workers in central government, local authorities, and public corporations. He pointed out that the only collective agreement that exists is between the government and the union, and only affects workers in central government. There is no collective agreement with either local authorities or public corporations. He pointed out in our discussion:

The biggest problem facing our union is that although the union has been registered as one union in accordance with the Trades Union and Employers Organisation Act, we have three different employers. These employers have different powers and resources. We therefore have to negotiate separate agreements for members of one union. This presents obvious difficulties. Some members may feel that they are not adequately represented when their colleagues in other sectors gain better conditions or wages, and they are left behind. They do not understand that these employers have different resources. It is even difficult for industrial workers in local authorities to understand how they can not have the same conditions of service with their counterparts in central government. But we are negotiating with our three employers so that we can have common industrial class regulations to cover all manual workers throughout the country. We want one consultative machinery in which employer representative will face employer representative. At the moment industrial workers in local authorities are not covered by the Unified Local Government regulations. Each local authority controls its employees in its own ways. We are proposing a joint consultative machinery that will be comprised of council secretaries, and town clerks on the one hand, and ourselves on the other [15].

Now to return to the question of manpower. The Commissioner of Labour alluded to the fact that some of the weakness of the labour movement is that it does not have the calibre of manpower that the employers have. A similar criticism has already been voiced by Peter Olsen [16]. To the extent that this is true, it is related to the fact the TUEO Act plays a

part in weakening the strength of the unions, and thus strengthening the hand of capital.

As the BFTU Secretary General pointed out, the managers of capital have a habit of depriving the trade unions of their most educated and experienced leaders who had no sooner been elected into trade union office than the employer "kicks them upstairs" into "pseudo managerial" positions [17]. Once a worker has been promoted into a managerial position, they lose their trade union membership rights, because they are now members of the management. Section 61 (12)(c) of the TUEO Act defines a member of the management as:

an employee who is employed in a capacity that requires him to have full knowledge of the financial position of the undertaking or enterprise in which he is employed or gives him personal access to other confidential information relating to the conduct of his employers business".

The tactics of the managers of capital to "promote" educated and experienced trade unionists in order to silence them and at the same time weaken the trade union has become a very popular management weapon against trade unions in Botswana. Employees who have thus been promoted are not expected to have anything to do with a trade union, but may join a "staff" union. At the centre of the "bogus promotion" is whether an employee has the right not to accept promotion, especially if that promotion is viewed with suspicion by the employee or the union.

Although this tactic is alleged to have been used over the years, the first test case was only brought to court in 1990 in the case of Tamasiga V National Development Bank (NDB)

[18]. The applicant lost the case. The details of the case are that the applicant, who was a Senior Projects Officer at the NDB head office and the chairman of the staff union, was transferred to another post in Serowe, some 300 km north west of Gaborone.

Tamasiga refused the transfer and after some time his contract with the bank was terminated by the bank. The applicant appealed to the Labour Office, citing Section 27 of the Employment Act, which gives the employee the right to protest against termination of contract of employment. The Labour Officer confirmed the transfer and subsequent termination, but ordered that Tamasiga be awarded compensation equal to two months basic salary. Tamasiga then applied to the High Court for reinstatement. In his submission Tamasiga based his application for reinstatement, first, on the law of contract. He asked the court to rule in his favour on the grounds that the transfer was an unreasonable instruction as the position of Assistant Regional Manager did not exist and that this puts him at risk. He further argued that the transfer amounts to a demotion because whereas his present position entitled him to approve projects of up to P20,000, the position of Assistant Regional Manager limited him to projects of up to P10,000. He further argued that his academic qualifications, a BA degree in Economics and Statistics and an MBA, were those of Project Officers and not of a Regional Manager, and that the position of a Projects Officer is different in content, rank and status from that of Assistant Regional Manager.

Secondly, the applicant sought reinstatement because he believed that the transfer was a victimisation for his trade union activities, that is to say, the management wished to curtail or hamper his trade union activity by sending him to an isolated place and promoting him to the post of Assistant Regional Manager. The applicant invoked section 23 of Employment Act, which prohibits employers to terminate employment on the grounds of trade union membership. Tamasiga also told the Court that he has told his employer that he did not want to become a Assistant regional Manager and that he had decided to not to accept the offer.

In his ruling the judge said that there was no way that a letter of transfer could be construed as an offer that the applicant was entitled to accept or refuse. The judge referred to one of the bank's condition of service which said that "an employee shall be liable to serve in any branch of the bank within Botswana and to perform the bank's business anywhere outside Botswana". In his concluding remarks, the judge pointed out:

I have therefore come to the conclusion that there was an order of transfer and that order was lawful and not made with an ulterior motive of preventing the applicant rendering service to the Union. In any event, I pause here to point out that his salary was paid by the Bank. His first duty in terms of his employment was to the Bank and if he felt that he could not render service to both the Bank and the union then in my view he had to make a choice [19].

This on the surface seems a straight forward judicial pronouncement based on a sound and diligent interpretation of a contract of employment, but it is the analysis rather than surface interpretation, that is of interest to me here. This

judgement reveals the inequality embodied in the contract of employment under capitalist relations of production. In this relationship, the worker does not only surrender his capacity to work to the employer, but even cedes his right to accept or refuse redeployment. As Crouch (1977:4-5) points out:

At the core of both class relations and industrial relations is the economic relationship of domination and subordination: the labour contract. In exchange for his wages the worker places his labour at the disposal of the employer. This relationship is distinguished from other commercial contracts in that the worker accepts a role of subordination...For a specific wage payment the employer acquires a generalised capacity to control the labour... It may well be the case that within the terms of the relationship subordinates are occasionally able to exercise more situational "power"; but this should not obscure the fact that the employment relationship is necessarily one in which one party places itself under the control of the other.

In Chapter 3, I raised the issue of the rule of law and how this innocuous legal principle may actually conceal relations of domination and subordination. The judgement in *Tamasiga v NDB* is an example of how the principle of the rule of law conceals the fact that the applicant's interests are subordinate to that of the employer. This inequality enables the law to resolve a dispute by virtue of its power rather than its impartiality.

8.4 Settlement Procedures and Arbitration.

Although the Trade Disputes Act was amended in June 1992, to pave the way for the establishment of an Industrial Court, by March, 1994, the Industrial Court had still not been constituted. Labour disputes of both individual or collective nature are on appeal from the Commissioner of Labour or on instruction from the Minister, referred to the Permanent

Arbitrator for decision. Although in theory the Permanent Arbitrator has all the independence, he is a senior civil servant of the rank of Assistant Attorney-General. Secondly, section 20(2)(d) of the Trades Disputes Act clearly circumscribes the judicial independence of the Permanent Arbitrator by giving him a guide-line that stipulates that his judgement must take into account the social and economic policies of government. The Permanent Arbitrator's decisions must necessarily take on board social and economic policies of government, such as the wages policy. In both the letter and the spirit of the above section, the Permanent Arbitrator had to bear these in mind. It can be argued that the decisions of the Permanent Arbitrator were therefore judicial as well as political.

Up to March, 1990, only twelve cases had been referred to the Permanent Arbitrator for a decision. But most of these labour disputes were about rights involving the interpretation of individual labour law, and most of these have been disposed of at the level of the District Labour Office (Lebang and Olsen, 1990). Most of the grievances were primarily concerned with the statutory conditions of employment as per the Employment Act, breaches of contract by the employer in cases of unfair or unlawful dismissals. If the labour office found against the employer and the employer did not accept to reinstate the employee, then the employer would be asked to pay two months basic salary in lieu of notice.

According to Lebang and Olsen (1990), by 1989, the District Labour Offices around the country had recorded some 5478

individual grievances, with 4636 carried over from the previous years. They point out that although 4244 cases were settled in 1989 with a total of P274 253 being recovered from employers on behalf of the employees for breaches of statutory provisions of the Employment Act, some 5803 cases remained unsettled and were carried over into 1990. This is more than 10% of the 1989 private sector employment figures. But this is more than mere statistics. This points to the fact that in Botswana there is no security of employment. As most trade unionists argued, if all that the employer is required to do if he does not like an employee's face is to fire him and pay a compensation of only two months then it becomes nonsensical to talk about security of employment [20].

There are no known cases of individual disputes that have reached the Permanent Arbitrator. But the interesting feature is that like the individual disputes at the level of the labour officer, even collective disputes have mostly been over rights, as opposed to disputes over economic or political interests of the trade unions. For instance in 1989 the Bank Employees Union went on a strike for one week following a breakdown in negotiations.

The facts of the case are that following a dispute involving the interpretation of the collective agreement in which the Commissioner of Labour failed to bring the two parties together, the workers refused to return to work. Thereupon the Commissioner of Labour referred the matter to the Minister. The Minister declared the strike illegal in terms of the

Trades Dispute Act, and referred the matter to the Permanent Arbitrator for compulsory arbitration.

As I have pointed out already, when the matter is before the Permanent Arbitrator, any industrial action in pursuance of the dispute is illegal. However, the workers defied the law and stayed away for two more days after their strike was declared illegal, before their lawyers could persuade them to return to work. Meanwhile the management decided to deduct wages for those two days. This resulted in another dispute that was taken to the Permanent Arbitrator for voluntary arbitration. When the matter reached him, he found against the union because the workers had been on an illegal strike. The original grievance was dealt with a separate matter [21]

Another case of dispute over rights involved a non-unionised group of Batswana artisans who complained to the Commissioner of Labour because of pay discrimination. The matter was referred to voluntary arbitration. The local artisans had complained that their salaries were 40 percent lower than those of expatriate artisans from South Africa, who happened to have the same qualifications and experience as Batswana artisans, and that these pay differentials were discriminatory and contravened the Employment Act. The management defended themselves by arguing that the 40 percent differential was made up of allowances that government accepts as inducement for expatriates. However, because the basic salaries and the "allowances" were in a package, the arbitrator refused to accept the management argument and ordered that local artisans must be paid the same amount as their expatriate

counterparts. The ruling increased the local artisans salary by 40%. But because this was a voluntary arbitration, the management appealed to the High Court. The Court found that the Minister was wrong in ordering arbitration, and the decision was declared null and void [22].

The only case of a collective dispute that involved a dispute of economic interests of the workers was that of Botswana Mine Workers Union V BCL Botswana Mining Co [23]. The facts of the case are that the union proposed to management a 40 percent wage and salary increase across the board for certain grades. The management countered by saying that they wanted to negotiate the introduction of economic rents and the phasing out of subsidies to the workers. The union wanted the two issues to be discussed separately. This resulted in a deadlock, and the matter was referred to voluntary arbitration. The arbitrator agreed with the union that the two issues should be negotiated separately, and awarded the union a 30 percent wage increase as against their proposed 40 percent, but nevertheless substantially higher than the 10 percent suggested by the management.

What is of interest are the reasons for this award. The Arbitrator pointed out in his judgement that the union has a good case because in the first place, workers work a longer week than workers in the public sector whose wages and salaries have been raised by 10 percent recently. The arbitrator rejected the management's argument that the company will not be able to sustain the pay increase because the prices of metals are volatile. He said that the 10 percent

salary increase in the public sector was a cost of living award and not a wage and salary increase. He said that BCL has for a number of years not been profitable and was unable to meet its liabilities. However, there were now indications that the situation as has changed as the company has started paying its creditors and that the award "takes into account the sacrifices made by the employees of BCL during the lean years that the BCL went through". The Permanent Arbitrator observed:

The history of the union in this dispute of wage increase has shown remarkable appreciation of the circumstances under which BCL has been operating its mine. It has shown restraint in not asking for wage increases during the difficult periods during which the mine operated. It is only proper that when the company is making an operating profit that recognition be given to the fact that inflation has eroded whatever purchasing power the employees had, more so given their forbearance in making up for that loss of purchasing power. It is therefore unreasonable on the part of management to keep on insisting that the bad times are not over when the current two years in the history of the mine profits were made and legal liabilities were being met to ask the union to forego a modest increase [24].

The management were however told that the award does not preempt them from negotiating the introduction of economic rents or subsidies.

8.5 Sectionalism and Class Consciousness.

As I pointed out above, it was capitalism that brought about the working class in the first instance. As result trade unions have emerged not only as part of the capitalist economy, but they have also organised according to the capitalist division of labour. The sectional character of trade unions therefore derives from the sectional character of capitalism. Because trade unions are organised along sectional lines rather than class lines, there is a tendency for some

sections of the trade union movement to focus on the short term interests of particular groups of workers rather than the long term class interests (Kelly 1987:54-7). This has led to a problem of sectionalism in the working class movement. Sectionalism can be defined as a working class consciousness in which one's own group interests are placed above those of the other groups either within a trade union or between trade unions (Kelly 1987:131).

According to some trade union theorists , one important litmus test for the growth of class consciousness is whether trade unions are able to transcend the problem of sectionalism and develop a corporate consciousness, that is, identify their sectional interests with those of a large corporate body, such as national federation, and thus with the working class as a whole. Working class consciousness can also be judged by the transition from corporate consciousness to a more hegemonic interests, that is, when the working class as a whole identifies their interests with those of the society as a whole (Kelly 1987:88).

There are a few problems of sectionalism that are present in the trade union movement in Botswana. One of these problems concerns membership. Although trade union density at 30 per cent may be considered to be relatively high, trade union membership in Botswana seems not as high as it should be, considering that at least formally trade unions have the right to exist, and, as I point out in Chapter 6, trade unions do not have to negotiate for recognition. Ronald Baipidi, the BFTU secretary general pointed out in the interview that some

BFTU affiliates have not been giving the BFTU secretariat correct information on their membership because they want to avoid paying increased subscription to the BFTU. Subscription to the BFTU is based on the level of membership. According to Baipidi, some national unions have developed a tendency of giving the lowest figure in order to pay the lowest subscription. In fact when I was going through the files on trade unions annual returns at the office of the Registrar of Trade unions and Employers Organisations, I have also been surprised to find that trade unions had not had any increase in their membership for several years. This was surprising considering the fact that employment in Botswana has been on the increase for several years. According to Baipidi:

Workers have not yet been conscientized. They do see the value of belonging to trade unions. At the same time some workers have been threatened by employers that they would be sacked if they belong to trade unions. This is against the law. But when we try to investigate, workers do not come out because they fear victimisation. There is very little that we can do as BFTU to fight this anti-trade union activity [25].

Other problems pointed out by Baipidi include poor communication with affiliates. "The country is too big and we do have the resources to send out trade union organisers on education tours and recruitment drives. We prefer to use the available resources on seminars for those who have already joined", he argued. Other problems enumerated by Baipidi are (a) generation problem, (b) gender problem, (c) and commitment and support for ones trade unions. I shall discuss this briefly in turn.

On the problem of generation gap, Baipidi pointed out that this has manifested itself when it comes to adopting resolution for industrial actions, He said that older members are very conservative and have been a constraining factor on the younger ones who are more militant because they are aware that they are still marketable, and can go and look for another job. According to Baipidi when the union wants to call for a strike actions, the older members are reluctant. They say that they have to think about their families first.

On the problem of gender, Baipidi pointed out that some male members in some unions are opposed to paid maternity leave, saying that they are being overworked. "They say that it is unfair for women to go on maternity leave on full pay, when they [male workers] are the ones who are being overworked as a result of the women employees' absence". Baipidi pointed out that male workers are just jealous of the advantages that females get over them.

On the problem of commitment to trade unionism, Baipidi singled out the white collar workers as the least dedicated. He pointed out that when BFTU proposed that subscription to the national unions should be a check-off system, based on a percentage of ones 's salary it was the white collar workers who resisted, arguing that they will be paying more for identical services. At the same time, Baipidi argued, the white collar workers think they have everything, and only think about the union when they are fired. "The lower income group are the keen unionists" he pointed out. He continued:

The white collar workers are the least dedicated, if their attendance of our meetings is anything to go by. But look at the manual workers. They are the most militant and disciplined, and they support their union all the way. These are the most exploited workers. If the leadership calls for a strike action, they never hesitate. They have nothing to lose. They do not start thinking about housing and car loans when they have to take industrial action. They do not start worrying about where they will get the money to pay their instalments if they are fired. They have no loans with the company or the banks [26].

The problems of the labour movement in Botswana, some of which have been described by the secretary general can be better characterised by the concept of "interior determination", which involves the transmission of elements of bourgeois culture which become accepted and transmitted or even generated by the institutions of proletarian culture itself (Cohen and Henderson 1991).

For example the negative attitude or lack enthusiasm displaced by the white collar workers towards the trade union movement reveals how much they have internalised white collar mentality. They believe that because they are white collar workers, and have relatively good salaries and mortgages and car loans, they have everything they want. They are inclined to support the status quo, or at the very least, do not want to rock the boat. Thus to the list of strategies of control such as bonus schemes, pensions, gratuities, and promotions can be added benefits such as company or bank loans. It would seem that in Botswana, these strategies have met with some measure of success, in so far as they have separated "white collar" workers from their "blue collar" colleagues. As we can see in the remarks made by the secretary general, solidarity between the white collar workers and blue collar workers is very low.

The point to bear in mind about this particular problem sectionalism of the white collar workers is a result of the capitalist division of labour process into "white collar" and "blue collar". This is also a consequence of the degradation and fragmentation of the labour process under capitalism, into the such categories as "unskilled", "semi-skilled", "skilled" and "expert" workers. This degradation and fragmentation of the labour process created a privileged stratum or a "labour aristocracy" which has developed a work orientation that subjectively puts it on the side of capital, although objectively it remains part of the working class. Which explains why white collar workers do remember their trade unions, but only when they are in trouble.

In Botswana, this mentality has also been reinforced by another strategy of labour control, the creation of the so-called "staff unions" as a separate entity from the "regular" trade union of the "rank and file" workers. This sectionalism has actually been buttressed by law. The pity of it all, as Cohen and Henderson (1991) point out, is that this form of habituation is accepted and transmitted through proletarian culture and institutions.

8.6 CONCLUSION

The economic structure of pre-independence Botswana was in the main characterised by both undeveloped capitalist productive forces and uneven development of capitalist relations of production within the country itself. The working class was just too small and organisationally weak to conduct any

significant class struggle in a social formation whose relations of production were predominantly non-capitalist. This kind of economic structure placed limitations on the development of the working class and class struggle in the country. The strength of trade unions derive from the extent of the spread of capitalist relations on the ground, that is, in tandem with the development of capitalism.

As Marx (1968b) pointed out, capitalism has created for the mass of the people who have been transformed by the economic conditions into workers, a common situation and common interests. This mass is thus constituted as a class in itself, in relation to capital. This is indeed a very powerful insight and a recognition of the dialectical relationship between material conditions and the political and ideological forms. The development of trade unions in Botswana has been intricately bound with the development of capitalism in this country.

Although trade unions in Botswana are committed to working within the capitalist system, as I have shown in chapter 6 and earlier on in my discussion of collective bargaining in this chapter, they have nevertheless strived to fight for the interests of the workers even within the limits of that system. This is much demonstrated in several legal actions that trade unions have taken against various employers. It can be argued that the trade union movement in Botswana have at least fulfilled two important functions of the trade union movement, namely providing elementary resistance and defending the immediate economic interests of its members. Trade Unions

work well as far as they counteract, even if temporarily, the tendency of to a fall in the general rate of wages. Their great merit in their struggle to keep up wages is that they tend to keep up and to raise the standard of living of its members (Draper 1987:94-5)

Insofar as the trade unions can use their organisations in defence of their immediate legal, social, and economic interests of fighting the effects of exploitation, of retarding the downward movement in their standard of living and the miseries that capitalism imposes on them, then they are at least fulfilling the minimum expectations of the role of trade union. As Marx pointed out, trade union struggles are an indispensable means of holding up the spirit of the labouring masses, to prevent them from becoming apathetic, thoughtless, and more or less well fed instruments of production. Trade unions still remain the real organisation of the workers in which they carry out their daily struggles with capital (Draper 1978). At the very least, the workers are organised in organisations, they carry out their demands as an organisation, and not as individuals. This is by no means a sufficient condition for class struggle, but it is a necessary one.

According to Marx trade union struggles are class struggle, because in the course of its confrontation with capital, the workers become united in their trade unions, and the interests they defend become class interests, and the struggle of class against class is a political struggle. The extent to which trade union struggles in Botswana have become class struggles

or even political struggles is the subject of the chapter that I now turn to.

NOTES and REFERENCES.

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2. Motshidisi, 1975.
3. Motshidisi, 1975.
4. Report I/5/2977 H.181 folio 23(c). (a declassified Special Branch Report).
5. Special Branch Report.
6. Special Branch Report.
7. See G/L 679 H314 folio 27 (a declassified Special Branch Report).
8. See Memorandum sent under cover of HCO S 1093 dated 30/10/1962. The letter is dated 19/10/1962. I have not been able to establish the credentials of J S Longrigg.
9. Motshidisi, 1975.
10. See the letter from the District Commissioners Office, Lobatse, to Government Secretary, Mafeking, dated 25/1/1962.
11. See Molutsi, Mogalakwe and Mufune
12. See Department of Labour Annual Report, 1988, p33.
13. See Molutsi, Mogalakwe and Mufune, op cit.
14. Interview with Martin Setlhare, Administrative Secretary, BMWU, Selibe Phikwe, June 1990.
15. Interview with Johnson Motswarakgole
16. Interview with Peter Olsen, op cit.
17. Interview with Baipidi, op cit.
18. See Civil Case NO 116/91, in the matter between Tamasiga vs NDB and Johwa, 15th September, 1992.
19. ibid.
20. See Molutsi, Mogalakwe, and Mufune, op cit.
21. See judgement on Botswana Bank Employee Union versus Barclays Bank, 29th September, 1989.
22. Judgement on Local Artisans (Jwaneng Mine) vs Debswana Co (Pty) Management, Jwaneng, 28th December, 1989.
23. See Judgement on BMWU vs BCL Botswana Mining CO. 7/11/1989.

24. *ibid.*

CHAPTER 9.

CLASS ORGANIZATION AND CLASS STRUGGLES IN BOTSWANA.

INTRODUCTION.

The previous chapter has examined the development of trade union in Botswana in terms of their qualitative and quantitative aspects. I have argued, following Marx, that the trade unions are the real organisation of the working people, in which the workers carry on their daily struggles with capital. By organising in the course of the struggle, the working class becomes a self conscious class, that is, a class for itself, and the interests it defends become class interests.

The object of this Chapter is to show how workers in Botswana have striven, within the limits imposed on them by the capitalist state, to assert their autonomy, and to challenge the capitalist system. But as I have indicated in chapter 8, the trade union movement in Botswana accepts the reality of the capitalist system. The challenges that the trade unions pose to the capitalist system are not to eliminate the system, but to defend the immediate social and economic interests of the workers. That is to counteract the tendency of the capitalist production to push the value of labour to its bare minimum. To this end workers have resorted to illegal strike actions in a deliberate defiance of the law. It is argued that these challenges by the workers, although expressed in purely economic terms, do constitute low intensity class struggles that are going on in this country.

The major causative factor of strikes in Botswana has been the post-colonial wages policy that had been in place for almost two decades. Coupled with this has been the insistence by the government that any increases in wages and salaries all sectors of the economy must be kept in line with increases in wages in the public sector, and not so much with the rise in productivity. In a situation where the state, as the guarantor of private capital accumulation, intervenes in industrial relations and interferes with free collective bargaining, it transforms the trade union question into class question, and class question into a political question. The trade union struggles are longer "pure and simple", but political struggles against capital and the state.

I start by giving an overview of the trade unions and class struggle, and then examine strike actions in the private sector, looking at the strikes by Bank workers and the miners. I then turn to the examination of industrial conflict in the public sector, which has been spearheaded by the blue collar manual workers union and the white collar teachers organisations. To appreciate the value of these strikes, focus must not be on the immediate consequences, or even on the number of workers involved or on the duration of the strike actions, but on the fact that all these strikes were all illegal, and deliberately so [1].

9.1 Trade Unions and the Class Struggle.

While there is no consensus as to what constitutes a class struggle, it is generally accepted that these struggles relate to the distribution of the social wealth. Sandbrook and Cohen

(1975:199) argue that contemporary working class action in the African context, with its militant economism, should be understood in the context of the inequitable distribution of rewards in these countries. They argue:

Consumptionism on the part of the workers is undoubtedly stimulated by the contradiction between the political class's command that unions restrain wage and related demands in the public interest and its practice of self-enrichment and conspicuous consumption... [G]overnment, backed by a growing bureaucratic and commercial class, will deny increases in wages and services while at the same time swelling the power, privileges and earnings of the dominant economic groups.

Hyman (1975) argues that conflict in industry conventionally centres around the distribution of its products, the level of wages and salaries. He argues that it is the social pressures that encourage workers to express their grievances and aspirations in economic terms rather than as demands for control and creativity in work. He argues:

The pressures are reinforced by the institutional procedures of industrial relations: pay claims are readily negotiable, since they provide ample scope for bargaining and compromise; whereas non-wage demands often involve questions of principle on which compromise is far more difficult. Trade union officials, face with the power of capital, are normally far happier pursuing demands which offer reasonable prospects of peaceful settlement; hence workers' organisation reinforce the bias towards wage consciousness.

Class conflict can take various forms, ranging from disputes over such issues as the supervisor's attitude to the work force, to disputes over pay determination. They involve such actions as late coming, boycotts, sabotage of equipment, absenteeism, go-slow, overtime ban and work to rule, etc. Labour disputes can lead to strike actions of one type or another and can culminate with different consequences for both the employer and the employee.

But what makes a strike a class conflict or even a "low intensity class struggle"? Again there is no consensus. But I have been influenced by Marx's argument that economic conditions first transform the mass of the people into workers, and that their common situation and common interests then constitutes them as a class in itself, against capital, and in the ensuing struggles, this class becomes united as the interests of individual proletarians are generalised into class interests, and the interests it defends becomes class interests, and their struggle becomes struggle of class against class. Trade unions are therefore the real organisation of workers in which they carry out their daily struggles with capitalism, and it is the organisation of workers on a classwide scale, that is in trade unions, that tends to politicise the struggle (Draper, 1978:87-88).

Strike action is only one form, albeit the most visible form, of the class struggle. The American economist, Griffin (cited in Hyman 1989:17) defines a strike as a "temporary stoppage of work by a group of employees in order to express a grievance or enforce a demand". Expanding on this definition, Hyman points out three elements in a strike action: (a) that a strike is a temporary stoppage and that the workers intend to return to the same jobs with the same employer, who also normally views the stoppage in the same terms; (b) the action is a stoppage of work, and thus in principle at least distinct from an overtime ban or go-slow, and that (c) it is a collective action undertaken by a group of employees, and differs from refusal by tenants to pay rent or students to

attend lectures, acts which are called strikes only by analogy.

Hyman (1975:19-25) argues that an important characteristic which may distinguish different types of strikes is their duration. Hyman makes a distinction between a "demonstration strike" and a "trial of strength" strike. According to Hyman, a demonstration strike is an industrial action which is short lived and lasts only a few hours or a few days. This type of action involves what he calls "perishable disputes". The primary purpose of a demonstration strike is to call attention to a grievance, and strikers are usually willing to return to work to permit negotiations to take place even before concessions have been offered. Hyman argues that it is these types of strikes which are prevalent in Britain, and have proven highly effective in speeding negotiations towards an acceptable outcome. On the other hand there is a strike action which function as a "trial of strength" between employers and the workers, and lasts several days or even several months. This type of strike action is rare.

Strikes can be official and legal, that is, when established procedures have been followed, and the strike action is not declared illegal by the state. Strikes can also be official but illegal, that is when the proper procedures for a strike action such as balloting members have been followed, but the strike is declared illegal by the state. In Botswana there have been many short lived "demonstration strikes", sometime either official or unofficial (labelled "wild cat" by the state), but all invariably illegal. Most strikes have been

quickly resolved on the intervention of the Labour Department.
[2].

The important thing to note about the strike actions in Botswana is that like strike actions I have examined in Ghana, Kenya, and Zambia, they are more about wages, conditions of service, unfair labour practices, and bad industrial relations at the work place. These are the usual concerns of trade unionism and they reinforce the arguments I have made that strikes are more of defensive actions to protect the interests of the workers. They are a challenge to, rather than a overt attempt to overthrow, the capitalist system.

Botswana has also had its share of strikes of "trial of strength" type which have shaken the system. These are the strikes that I will concentrate on. At the end of this analysis, I will attempt a broader definition of a strike action that will reflect the situation as it exists on the ground.

9.2 Class Conflict in the Private Sector.

(a) *The Bank Workers Strikes.*

The first major industrial action by the private sector workers after the enactment of the Trade Unions Act and the Trades Dispute Act of 1969 came on the 25th, November, 1974, when about 700 members of the Botswana Bank Employees' Union went on an illegal strike for about a week as a result of a deadlock in negotiations over wages and other conditions of service (Cobbe, 1977; Moyo, 1981).

The dispute was about the pay differentials between local and expatriate staff salaries and the management's failure to implement the recommendations of a Commission of Inquiry on differentials between South African and Botswana rates that the trade union had argued were discriminatory. The banks, though British owned, were effectively managed from South Africa by largely white male South African managers. In 1970, the banks decided to increase only the salaries of the expatriates in the form of "special allowances". This was resented by the union, and the matter was taken up with the management in 1971, but it was not until July, 1973, that a one-man commission was asked to look into the dispute (Moyo 1981)

According to Moyo, the commission recommended that any differentials between the local staff and expatriates should be removed and that there should be one basic salary structure for all the employees, and that any allowance paid the expatriates must not be part of the basic salary. The commission also recommended that the local staff must be given back pays covering the period of the dispute.

By 1974, the banks had not fully implemented the recommendations. The union added more grievances to their original list, and accused the bank's management of retarding the pace of localisation. Another complaint was that banks' wages and salary structures, which were pegged to those of government by the Wages Policy Committee (WPC), failed to take into consideration longer working hours worked by bank employees. The union argued its members could not be compared

to state sector workers who work regular hours and argued that the comparison did not take into consideration fringe allowances paid to state sector workers. There was a deadlock and the union served the Commissioner of Labour with a strike notice.

On the 22, November, 1974, two days before the strike, the Minister banned the impending strike in an announcement in Government Gazette Extraordinary. The strike was declared illegal in terms of the Trade Disputes Act, on the grounds that the union had not exhausted the requirements of the Act. The workers resolved to go ahead with the strike anyway, and the strike commenced as planned on the 25th, November, 1975 and went on until 2nd, December, 1974.

After a week, the management warned workers to return to work or face dismissals. Cobbe points out that in spite of the return to work by the strikers, the banks awarded increases in wages and salaries shortly thereafter. Cobbe (1977) speculates that the intransigence of the management could also have been influenced by the government's attitude that Bank workers were already well paid in the relation to the majority of private sector workers and have no moral right to be asking for more pay.

The next major bank strike was in 1989, when some 592 workers belonging to Barclays Bank of Botswana went on a one week strike. The strike, which was described as the country's most devastating financial sector strike, was prompted by the bank management's decision to review the salaries and make a 10

percent wage offer to managerial staff without following the procedures of the collective labour agreement [3].

According to the union, such review and increments were in violation of the collective labour agreement entered into by the commercial banks and the Botswana Bank Employees Union [4]. The Department of Labour failed to persuade the workers to go back to work, and the Minister declared the strike illegal in terms of the Trade Disputes Act, and the matter was sent for compulsory arbitration.

The Permanent Arbitrator found that indeed the bank's decision to make salary increment without consulting the union was ultra vires the interests of the union. The arbitrator however, upheld the management's decision to deduct two days wages from the strikers pay packet on the grounds that workers had continued with the strike after it was declared illegal [5].

It is not possible to estimate the financial cost of the strike to Barclays Bank, but it must have been substantial because thereafter the Minister took the unprecedented action of declaring banking an essential service, effectively outlawing strikes in the financial sector. Since then there has been no other strike in this sector, and only time will tell what the future course of action will be.

(b) *Mine Workers Strikes.*

The first strike in the mining sector was at Orapa in 1974, when a group of machine operators and other workers went on a

three day "wild-cat" strike after a dispute over minimum wages. Orapa is a small remote but very modern town and hosts one of Botswana's major diamond mining operations: a high yield, capital intensive extractive mining operations and highly profitable to the De Beers group. According to Cobbe (1977) the workers had asked for wage increase and the company was ready to accede to the request. However, the government intervened and said that the workers were already being well paid in the terms of the wages policy. When the miners threatened to strike, the government backed down, and allowed the management to increase wages.

The defining moment for Botswana 's labour relations came in July, 1975, at Selibe Phikwe. Selibe Phikwe is a large copper nickel mine involving huge financial resources from American Metal Climax (AMAX) from USA and Anglo American Corporation of South Africa. Since coming on stream in 1970, the mine had been plagued by a series of technical problems that greatly delayed production and thus affected government revenue (Cooper,1978:244-277). The union had put forward a wage demand for a monthly minimum of R56.00 in their negotiations with the management. But the state, through the Wages Policy Committee (WPC) intervened and instructed that the appropriate minimum wage for Selibe Phikwe mine workers should be R40.00 a month (Ngidi, 1985). The management and the union could not come to any agreement concerning wage increase demands, and there was deadlock that was followed by a strike action. The strike was declared illegal in terms of the Trade Disputes Act.

The striking miners locked the main gate to the main smelter plant and some sections of the miners attacked expatriate workers who were coming to work in company cars. Units of the paramilitary force were sent in to disperse the strikers and restore law and order in the mine. During the ensuing fracas, more than 600 people were arrested. After the strike government authorised the management to fire all workers and re-employ them through a sifting process in which alleged ring leaders and "communists" were not re-employed (Cooper, 1977).

It was Seretse Khama, the President of Botswana who seemed to give succour to the management to do whatever they wanted with the striking workers. The President claimed that he had knowledge that the majority of the workers did not wish to participate in the strikes but were intimidated by a "hard core of politically motivated individuals who hope to reap political rewards from the chaos which could result" [6]. President Seretse Khama expressed concern about workers who, he argued, though comprising only a minority of Botswana, are trying to hold the nation "to ransom" through wage demands. He said that such demands were not in the interest of the nation, because these demands could scare away foreign investors.

The President also said that it is essential for Botswana's development that the country should continue to retain foreign investment and that this could only be done if the companies which invest in the country were allowed to obtain "a reasonable return on their investment". The President pointed out that illegal and unnecessary strikes have continued to such an extent that Botswana would lose its reputation as a

"stable and safe country to invest in" [7]. Thirty four trade union activists were later tried and sentenced to terms of imprisonment ranging from three to twelve months for charges including intimidation, riotous assembly and wanton destruction to property.

9.3 Class Conflict in the Public Sector.

(a) *Manual Workers Strikes, 1968/69.*

Workers' struggles in the public sector in Botswana have been spearheaded by the by the so-called "industrial class employees", who are organized in the Manual Workers Union, Botswana biggest trade union (see Chapter 8 above). This union is comprises the so-called "unskilled" workers like drivers, cleaners, garbage collectors, grave diggers, cooks, security guards, messengers etc, employed in central government, local authorities or parastatal organisations. Manual workers have a long history of militancy, and some people suspect that it was the manual workers militancy which prompted government to amend the Constitution in 1969, and introduce tighter controls on organised labour (Motshidisi, 1975).

It was on the 15th February, 1968, just a year after Botswana's gained independence, that the manual workers union, then called National Union of Government Manual Workers (NUGMW), voted for a strike action which was to last for ten days. The government departments involved were the Public Works Department (PWD) workshop in Gaborone, Government Printer, Central Stores, Botswana Agricultural College and Content Farm in Sebele in the outskirts of Gaborone.

The trade union cited the source of their grievances as low wages, unfair dismissals, lack of proper protective clothing and alleged that the clocking device has been tampered with to prolong the working day [8]. After the commencement of the strike, government issued a statement urging workers to go back to work as some of their demands have been met, and that a commission of inquiry would be appointed to look into their other grievances like hours of work and protective clothing [9]. The workers ignored the appeal from the government and stayed away from work. Thereafter, the government issued an ultimatum that workers should return to work before the end of the following day, or face dismissal. Only ten workers were reported to have returned to work before the deadline expired [10].

The following day a government spokesman announced that all workers who had not returned to work would have their contracts terminated and would lose their gratuity rights. The government also announced that those who wished to re-apply for reinstatement could do so. Thereafter it was reported that all the strikers who had defied the government's ultimatum had "gone back to their respective departments to seek employment". The PWD was reported to have re-employed all workers whilst the Government Printer refused re-employ seven of the twenty eight strikers [11].

In the meantime negotiations between the union leaders and government continued behind the scenes with union leaders insisting that all workers must be employed without pre-conditions and that workers should not lose their gratuity

rights. But government negotiators were adamant and insisted that workers who wanted re-employment must first re-apply. The government also refused to back down on its position that all workers who went on strikes and had refused to heed government ultimatum had lost their gratuity rights [12]. However, negotiation continued behind the scenes and on the 27th September, the government backed down. The Minister of State, Mr MPK Ngwako, told about 300 workers in Gaborone that government had decided that the workers who had been on strike would not lose their gratuity rights after all, although the days on strike would count against their leave [13].

Later it emerged that during the negotiations, workers had threatened to call a national wide general strike. But it is not clear whether this threat had carried any weight or what sort of compromise was reached behind the scenes. However, a few months after this strike, the Secretary General of the same trade union was reported as warning trade union activists about the danger of indulging in politics, and that the union had now decided in principle to persuade workers to cooperate with the government in the development of the country. The Secretary-General also warned the workers of the danger of ignoring their trade union [14].

(b) *The Teachers's Strikes.*

The position of white collar public sector workers is a vexed question. At the centre of the matter, as Fairbrother (1989) argues, is that employment in the public sector, especially in the welfare areas like education, health and administration, is not directly or exclusively defined by capital-labour

relation because these workers are more involved in the production of use-values, rather than surplus-value. Fairbrother (1989:192) argues in the context of teachers struggles in Britain that:

To appreciate the class position of the workers, it is necessary to consider the structural contradictions of their place in a capitalist society... On the one hand, workers in the welfare areas sell their labour power for wages as teachers, nurses, administrators, or clerical workers- on the other, these workers are employed in contexts where the "immediate purpose" of their labour is to produce use values, knowledge, health, shelter or to provide the means of participating in exchange relationships through income maintenance.

Fairbrother argues that state employment is a distinctive form of capitalist employment and that workers have increasingly displayed a capacity to organise and act in ways that indicate a recognition of their subordination as waged workers.

Thus in 1986, the Botswana's Teachers Union (BTU), the oldest workers organisation, started to crumble as a result of internal disputes when its ability to represent and articulate the aspirations of its members was questioned by the more youthful and militant members [15].

For more than 50 years of its existence, the BTU had represented all members of the teaching profession in the country. However, in 1986 the secondary school teachers broke away to form their own teachers organisation, called Botswana Federation of Secondary School Teachers (BOFESETE).

At its founding congress, held under the banner of "Mobilise for a democratic teacher's federation", the secondary school

teachers argued that the BTU was dominated by well paid headmasters of an older generation who were reluctant to challenge the state on any issue including conditions of service and pay. The teachers also argued that the organisation's leadership has abdicated its responsibilities to its membership because of its failure to challenge the government [16].

The secondary school teachers, who represent the young generation of Botswana teachers have come to resent the old guard in the leadership. They argued that the entire executive committee of the BTU consisted of Principals and Head Teachers who had benefited from the job evaluation exercise, and were the happiest beneficiaries of the exercise [17]. The teachers also accused the BTU leadership of being too complacent, timid, docile and acquiescent in its dealings with government; and that the BTU had been overtaken by events and had become irrelevant and could not adequately address issues that face teachers in contemporary Botswana [18].

BOFESETE's major grievance was low salaries. BOFESETE argued that the teachers were not being paid well and that they want to negotiate with government about their pay and other conditions of service. As I pointed out in Chapter 7 above, for public sector workers, except the industrial class employees, negotiation and collective bargaining are an anathema to the state, the employer.

Thus when BOFESETE first presented their application for registration, the Registrar refused to register the

organisation on the grounds that its constitution carried a clause which said that one of the objectives of BOFESETE was to negotiate with the government. After the offending cause was removed and other amendments made, BOFESETE was duly registered on 10th February, 1987 as an association, in accordance with the Societies Act, and not as trade union, as it would be the case under the Trade Unions Act.

After registration, BOFESETE faced another challenge to its existence. It now had to battle for recognition by the Ministry of Education. Apparently, the old guard in the Ministry of Education, some of whom had been promoted to their jobs after long teaching experience, were not favourably disposed to the "rebellious and confrontational" organisation [19].

The Chairperson informed the delegates that they had pleaded with the ministry officials and pointed out to them that by not recognizing BOFESETE they were acting contrary to the spirit of section 13(1) of the constitution, but that their plea had fallen on deaf ears. The refusal to recognize BOFESETE seemed to have been spearheaded by the Permanent Secretary of Education, who is reported to have labelled BOFESETE as a "divisive and sectarian organisation". The Permanent Secretary is said to have instructed all head teachers throughout Botswana not to help BOFESETE with any facilities [20].

BOFESETE carried on, and toward the end of 1987, about 500 teachers, all claiming to be members of BOFESETE, refused to

mark junior certificate examinations papers, in protest against conditions of service. They argued that accommodation was poor, that the food was bad and served under unhygienic conditions, and that the pay for marking examination papers was too low [21].

As the boycott continued, the ministry sent out letters to individual teachers threatening to charge them with insubordination and misconduct. The teachers, who are mostly university graduates, and therefore some of the most educated workers in Botswana, also saw an opening and tried to force a de facto recognition by the ministry. The strikers refused to have any dealing with the ministry officials except through BOFESETE. Its secretary-general, Serake Mfolwe, pointed out that the dispute could only be resolved by negotiations with BOFESETE. He argued that the striking markers were BOFESETE members, that the organisation is a legal organisation, whose constitution clearly states that it was the sole representative of the secondary school teachers [22]. BOFESETE was finally recognized by the new Minister of Education, Ray Molomo and his new Permanent Secretary, PO Molosi, following a cabinet reshuffle after the 1989 general elections [23].

Despite this long journey to recognition, the formation of BOFESETE seemed to have opened the floodgates of rebelliousness on the part of the teachers. On the 24th, November, 1987, eighteen Batswana lecturers at Molepolole College of Education and at Gaborone Polytechnic went on a two week strike and refused to mark examination scripts. Their grievances concerned salaries, housing, and the slow rate of

localisation. The strike was declared illegal in terms of the Public Service Act and the lecturers were ordered to go back to work. Later disciplinary action was taken against the teachers involved, and their salaries were reduced [24].

The biggest strike by white collar workers came in September, 1989, when more than 10,000 primary school teachers went on a four week strike in order to press their demands for higher salaries. Unlike BOFESETE, which boycotted examination markings, the action by the primary school amounted to a strike action in the classic sense.

Like all other strike actions in the country, the strike was declared illegal by the Minister of Education [25].

This is the background to the strike. Earlier that year, the mostly young primary school teachers followed in the footsteps of BOFESETE, and broke away from BTU to form a primary school teachers organisation called Botswana Primary School Teachers Association (BOPRITA).

BOPRITA had emerged spontaneously early in the year in protest against the recently completed job evaluation exercise. The teachers said that they were dissatisfied with the methods of the job evaluation which awarded more money to administrators like Headmasters and Principals, and less to teachers [26]. During the debate on the job evaluation a majority of teachers, again mostly young teachers, became increasingly disillusioned with the leadership of the BTU for its failure to defend the interests of the teaching profession, and resolved to go on strike [27].

Amidst threats of dismissal by the Permanent Secretary for Education, BOPRITA instructed a firm of lawyers to proceed against the Minister of Education and the Director of Unified Teaching Service and to ask the High Court to set aside as null and void the Job Evaluation recommendations as it applied to primary school teachers. The grounds cited by the teachers were that the job evaluation exercise was *ultra vires* the laws under which they had been employed and in breach of their contract of employment with their employer the state [28].

The case did not reach the court. Instead the ministry appointed a "Special Task Force" to deal with the grievances. The main objective was to examine the grading of all members of the teaching service, with particular reference to primary school teachers and to submit its report to the Ministry of Education for onward transmission to Cabinet [29]. The teachers were invited to send representatives. The matter did not reach the High Court, and a compromise was reached [30].

(c) *The Manual Workers Strike of 1991.*

The most recent and biggest strike yet in Botswana's labour history was launched by this section of Botswana's working class in November, 1991 when about 40,000 workers went on a one week strike following a breakdown in negotiations between the union and the state. This followed a dispute over wage claims and the interpretation of a collective agreement.

Workers felt the government had reneged on an agreement reached to raise their wages from P237 to P600 per month, an

increase of 154 percent. The wage negotiations had been going on for almost a year following the adoption of a new wages policy regarding of the public sector salary structure. As is the case in public sector employment in Botswana, these changes were not done through negotiations with the employee organisations [31].

According to Johnson Motshwarakgole, one of the union negotiators, when the government introduced a new wages policy, the union assumed that deregulation meant that wages will be determined through collective bargaining. On the basis of this assumption, the union appointed a sub-committee to devise a formula which the union could use in its negotiations with the government. According to Motshwarakgole:

The sub-committee resolved that the best way was to negotiate for a living wage and decided to calculate the living wage based official statistics on the cost of living. The committee relied on what the Central Statistics Office said was the basket of goods required to maintain an average family. To arrive at this the committee went to the shops and costed the items in the CSO basket and arrived at a figure of P600. The union went to the negotiating table with this information, and demanded a living wage of P600 a month, or an increase of 154 percent [32].

After protracted negotiations lasting several months, the National Joint Industrial Coordinating Council, (NJICC), a statutory body made up of union leaders and senior government officials from the Directorate of Public Service Management (DPSM), agreed that the 154 percent wage increase demanded by the manual workers was justified and reasonable. The NJICC then resolved to make recommendations to the "relevant authorities" for approval [33].

According to the collective labour agreement between the manual workers union and the government, the NJICC, which is chaired by the Deputy Director of DPSM, the second person in command of public sector employment, is the highest negotiating body [34]. It was the phrase "relevant authorities" that seemed to have caused a lot of confusion and much aggravation. For instance, when I asked Motshwarakgole, what he understood by the term "relevant authorities", he was of the view that it meant that the agreement will be taken to the minister just for a "signature". But what happened thereafter was a dramatic reversal of the understanding reached by the two parties [35].

After receiving the NJICC recommendation, the Director of DPSM asked his colleague at the all powerful Ministry of Finance and Development Planning (MFDP) to give an opinion. In a secret memorandum that was later leaked to a weekly newspaper, the Permanent Secretary of FMDP rejected the wage claim by the union, arguing amongst other things that the calculation of the living wage was erroneous, and argued that in fact the CSO basket shows that Poverty Datum Line is in fact P328. He argued that the union had used average prices instead of minimum prices.

The Permanent Secretary argued that the calculations of PDL assumes that people with lower income purchase goods from the cheapest possible source, but that the union has aimed at finding items which when added together would yield the P600 per month, thus justifying the 154 percent wage demand. He further argued that in any case wage determination can not be

based on the calculation of the Poverty Datum Line (PDL) alone, but has to take into account factors such as labour productivity and affordability by the employer to pay a specific wage rate [36].

The Permanent Secretary further argued that there is no basis to argue that union members' productivity has increased, and that manual workers are already better off than their counterparts in the private sector, and that any wage increase would precipitate wage demands in the private sector, and would have a ratchet effect on the public sector salary structure [37].

When the workers learnt about this opposition from the MFDP, they felt that government had reneged on the collective agreement and voted to go on strike for one week. After two days, the strike was declared illegal in terms of Trade Disputes Act, and the workers were warned to return to work or face summary dismissals. On the second day of the strike, it was announced that unless all the striking workers went back to work the following day, disciplinary action will be taken against them in terms of the Industrial Class Regulations [38].

The workers ignored the threats of dismissal and went ahead with the strike action. Four days after the warnings, the government carried out its threat and sacked its industrial class employees en masse, and instructed the local authorities and parastatals to do the same in accordance with the Industrial Class Regulations. These state that any employee

who absents himself from duty for two consecutive days without authorisation is automatically deemed to have terminated his services [39].

For the whole of that week workers in Gaborone, which had the largest number of manual workers would gather at the parking area of the African Mall, a small shopping area mostly for small businesses. The workers were joined by the University of Botswana students who came to demonstrate their solidarity with the university branch of the manual workers union. For the whole of that week, the whole shopping area was like a carnival, with workers and students *toyi-toying* (ANC dancing), and singing, despite acts of provocation by units of the paramilitary Special Support Group, which deliberately drove through the chanting crowd several times [40].

On the fifth and last day of the strike, there was an emergency cabinet meeting. After the meeting, it was announced through the radio station that all sacked employees were now advised to re-apply for their old jobs but were told that they would lose all their benefits. This was interpreted as a softening of government previous hard-line attitude, which, according a source, could have been the attitude of just one minister [41].

The government's reaction to the strike was given by the Minister of Public Administration, in a written address to Parliament. The Minister said that beside the fact that the strike action was unprocedural in terms of the union's own constitution and the Memorandum of Agreement entered into

between the union and government, the strike action was also illegal in terms of the Trade Dispute Act. The minister also pointed out that the wage demand was not in the national interest as it would have serious financial and economic implications. He said the wage increase would mean diverting resources that would otherwise have been spent on development projects such as building more schools, more roads and more clinics and reduce the general welfare of the nation as a whole. Some of the reasons that the Minister gave were that (a) an increase of wages for manual workers would result in similar demands by similar categories of workers in the private sector, where the salaries are even lower, (b) that such demands would result in marginal firms going out of business because of unaffordable labour costs, (c) that other firms may resort to automation, and that such transmission of wage increases into the rest of the economy would result in Botswana becoming a high wage economy. This, the minister cautioned, would defeat the government's objective of attracting foreign investment [42].

The union called off the strike after a week as planned in order to continue with negotiations. But instead of continuing with the negotiations, the Ministry of Finance and Development Planning announced that the government was going to appoint a Salaries Review Commission to look into public sector wages and salaries, and that the union would be invited to send representatives [43].

The union for its part decided to take the government to court and asked the High Court to declare the government in breach

of the collective agreement; order the government to abide by the agreement reached at NJICC and declare the government lockout to be in breach of the collective agreement and to declare the dismissal of all striking workers null and void, and unreasonable and unlawful [44].

The judgement was a compromise. The Court held that the matter was whether the decision of the NJICC had the effect of constituting a minimum wage of P600 per month or was a recommendation. The judge said that he was unable to order the implementation of that decision, and ordered that it must still be taken to the "relevant authorities" for a final decision. Significantly, the judge seemed to agree with the union that NJICC is the highest negotiating body. He even referred to the speech by both the minister responsible and the Director of Public Service management's implicit recognition of the NJICC, but insisted that the earlier statement by the Deputy Director, together with a letter from the Director himself to the effect that though the decision had been reached the matter still has to be taken to the relevant authorities left reasonable belief that the matter was not finalised. The judge concurred that the NJICC's recommendation had aroused legitimate expectations on the part of the employees, but ruled that the strike was nevertheless unofficial in terms of the union's constitution, and also illegal in terms of the law, and that the government's decision to lockout the workers was therefore not a breach of agreement. At the time of writing up this study, the manual workers union had decided to take the matter to the Court of Appeal [45].

The most interesting aspect of this strike is that even before the matter reached the High Court, the government announced that it has made a policy decision to offer an option of permanent and pensionable terms of employment to all serving industrial class workers. The directive further stated that all new employees will from the date of implementation of the directive be appointed on permanent and pensionable terms and conditions of service, and will not have any other option as this will be their first contract with the employer. In other words the manual workers are now going to be treated as white collar public officers and be governed by the Public Service Act, and not TUEO Act.

This move by the state is significant because what lies behind it is the assumption that by dressing manual workers in "white collar" terms and conditions of service, the government will no longer have any trouble from them. The Public Service Act, as I have noted in Chapter 6, prohibits workers from forming and belonging to trade unions, or from bargaining collectively with the employer, the state.

This move by the state seems to be a strategy to demobilise and incapacitate the manual workers, and remove, once and for all, the irritation caused by this section of the public sector workers. The state, which is the single largest employer, will now become the largest employer as new industrial workers come under the Directorate of Public Service Management (DPSM). Central government employment will

now account for about two thirds of total formal sector employment.

9.5 CONCLUSION.

A question may be posed as to whether trade union confrontations with the state or capital really constitute class struggles or are even adequate indicators of the class struggles. As I have shown these strikes have taken place mostly on the economic terrain. This question needs to be posed and answered because it has important political consequences which I intend to deal with it in the concluding chapter. Suffice to point out here that the strikes that I have described have taken place in circumstances that restrain free trade union activity and in spite of the legal restriction imposed by the state on strike activities.

According to Marx and Engels (1968b), the existence of the organisation of the workers, that is, the trade union movement, is a *sine qua non* for political struggle. The fight for political power emanates from the economic struggles. When the working class is not yet advanced in its organisation to undertake decisive campaign against the ruling class, it must at any rate be trained for this eventuality by continued agitation against, and hostile attitude towards the policies of the ruling class. Otherwise, Marx, argued, the working class would remain heart-broken, weak-minded, worn-out and unresisting play thing of the bourgeois, whose self-emancipation may prove impossible.

The fact that workers start by making the usual working class demands, for example, higher wages and improved conditions of service, but choose to go on an "illegal strike" when these are not met, or when they find the legal procedures too cumbersome, suggests that the strike is as much against such laws and procedures, as it is for the original demands. This action is never really planned with any great meticulousness, and is certainly not very calculative. The empirical analysis of the strike actions in Botswana, Ghana, Kenya, and Zambia, show that strikes are more often spontaneous, and only come after a breakdown in negotiations.

All the strikes in Botswana have been illegal and unofficial, and have ended up as rebelliousness against the state, than a direct result of grievances arising from failure to reach a settlement in collective bargaining. The strikes have therefore been directed against both wages policy and or labour law. This is because it is the legal procedures that often prevents workers from entering into any meaningful negotiations with the employer. I therefore disagree with Anderson (1978) when he argues that trade unions as institutions merely express class contradictions, but do not challenge the existence of capitalism. Actually they do. But this is not to say that they consciously or overtly want to overthrow the system. To challenge the status quo and to want to overthrow it are two different issues.

My own definition of a strike will therefore be that a strike is a spontaneous stoppage of work as result of accumulated grievances from the work place, stored in the collective

consciousness of the workers and aggravated by the negative response of the state and or capital. As this definition of a strike suggests, the grievances of the workers have to accumulate in their collective consciousness and be aggravated by the intransigence of the state and or capital. When the workers deliberately break the law of the land, thus expressing their disrespect for the state which is the upholder of such laws, the conflict now becomes political as well.

Waterman (1976:331) points out throughout industrial history, and across the contemporary world, the strike has been the most dramatic expression of wage protest, at once the most typical and the most extreme form in which the workers questions their socially allotted role. Like volcanic rumbling and explosions, they provide information about fundamental social structures and processes that are concealed by the appearance of every day industrial life. Strikes are the surface or the most visible manifestation of an ocean of turbulent contradictions (Shaheed 1979:182)

It is these "volcanic rumbling and explosions" that have continually shifted the balance of forces in favour of the working class, and as a result helped in the building of a relatively better conditions of service and standard of living for the working class in some capitalist countries. It was through the workers own struggles workers standards of living have significantly improved, not because of the benevolence of the state.

The final question that needs to be resolved in the light of the strike activities that I have described is, who has won in these confrontation between the state and labour or between capital and labour? A question posed in this way is false in the sense that it assumes that in the kind of struggles that I have analysed, there has to be a total victory for one of the parties to the conflict. Literature to support that argument will be difficult to come by. The reality is that both parties can justly claim victory, as they so often do. The labour movement can claim to have won the battle whilst the state and or capital can claim to have won the war.

The reality of the situation is described by Hyman (1989:22-23) when he argues that some strikes may end in capitulation by one side or the other, but usually a form of compromise is reached. Having endured the losses which a strike entails, both sides are normally determined to end with something to show for their pains even if unable to convincingly claim victory. This will have an impact on state policy. How the state policy can actually be affected by working struggles is the subject of the concluding chapter that I now turn to.

NOTES and REFERENCES.

1. For a quick survey of strike actions in the Third World, see Development and Change, Vol 10, no 2, 1979, published by Sage Publications under the theme "Third World Strikes", Institute of Social Studies, The Hague.
2. See the Department of Labour and Social Security's Annual Reports. Unfortunately, though the reports state that there have been a number of strikes, they do not give any breakdown of strikes in terms of the numbers of workers involved, strikers days, or financial loss to both workers and industry. This is a serious gap in data that has also weakened this chapter. The Commissioner of Labour has indicated to me that future reports will try to contain the information. This remains to be seen.
3. See Mmegi Wa Dikgang, 21/4/1989.
4. See Mmegi Wa Dikgang, 24/4/1989.
5. See the Permanent Arbitrator's judgement in Botswana Bank Employees' Union vs Barclays Bank of Botswana Ltd and others, 29/9/1989.
6. See Seretse Khama's address to the nation on the Selibe Phikwe strike on the 19th December, 1975.
7. Seretse Khama, op cit.
8. See Botswana Daily News of 19/7/1968.
9. Botswana Daily News, 24/7/1968
10. Botswana Daily News, 28/7/1968.
11. Botswana Daily News, 30/7/1968.
12. Botswana Daily News. 30/7/1968
13. Botswana Daily News, 27/9/1968.
14. Botswana Daily News, 28/6/1969.
15. Mmegi Wa Dikgang, 10/5/1986.
16. Mmegi Wa Dikgang, 7/7/1988.
17. Mmegi Wa Dikgang, 7/7/1989.
18. See BOFESETE Chairperson's Report at the Third National Congress, 11/9/1990.
19. Chairperson report, ibid.
20. See Mmegi Wa Dikgang, 12/9/1987.

21. *ibid.*
22. Mmegi Wa Dikgang, 21/11/1987.
23. Chairperson's report, *op cit.*
24. Chairpeson's report, *ibid.*
25. See Mmegi Wa Dikgang, 12/12/1987.
26. See the Botswana Guardian, 22/9/1989.
27. *ibid.*
28. See the letter from Kgoadi and Partners (Attorneys) to the Attorney General, reference opk/fmg 02034, 12/9/1989.
29. See Botswana Daily News 15/10/1989.
30. See the Botswana Guardian 6/3/1990.
31. See Ministry of Finance and Development Planning Personnel Directive NO 24 of 1990.
32. Interview with Johnson Motshwarakgole, National Organising Secretary of the Manual Workers Union and member of the union negotiating team, September, 1991.
33. Motshwarakgole, *op cit.* Also see the minutes of the NJICC, of the 12/7/ 1991.
34. See the Industrial Class Regulations.
35. Motshwarakgole
36. Letter from the Permanent Secretary, MFDP, to Director of Public Service Management. The letter was leaked to Mmegi Wa Dikgang weekly (25/11/1991), and published in full by the paper. At the time of writing, the editor and the reporter concerned are facing charges under the National Security Act.
37. Letter.
38. See Savingram reference DP 10/1/2/2 of 3/11/1991 from the Director of DPSM to all District Commissioners and Heads of Departments, and Savingram U.3/13 I (16) from the Establishment Secretary of Unified Local Government Service to all Town Clerks, Council and Landboard Secretaries.
39. Regulation 8.19 of chapter 8 of the Regulations for Industrial Employees, February, 1988.
40. I made a point of going to the African Mall as a non-participant observer of the strike. On the first

day of the strike, armed units of the para-military Special Support Group drove their Landrovers provocatively through the crowd of demonstrators. Luckily they were ignored. Later Motshwarakgole complained about the behaviour of the police.

41. Lt-Gen Merafhe (rtd), who is also the minister of Public Service, was rumoured to be the cabinet hard liner. Merafhe, who is a specially nominated minister was apparently accused by some of his cabinet colleagues that he was using strong arm tactics because he has no constituency, and therefore not responsible to the electorate.

42. See Merafhe's prepared speech to the National Assembly, in the Hansard no.105 of November, 1991, 102-106

43. See Public Service Directive NO 14 of 1992, 16/12/1992.

44 See Civil case NO 1604 of 1991, in the High Court of Botswana.

45. According to Motshwarakgole, line tours were arranged by the union to persuade its members to refuse to accept the option offered by government, and the government has also despatched officers from the department of Public Service Management to go and explain to the workers the advantages of converting to the new status.

CHAPTER TEN.

CONCLUSION: ORGANISED LABOUR IN THE THIRD PHASE.

10.1. State-Labour Relation Before the 1990s.

The previous chapters have given an historical overview and critique of the political economy of Botswana from the time of independence up to 1990. Through the examination of the character and the form of the state, I have been able to demonstrate that the post-colonial Botswana state is a capitalist state located in an emergent capitalist economy which it seeks to sustain through the process of private capital accumulation. To this end, the Botswana state, which is controlled by a petty bourgeois modernising elite, has imposed all manner of restriction upon the trade union movement.

I have argued that, notwithstanding its capitalist character, the form of the state is determined not by capital alone but by a constellation of class and non-class forces in struggle. The working class is a particularly important aspect of this constellation for two major reasons: firstly, because of the strategic place of the working class in the labour process; secondly, because of the political strength of organised labour in influencing the form of the state. Capitalism constitutes the mass of the workers as a class in itself; the development of trade unions begins to transform this class in itself into a class for itself.

In a formally liberal democratic capitalist country like Botswana, with regular elections, trade unions also may have

electoral significance, if their members are mobilised around social issues concerning the interests of the working class as a whole. As I have argued, following Zeitlin (1980), the state is the product of the historically specific constellation of class and other social relations, and its policies are a distorted reflection of the struggles for the realisation of contradictory interests through the state. This is a political struggle.

Admittedly, the trade union movement in Botswana is still small and relatively inexperienced. What is more, the trade union movement seems quite prepared to fight for its economic interests within the parameters of the capitalist system of production. The trade union movement seems to have accepted the reality of the capitalist system, even as it challenges elements of it from within. This is mainly because the working class is a product of the same system that it is challenging; the trade union struggle is defined by the terrain set by the capitalist system. The trade union movement in Botswana has done reasonably well in defending the economic interests of its members and keeping up pressures on wages, but not in linking up with any political form of the working class.

It was basically because of the development of capitalism in Botswana that working class organisation evolved in the form of trade unions. The economic growth policies of the post-colonial period and the consequent structural transformation that took place in the political economy of Botswana introduced in social terms three related processes: industrialisation, urbanisation and proletarianisation. All

these factors combined to give the working class and their organisation a much needed social weight (Fine 1990).

On the other hand, there was hostility and suspicion towards the trade union movement from the side of capital and the state. The post-colonial state reacted by restructuring and remodelling the trade unions, and at the same time enacted laws that prevented trade unions from organising in freedom.

One important element in the social weight of the trade union movement in liberal democratic capitalist countries has been the electoral power of the workers. Workers are not just workers, they are also voters. As Kelly (1988) has pointed out, several governments in Europe have been forced to accommodate to the demands of the mass of the working class or face electoral defeat. In Botswana, the opposition vote has also been growing steadily since independence. In the 1989 election the main opposition party, the Botswana National Front - a left populist grouping - won 27 percent of the popular vote, and the combined opposition vote in the urban areas, where workers are concentrated, was 56 percent. Most urban councils are controlled by the opposition parties (Parson 1990).

The social weight that the trade unions possess is demonstrated eloquently in their confrontations with the state and capital, given dramatic expression in strikes. Third World workers, through their trade unions, have shown immense capacity to act courageously against structures created by the state, thus proving that the trade unions are still the

"typical and universal organisation of the workers, the one that they can not do without, and through which they both discover and impose themselves on society" (Waterman 1977:58). According to Draper (1978), the working class is necessarily drawn into class struggle, insofar as capitalism fails to satisfy its economic and social aspirations. It is capitalism that compels and accustoms workers to struggle.

The social weight of Botswana workers, expressed both in strike actions and electoral defeats of the ruling party, has pushed the state to make limited reforms in labour legislation in the early 1990s. Speaking at the official opening of the seminar on the revision of labour law, the Minister of Labour stopped short of admitting this reason as a factor behind labour reforms. He argued that:

Because of government intervention, therefore, there is a danger of [labour] disputes being politically exploited and of government being accused of taking sides... the time has come for *new and independent* institutions to be established for the settlement of disputes... At the political level we must ensure that a situation does not develop whereby economic inequalities lead to social and political unrest, thereby destabilising the country as a whole... This a matter of balancing forces...The time has come to establish independent institutions, free of government, to which both employers and employees can turn if they are unable to settle their differences internally [1]

The state in Botswana has now began to move away from direct intervention in the country's industrial relations system. But this only means that the form of state intervention has changed, and not the essence of its intervention. For example, in his address to Parliament in November 1990, President Masire warned that, although labour laws were going to be

reviewed, the government would still have to ensure that industrial relations do not "degenerate into anarchy". To this end, he pointed out that the government would retain the right to intervene in industrial relations where it deemed it necessary and in the national interest [2]. However, the form of the state and its intervention in industrial relations, is important because it creates and defines the space within which labour can act.

This change has been most visibly marked by reforms of labour law in Botswana. In the next section I shall briefly summarise them.

10.2. Labour Legislation in the 1990s.

(a) The Employment Act (1992).

The Employment Act still remains the main labour law of the country and regulates the minimum conditions of service. In the 1992 amendments, Section 26 of the Act, which gave the employer the right to terminate contracts of employment where an employee was guilty of misconduct, has been amended to give a more precise definition of "serious misconduct". Before this amendment, the interpretation of 'serious misconduct' was the employer's prerogative. Section 27 of the Act, which gave the Commissioner of Labour the power to settle individual grievances, order reinstatement or compensation of two months in lieu of reinstatement for unfair dismissals, was repealed in anticipation of the establishment of an Industrial Court. But the Commissioner of Labour will continue to exercise powers of conciliation, although binding decisions can only be made by the Industrial Court [3].

(b) Trade Unions and Employers Organisation Act 1993.

This Act has been the most intrusive into trade unions' rights and freedoms. Strangely, this Act was left out of the public debate in the 1990 seminar. But its exclusion was not missed by the trade union leadership; it expressed disappointed that the Act had been excluded from the agenda for the debate [4]. Section 21 of the Act, which prevents trade unions from having full time officials, still remains, with a minor alteration to allow trade unions to continue to represent a member whose case is on appeal. Section 22, which restricts the unions from appointing full-time officials remains essentially the same. The amendment was for clarification, rather than for substantive change [5].

Section 30 of the Act, which gave the minister the power to send his representative to attend the meetings of BFTU's Executive or National Council meetings, has been repealed. Section 32 of the Act, which gave the Registrar of Trade Unions the power to inspect the books containing the minutes of the meetings of the executive committees of national unions or of the BFTU, has been repealed. Section 64 has been amended to allow trade unions to accept scholarships, or travel assistance, without the consent of the Minister. But trade unions still cannot accept financial assistance from outside Botswana without the consent of the Minister.

(c) Trades Disputes Act (1992).

The most important of the amendments to Botswana labour legislation were in the Trades Disputes Act. The Permanent Arbitrator has now been replaced by an Industrial Court, and the role of the Commissioner of Labour and the Minister in the

settlement of disputes has been greatly reduced. The Commissioner will still have a role to play in mediation and conciliation before a dispute can be referred to the Industrial Court. Similarly, the Minister still has a role where the dispute concerns an essential service. However, the final settlement of the dispute will be a matter for the Industrial Court. One important amendment to the Act is that it has consolidated individual and collective disputes. Whilst in the past, a dispute concerning an individual employee was regarded as an "individual grievance", the amendment has broadened the meaning of trade dispute to include individual grievances [6]

The Act also makes provisions for the establishment of Joint Industrial Councils (JICs). The absence of proper collective bargaining structures, especially on the employers' side, has long been an area of concern to trade unionists, but the establishment of the JICs has a sting in the tail for trade unions. A JIC can only be established by a joint application from a trade union and an employer's organisation which consider themselves to be sufficiently representative of employees and employers in that industry.

The application for the setting up of such a council will be made to the Commissioner of Labour, who will have to consult any other interested party to satisfy himself that the formation of such a council is desirable and practicable. The Act gives the Commissioner of Labour the power to refuse or cancel the registration of a JIC. Interestingly, an appeal can be made, but to the Minister, and not to the Industrial Court.

This means that it will be relatively easy for the employers to bring pressure to bear on the Minister not to establish JICs. After all, it has been the trade unionists who have been pressing for the establishment of JICs. The employers seem quite happy with the amorphous BOCCIM (the Botswana Chamber of Commerce, Industry and Manpower).

The question remains: are the employers ready to organise themselves along industrial lines and to form joint industrial councils? Only time can tell. Suffice to note that the establishment of JICs depends on the voluntary agreement of the two parties and is not a requirement. This gives the other party, especially the employers, a leeway. Flowing from my argument that it was the trade unions who called for the establishment of JICs and not the employers, it stands to reason that their formation in any sector of the economy will be a very contentious issue. This will be especially so because there are various employers of varying sizes and financial viability. The fact that any disagreement on the JIC will finally be resolved by a politician and not by the Industrial Court, re-politicises industrial relations and is likely to favour the employers.

From this summary of the amendments to labour laws, it can be seen that many restrictions that I have pointed out in the preceding chapters are still in place. The deregulation of the labour market should, therefore, be viewed as a change in the modality of state intervention in industrial relations rather than in its content: it does not give substantially more freedom to the unions.

The state is mainly seeking to impose new forms of subordination of labour to capital, as the old strategies became more unstable. The increasing number of illegal strikes of the last several years, some of which involved public officers, certainly points in that direction. Removing any threat to the political stability of the country is therefore an immediate task for the state elite as Botswana enters its third phase of capitalist development. With the establishment of an Industrial Court, they hope that they can in future beguile the workers by avowing "It is not the government. It is the Industrial Court", and in the same breath warn the workers to respect the rule of law. In order to support Botswana's capitalist development, the government thereby plans to avoid social upheaval.

The Botswana experience shows that though law can be used to ensure class domination, it has at the same time to be seen to be legitimate and acceptable by the dominated class. It is a good illustration, as Pritt (1972:6) argues, 'of the Marxist assertion that the law is one of the weapons of the ruling class in the class struggle'. At the same time it illustrates Pritt's claim that :

the law is determined not just by the ruling class, but rather by the results, varying from time to time as the struggle sways to and fro, of the conflict between the ruling class and the forces - especially the working class forces - opposed to it; that conflict may be as acute as ever, but is no longer as unequal as it was.

The ruling class is forced to make concession to the working class demands or risk disruption of both law and order and the

economy. Law is only useful only in so far as it can succeed in channelling discontent into safe areas and regulating human conduct by making it predictable. If it can not achieve this, then law becomes ineffective. Whether a strike ends in defeat, compromise or victory for workers adds a new dialectic to the state-labour relationship. This point is important to note because it is central to the notion of class struggle. Though labour law is, like other laws, made by lawyers and politicians as a form of social control, it is mainly about the activities, aspirations and hopes of ordinary workers and in the final analysis, it rests on the consent of the governed and can be made unenforceable if large numbers of people elect to break it.

10.3 The Future of Collective Bargaining.

It is still too early to say what the future of collective bargaining in Botswana is going to be. However, the partial withdrawal of the state from two decades of direct intervention in the economy and industrial relations and the introduction of the Industrial Councils and the Industrial Court increases the space for the working class in collective bargaining.

The biggest formal obstacle to collective bargaining remains lack of disclosure of information for that purpose. Recognition of trade unions by the employers in Botswana is not accompanied by an obligation on the part of the employer to disclose information. The question that remains is, can employers be regarded as negotiating in good faith when they continue to have a monopoly of information on company

financial records and future plans? Freeland and Davies (1983:107) point out that the disclosure of information for the purpose of facilitating collective bargaining is a crucial aspect of recognition. Disclosure of information does not only strengthen collective bargaining, but it also strengthens the hand of individual workers seeking to gauge their own prospects and job security within the enterprise.

The disclosure of information is at the heart of effective collective bargaining, particularly in cases like Botswana where relatively weak unions are denied all access to company information. Under these circumstances, 'collective bargaining' is neither collective nor bargaining, because one of the partners is kept in the dark about matters within the exclusive knowledge of the other but which are relevant to an agreement. The financial records and the prospects of the enterprise are relevant to wage negotiations; intended changes in production methods are equally significant for bargaining about possible redundancies and their consequences (Freeland and Davies 1983:10) .

This summary of the labour reforms of the 1990s exposes the limitations of capitalist democracy in the field of industrial relations in Botswana. These limitations serve to underline the argument I put in Chapter 2: that though the state is forced by the struggles of the working class to accommodate some of their demands and interests, this can only be done within the framework of ensuring sustained capital accumulation. In other words, the interests of the working class are accommodated by making compromises only on secondary

issues, without sacrificing the essential interests of capital.

The labour movement cannot escape subordination to the interests of capital even within liberal democratic regimes. Limited as they are, however, the labour reforms won from such regimes open important spaces that the labour movement can take advantage of. This is the point to which I now turn.

10.4 CONCLUSION: Social Movement Unionism.

Though the labour movements of emergent capitalist countries in the 'West' were the object of detailed analysis by Marx and Engels and were the subject around which they constructed their theory of social revolution, they never developed a systematic theory of trade unionism. Instead, the subject was touched upon at various stages over a period of fifty years, with the result that any Marxist theory of trade unionism has to be culled out and collated from those many writings (Moses, 1990). However, Marx's article on the role of trade unionism, Trade Unions: Their Past, Present and Future (Draper 1978:99-103), contains vital clues of his thinking, and in my judgment points in the direction of what has now become known as 'social movement unionism' [7].

Marx argued that trade union struggles are a basic form of working class struggle against capital; as such, trade union struggles are also political struggles. This view, however, does not represent the totality of Marx's perspective on trade unionism. Marx also cautioned trade unions against relying too

much on economic struggles. He cautioned that economic struggles are only short-lived. Trade unions, if confined to the economic terrain, will only be addressing the effects and not causes of their economic problems. He pointed out that trade unions have kept too aloof from wider *social* and *political* movements. Marx injected a normative element in his analysis of trade unionism and argued that trade unions should not be confined to local and immediate struggles with capital, but should 'awake to their historical mission': instead of fighting for a fair day's wage, to act against the system of wage slavery itself.

Marx argued that apart from their original purpose, trade unions should learn to act as organizing centres of the working class in the broad interests of its complete emancipation; to this end they should aid every social and political movement tending in that direction and consider themselves champions and representatives of the whole working class.

This was Marx's position and it is one which I am endorsing in this thesis. The question, however, for the present is this: How is this task - the linking of the economic struggles of trade unions and wider social and political struggles - to be accomplished?

According to Munck (1988:117-8), in countries such as Brazil, India and South Africa, trade unions have been increasingly reaching out to those sectors of the population which lie outside formal sector employment, such as rank-and-file church

workers, women's movements, community movements and other organisations traditionally seen as outside the labour movement. He argues that there is a growing confluence of interests and a gradual overcoming of previous social and political barriers, as some of these movements turn towards labour and in other cases labour turns towards them.

According to Munck (1988:119-21), in Brazil since the mid-1970s, neighbourhood movements have sprung up in big cities like Sao Paulo, and provided workers with a social base for support in their struggles. The struggles centred around issues such as housing, health care, running water and transport. He argues that the city was turned into a broad supportive network in which were constructed multiple and varied social spaces of solidarity. In India permanent workers' unions have taken up the cause of temporary or contract workers and there have been cases of industrial and even white collar unions extending their organisations to include rural labourers. There have also been acts of solidarity of unregistered casual workers with the registered workforce.

In the case of South Africa, Lambert (1988:32-35; see also Friedman 1987:1-9) argues that [before the advent of democracy] a brand of trade unionism evolved in South Africa that entailed a redefinition of the traditional role of trade unions to include not only factory issues, but also township living conditions. This necessitated alliances at both local and national levels, and linkages of campaigns on the shopfloor to local and national campaigns to deracialise and

democratise the South African state. According to Lambert, the main content of this brand of unionism was the conscious establishment of "structured" alliances with urban social movements at the local level, and political movements at the national level to challenge the existing structure of capitalist dominance in the spheres of the economy, civil society and the state.

The important thing to note about this brand of trade unionism in the case of Brazil and South Africa, is that it emerged under conditions of political repression and state surveillance. It is only in India that this brand of trade unionism has emerged under conditions of formally liberal capitalist democracy. What are the prospects for social movement trade unionism in Botswana?

The applicability of this brand of unionism to a liberal capitalist democracy may differ from that of an overtly repressive state. This is mainly due to the existence of other forms of political expressions in a formally liberal democratic regime. The shortcoming of Munck's account of the Indian situation is that it does not shed any light on how this brand of trade unionism articulated or related to political organisations, such as the Communist or Social Democratic parties, which are present in the Indian political landscape. The difficulty of this brand of trade unionism in conditions such as those of India and Botswana is that the state has supported in a variety of ways - politically, legally and ideologically - the separation of politics from economic struggles. Trade unions are expected to confine

themselves to economic issues and the welfare of their members only; any political issues are supposed to be the responsibility of political parties.

There are two points to note here. First, the social and community problems encountered in repressive political conditions are similar to those encountered in a liberal capitalist democracy. Second, even in a liberal capitalist democracy the state still defines the parameters of trade union activities. The difference is therefore one of form rather than essence. In this context, how can trade unions in a country such as Botswana adopt some form of social movement unionism?

Part of the answer is provided by Waterman (1993:266-7), when he gives ten suggestions (or propositions) for the creation of social movement trade unionism. These suggestions are intended to show how the traditional concerns of trade unions can be linked with broader struggles in contemporary capitalism. I shall not restate Waterman's suggestions but will attempt to condense them in the following way.

Waterman's argument is that social movement trade unionism is a brand of trade unionism which is struggling within and around waged work for better wages and conditions and for union control over the labour process as a whole, including the struggle for socially useful production. Such unionism should articulate with the movements of non-unionised or non-unionisable workers, take up social issues within the society

at large, and work for the continuing transformation of all social relationships and structures.

The prerequisite for such linkages is recognition that workers' struggles are not the only struggles in society, and that these struggles are bound to founder unless they are linked to 'non-class' struggles. The exact mix of Waterman's suggestions, that is whether links must be structured as in the South African case or left "loose", should, however, be left to those on the ground. Suffice to point out that Botswana is in need of urgent social reforms in many areas. The first area is its industrial relations system.

I have shown how a large number of workers have been denied the right of forming and belonging to trade unions. These are the public sector workers, such as central government workers, teachers, nurses and other health workers, and local government workers, and many other workers who are presently denied trade union rights, such as agricultural and domestic workers. The registered trade unions must realise that the exclusion of these workers from the ranks of the trade union movement is designed to cripple the registered trade unions themselves.

It would, therefore, be a crucial strategic move if the Botswana Federation of Trade Unions (BFTU) demanded the right of these workers to form and belong to trade unions (Waterman's propositions 3 and 7). Already teachers have taken the unprecedented step of engaging in strike action in the public sector, though the only support which they got from the

BFTU was a message of solidarity. In future it would be helpful if such actions were backed by more concrete forms of support from the registered trade unions: including regular consultations, solidarity meetings, and financial and logistical backing. All these can be done within the existing legal framework. In addition the possibility of illegal sympathy strikes should also be considered.

The second line of manoeuvre should be to link trade unions struggles with community struggles, but in a way that will not split the ranks of the labour movement (Waterman's propositions 4 and 8). It is a fact of life that some workers, for whatever reasons, are supporters of the ruling party. On the basis of this, an overtly political union may not succeed in Botswana. The question is, how do you link trade union struggles with community struggles without being political?

As I have already indicated, Botswana is a developing capitalist society. Its rapid economic growth policies and structural transformation have created many social imbalances that go beyond the immediate concerns of the labour movement. For example, infrastructural development is biased towards capitalist urban enclaves; in the rural areas where about seventy five percent of the people live it does not exist. People still travel long distances to get to the nearest clinics, schools and other social services centres. Agricultural subsidies still favour those with large cattle herds. In the urban areas there is an acute housing crisis which has resulted in exorbitant rentals. In Gaborone alone some 50,734 people are on the waiting list for houses [8].

There is no proper public transport and workers have to part with their meagre wages to get to work on expensive and badly run private taxis and mini-buses.

Though Botswana has a high GDP and per capita income, the distribution of both wealth and income is highly skewed, and there is a problem of child poverty and homelessness. The government is gradually introducing school fees; health care is no longer free; at the same time the government has increased military expenditure. The media, though formally free, is dominated by the ruling party.

These problems, such as cuts in public spending in social services, face the majority of the people in and outside formal sector employment; they provide a common ground on which the trade unions could take the initiative and reach out to the people at large. The most important factor is that, of all the organisations of civil society, trade unions possess an organisational and administrative infrastructure, collective identity, capacity to mobilise, and bargaining power through their potential to disrupt the economy. Trade unions, therefore, need to forge strategic alliances with at present weaker organisations of civil society to increase their social weight. These strategic alliances will be the most effective demonstrations by which the labour movement can convince the world that far from being narrow and selfish, it aims at the emancipation of society as a whole, while at the same time accelerating its forward march.

The labour movement in Botswana should wake up to the fact that a liberal democratic capitalist society such as Botswana, with a competitive system of elections, offers prospects of a more favourable terrain of struggle than fascism, dictatorship or one-party state systems. Fortunately, it appears that some trade unionists are already aware of the potential that Botswana's liberal democracy offers. For example, Ronald Baipidi, the Secretary General of BFTU, argues in connection with the recent amendments to labour law that the ruling party was panicking because it realised that it was losing seats, especially in the urban areas: "They acquired a political expert who advised them to bring the workers nearer, and to bring the workers nearer is to satisfy their needs" [9]. Johnson Motshwarakgole, the National Organising Secretary of the manual workers union, had this to say:

I think workers must participate in politics. We must listen to all parliamentary debates, and identify who says what, so that we can know who articulates our demands. By listening to parliamentary debates we will know who has our interests at heart. We will then inform our members in every constituency which MPs are for us and who are against us, and we will deal with them at the next election [10].

Though workers may suffer defeats they still have the political space to push their demands and thereby shift the balance of forces in their favour. Trade union struggles can, therefore, be economic as well as political. This is so regardless of the fact that their demands may not be explicitly posed in terms of the "class struggle".

As Marx (1953:93-94) said in his letter to Friedrich Bolte, the political movement of the working class has as its ultimate object the conquest of political power, but that this

requires a previous organisation of the working class which arises from economic struggles and then develops into the political arena. According to Marx, every movement in which the working class comes out as a class against the ruling class and tries to coerce them by pressure from without is a political movement. Here Marx used the example of the law of the eight-hour day: if the economic demands of the working class can succeed into being put into labour legislation, they are political because the class would have succeeded in enforcing its interests in a form possessing socially coercive force, namely law. In Marx's view, economic strikes and political struggles are on a continuum, rather than being two sides of a coin.

NOTES and REFERENCES.

1. Speech by Minister Balopi at the opening of the seminar on the Revision of Employment Act and Trade Disputes Act, August, 1990.
2. Botswana Daily News, 10/11/1994
- 3 See the Employment Act (Amendment) Bill, May, 1992.
4. See the speech by Ronald Baipidi at the above seminar.
5. Interview with Baipidi. See also Trade Unions and Employers Organisation (Amendment) Bill, 12 June, 1992.
6. See the Trades Disputes (Amendment) Bill of the 10th August, 1992.
7. I want to argue that this is the article by Marx that contains the germ of the theory of social movement unionism. However there are those who date this brand of trade unionism to very recent development. For example see Lambert (1988) and Waterman (1993).
8. See Mmegi Wa Dikgang, 8/4/1994, p.20. This was a Press Release from Botswana Housing Corporation.
9. Interview with Baipidi.
10. Interview with Motsharakgole.

APPENDIX A.

The following ten propositions are posited by Waterman (1993:266-7) as constituting preliminary definition of social movement unionism. This means a unionism which is

1. struggling within and around waged work, not simply for better wages and conditions but for increased worker and union control over the labour process, investments, new technology, relocation, subcontracting, training, and education policies; such strategies and struggles should be carried out in dialogue and common action with affected communities and interests so as to avoid conflicts (e.g., with environmentalists, with women) and positively increase the appeal of the demands;

2. Struggling against hierarchical, authoritarian and technocratic working methods and relations, for socially useful products, for a reduction in the hours of work, for the distribution of that which is available and necessary, for the sharing of domestic work, and for an increase in time for non-economic activity for cultural self-development and self realization.

3. Intimately articulated with the movement of other non-unionized or non unionizable working classes or categories (petty-commodity sector, homeworkers, peasants, housewives, technicians, and professionals);

4. Intimately articulated with other non or multi-class democratic movements (base movements of churches, women's, residents', ecological, human rights and peace movements, etc.);

5. Working for the continuing transformation of all social relationships and structures (economic, political, social, residential, domestic sexual) in a democratic and cooperative direction;

6. Intimately articulated with political forces (parties, fronts, and states) with similar orientations (ie, which recognize the value of a plurality of autonomous social forces in a transformatory project);

7. Intimately articulated with other potential allies as an autonomous, equal, and democratic partner, neither claiming to be, nor subordinating itself to, a vanguard or sovereign organisation of power;

8. Taking up the new social issues within society at large, as they arise for workers specifically and as they express themselves within the union itself (struggle against authoritarianism, bureaucracy, sexism racism etc.);

9. Favouring shop-floor democracy and encouraging direct horizontal relations both between workers and between the workers and other popular democratic social forces;

10. Favouring direct shop-floor, grassroots, and community contacts and solidarity internationally, both with workers and other popular or democratic forces, regardless of social system, ideology, or political identity.

APPENDIX B.

RESEARCH METHODOLOGY.

Research methodology is an interface between methodic practice, substantive theory, and epistemological underpinnings (Harvey 1990:1). Methodic practice refers to the way empirical data are collected, and ranges from observation through interviews to reading documents. Theory is a set of propositions that make a claim about the nature of the social world, and epistemology refers to the presuppositions about the nature of knowledge. Research methodology is therefore not just about data collection methods in themselves, but about the whole process of enquiry, which embraces conceptualisation of the problem, as well as the theoretical debates that surround it. According to Harvey, methodology is the point at which method, theory, and epistemology coalesce in an overt way in the process of directly investigating specific instances within the social world.

Admittedly, mainstream sociological research is dominated by the use of questionnaires, interviews, and participant observation. This study, however, falls within the tradition of historical sociology. Accordingly I have chosen the historical method. This method is the most appropriate for the chosen research topic. Typically, historical method relies on documentary and archival sources. The obvious advantage of this method is that it enables the researcher to take a longer term historical perspective. Thus I have been able to look at the political economy of Botswana, that is, the interaction of state policies, the structural changes in the economy and

class formation as a social process that has been unfolding overtime.

Whilst I accept that the use of questionnaires, depth interviewing and participant observation are respected sociological methods, they would not be particularly useful for this type of enquiry. To look for respondents whose recollection and interpretations of the historical development of Botswana goes back twenty five years is a task that would have been both difficult and time consuming. I have, however, carried out limited interviews with a few key informants and I have used the information they gave me wherever I thought there was a need to supplement my documents or archival materials.

Whilst the use of documentary sources may not be very popular in mainstream sociological research, document research is not anything new, having been extensively used by such classical sociologists as Marx, Weber, and Durkheim. Marx made extensive use of sources such as official statistics, Her Majesty Inspectors of Factories reports, reports by the Medical Officer of the Privy Council, Royal Commission and Inland Revenue Reports, and newspapers and periodicals. Weber made extensive use of religious tracts and pamphlets, whilst Durkheim relied on official statistics in his study of suicide (Harvey 1990; Scott 1990).

1.2 RESEARCH DESIGN.

Data was collected from the Botswana Federation of Trade Unions headquarters; Ministry of Labour and Home Affairs; Employment Policy Unit, the Ministry of Finance and Development Planning; Botswana National Archives; Botswana National Library and the British Newspaper Library, London. For data on economic growth, structural transformation and class formation, I have relied on official publications such as the National Development Plans, Labour Statistical Bulletins, Employment Surveys, and Labour Department's Annual Reports, and government papers. For data on income distribution I have relied on Household Income and Expenditure Survey and National Accounts reports and government commissioned consultancy reports. I have supplemented these with unpublished consultancy reports on wages policy and government ministers' speeches on the wages policy and trade unions. For state control of labour I have used statute laws on labour legislation. To this I added a comprehensive review of secondary material in the politics, sociology and economics of post-independence Botswana. I have also used trade union's commentaries on the wages policy and labour legislation and searched for relevant newspaper coverage of strikes activities, including government public reactions to strike actions.

Most of the documents I have used were of two types: state documents with archival access, and private documents, mainly Botswana Federation of Trade Unions (BFTU), with archival

access. Only on rare occasions have I used government documents of restricted access [1].

The general principles of handling documentary sources are no different from those applied to other areas of social research. In all cases data must be handled scientifically. although each source requires slightly different handling (Scott 1990:1-2). To this end I have applied Scott's criteria of quality control in handling documentary sources, namely authenticity, credibility, representativeness and meaning. Authenticity refers to whether the evidence is genuine and of unquestionable source; credibility refers to whether the evidence is free from distortion; representativeness refers to whether the evidence is typical of its kind, and meaning refers to whether the evidence is clear and comprehensible.

Authenticity of the evidence for analysis is the fundamental criterion in research. Thus I had to satisfy myself that all the documents were not forgeries and were indeed what they purported to be. Establishing the authenticity of government documents was not much of a problem. I got most of these documents either from the Government Printer or from various government offices. Although a possibility exists that an incorrect entry could have been made in the documents, for instance, some figures in the Labour Statistics do not always add up, I have regarded this as a genuine error and not a fraudulent activity. I have no reason to believe civil servants can deliberately "doctor" documents in order to mislead the public.

With regard to consultancy papers, it was also relatively easy to establish their authenticity because these were not picked from the streets or from unreliable sources, but were collected from the consumers themselves, that is, government or trade union officials. I had no reason to believe that I could be receiving false documents. For example, a consultancy report by Colclough and Olsen (1985) or the BFTU's Policy Proposal on the Regulation of Wages and Salaries, Prices, Profits, and Rents are examples of such documents which have been produced for consumers, the government and the trade unions respectively. On the question of authorship, I have taken for granted the names of the authors inscribed on the documents. For example, the first wages policy paper was produced by Professor Ghai, a consultant. But I regard such a document as an official Botswana government document because it has been endorsed and accepted by the government as its policy document on wages. I also suspect that several documents I have used were produced by experts, for example, the Household Income and Expenditure Survey report was probably produced by civil servants at the Central Statistics Office, and the BFTU policy proposals were probably written with the help of a consultant labour economist. The President and the minister's speeches on trade unions could have been written either by civil servants or with their help. But I have taken for granted that the speech is the work of the minister who delivered it.

On the question of credibility, that is, whether the documents consulted were free from distortion, I can only say that all the documents I have used were prepared independently and

beforehand. None of the documents were produced for my benefit. I therefore believe that they are sincere and could not have been altered for my benefit or to mislead me. The question of credibility also applies to my respondents. I believe that the views that these people expressed were made honestly regardless of the fact that they could have erred in fact or in judgment of the situation. As Scott (1990:22) points out, the question of credibility should concern the extent to which an observer is sincere in the choice of a point of view and in the attempt to record an accurate account from that chosen stand-point.

This point also applies to views expressed in the consultancy reports. I have no grounds to believe that the consultants have deliberately misled the consumers of the reports. Similarly, the views expressed by the trade unionists were made in their representative capacity. The extent to which their views reflect those of the rank and file is a matter that continues to bedevil representative democracy: the views of the representatives are not necessarily those of the people they represent. With regard to newspapers, I have ignored the reporters' comments on strike actions, and concentrated only on factual press statements or interviews of trade union leaders or government spokesmen. Any newspaper commentary used is acknowledged but not passed as fact.

The question of representativeness applies more to some documents than others. Documents such as Household Income and Expenditure Survey and Rural Income Distribution Survey were prepared by professional statisticians using generally

accepted sampling frames and random selection procedures. This is clear from the methodology section of these reports. The fact that some of the findings are actually embarrassing to the government testify to their representativeness and authenticity. But as to whether the documents I consulted were representative of the totality of all the relevant documents pertaining to a specific issue under investigation is difficult to say. I was dealing with bureaucracies of both the state and trade unions. Bureaucrats are notorious for secrecy, and as I point out below (see Section 1.5), I have been denied access to some files. However, I believe that speeches by the President and his cabinet colleagues accurately reflect the position of the Botswana government. There is no known case of a cabinet minister who has made a pro-trade union speech which could be atypical of the government stand. I can safely say that a speech by one minister, notwithstanding its particular nuances or personal idiosyncrasies, to a large extent represents or reflects state policy.

Finally, on the question of meaning, it is important to realise that the ultimate purpose of examining documents is to arrive at an understanding of the meaning and significance of what the document contains (Scott 1990:28) Another important point to be considered in the use of documentary sources is how to decide which inference to make from a document about matters other than the truth of its factual assertions (Platt 1980). For example, information on the growth of both Gross Domestic Product and per capita income is given in factual quantitative terms. On its own, this type of information may lead people to expect a more equitable distribution of income

and a higher standard of living. But when this information is read together with information on sectoral and structural changes in the economy, ownership and control of the means of production, employment patterns and income distribution, the picture gets more complicated. This is because statistics only give what can be called face value meaning. Statistics are only "raw materials" which must be interrogated and their real meaning reconstructed. One can only make sense of this welter of apparently disparate bits and pieces of information, by situating it within a theoretical context. It is the theory that re-orders these, and inferences come as a matter of interpretation of the raw material informed by theory. It is in this sense that Harvey talks of the methodology as a point where method, theory and epistemology coalesce to make sense make sense of the specific instances of the social world.

This study has looked at the issues that some of the economists and political scientists alluded to have raised. They have been discussed critically without negating the valuable contributions these economists and political scientists have made. The distinguishing characteristic of my study is its class analysis approach, in which critique is at the centre of the analysis. For instance, even though I have sometimes drawn from the same sources as some of the commentators on the political economy of Botswana, for example, Harvey and Lewis (1990), I come to a different conclusion on such issues as wages policy. Unlike these authors, I look at structural changes and formal sector employment as a process of proletarian class formation. While some of the documents I have used have also been used by the

very people who have often painted a rosy picture about Botswana, I have focused on the issue that they have left out, namely, state-labour relation. No social and economic development can take place without the involvement of its working people. The mode of production of the society determines the degree to which various classes benefit from such social and economic process.

1.3 RESEARCH TECHNIQUES.

The main technique I used here was document or text analysis, but in a very critical way. I call this critical analysis which is underpinned by a critical-dialectical perspective which attempts to dig beneath the surface of social structures in order to bring out the amazing complexity of what lies in, behind and beyond those structures (Strauss 1987; Harvey 1990). Critical social research involves the process of deconstruction. That is, rather than take a phenomenon such as wages policy at face value, I examine very closely to reveal its inner meaning and its consequences, and show how it relates to some other social phenomenon, namely private capital accumulation.

Both the wages policy and labour legislation are critically analysed to reveal how their wording, that is their language, is a form of discourse that subtly orders people's perceptions of the social structure and could be used to construct specific forms of social relationships and maintain the status quo. Language, whether written or spoken, subtly orders our perceptions of situations, and thus also constructs and creates social interaction. As Potter and Wetherell (1987:6) argue, social texts do not merely reflect or mirror objects, events and categories existing in the social world, but also actively construct a version of those objects, events, and categories. Language therefore has social and political implications.

No amount of rigorous interrogation of documents is sufficient to remove all doubts from a researcher's mind, especially when it comes to making inferences and drawing conclusions. This was an obvious pitfall that I had to avoid. To this end I have augmented my documentary and archival data by a few interviews with selected key informants. These key informants are people who have been active in Botswana's industrial relations field, and it was important to capture their perceptions, attitudes, views and feelings, and the meanings, and the interpretations they have given to certain events and situations, and to detect any conflicting attitudes and interpretations of the same events and situations (Hakim 1987:26-27).

My discussions with these key informants enabled me to gauge the perceptions and interpretations of these structures by the trade union movement. Most of the discussions helped me get the feel of what is happening in the industrial relations field in Botswana, and not necessarily for use in the analysis. However, where I have felt that I need to incorporate their views in the analysis, I have done so.

Since my interest was to analyse structure and action, rather than the subjective views of the actors involved, I have concentrated my analysis on state policy and how the workers have sought to oppose it. These represents what I call counter-discourses and counter-ideology generated by the labour movement as it gained more knowledge and experience. Of course action does not take place in silence, and the fact that there have been strikes at all in Botswana, shows the

development of working class consciousness and their readiness to act within the limits of these structures. But it is the strikes which are a practical manifestation of working class actions and consciousness. That is really what is central to my thesis, rather than subjective views of individual leaders and/or the rank and file.

1.4 Research Process.

Data collection was carried out in two successive stages. The first stage was the exploratory stage from mid-July to mid-September, 1990. It was during this exploration that a significant development took place and had a far reaching impact on my subsequent research activities, and actually influenced the whole research effort. This was the government publication and subsequent adoption of the Presidential Commission Report of 1990.

The publication of this report was followed by a three day seminar on the Revision of the Employment Act and the Trades Dispute Act. I attended the seminar as a non-participant observer. The seminar was convened by the Commissioner of Labour and brought together the main actors on Botswana industrial relations scene. The seminar was convened to discuss some of the recommendations of the Presidential Commission and their implications for future industrial relations in Botswana. It was during the debates that took place at the seminar that I realised that my initial assumptions were wrong. Botswana state intervention in the economy and industrial relations was not a permanent character of the post-Independence Botswana state. As I went through the

Presidential Commission Report, I realised that the new wages policy will have a significant implications for the labour movement. I had to recast some of my assumptions in order to capture this new reality.

This was one of the most exciting things about this research. Instead of designing a study and then collecting the necessary data, one would first obtain details of the contents of records and other documents as they became available, and then examine these against their theoretical starting point. For me this was exciting because I was able to reevaluate some of my theoretical assumptions, and thus gain a better understanding of the debates on state-labour relation.

For instance, I was view the government's reaction to workers' restiveness and the reforms (compromises) the state was trying to make, against the backgroud some of received state theories. I could see how the state tries to distance itself from the class conflict by pretending to be neutral. This came out very clearly in the opening speech by the Minister of Labour and Home Affairs. Part of the speech is quoted in Chapter Ten above. Although it can still be argued that the state is an instrument of the ruling class, how this instrument is actually used cannot be taken for granted, because the determining factors are the political and class relations and the balance of forces that emerge from such relations.

I realised then that Botswana's economic development was entering a new phase, or rather, that Botswana is leaving one

phase of development and entering another. It became clear to me that Botswana's first wages policy, which had been in place for 18 years, was just a phase in Botswana's development, and that the advent of the new wages policy marked the beginning of another phase. However, there is a common thread in both the old and wages policies: wage restraint. The new wages policy, however, now intends to deregulate the labour market, and for the purpose of this research, this was a very important turning point that I could not possibly ignore.

The second stage of my research was carried out on a part-time basis from September 1991 to June 1992. I had by now reformulated my approach and recast most of my questions. This was the time that I started collecting my data. I was lucky in that in January-March, 1992 I participated in a collaborative effort with colleagues from the Sociology Department of the University of Botswana on The Study of the Trade Unions and the Botswana Federation of Trade Unions (BFTU). The study mainly focused on organisational, management, financial and training needs of the trade unions. However, I was able to learn more, especially the impact of labour law on the organisation of the trade union movement as a whole.

1.5 Problems Encountered.

One major problem I encountered during the field work was limited information on industrial actions or strikes in the early period. The BFTU or its affiliates, even to day do not have proper offices or documentalists. Important strikes and other forms of industrial actions have not been properly documented. Even the Department of Labour Annual Reports are

a very recent development, the first such Annual report having been issued as recently as 1986, following the enactment of the Employment Act of 1982. But the Act only came into force on the 14th December, 1984. The Act requires the Minister to lay before Parliament the work of the Department each year. The reports have not been published on time, and at the time of writing up this thesis, the latest report in my possession was for the year 1990.

As if this was not bad enough, Botswana did not have an independent press until the 1980s. As a result, I had to rely on a government newspaper whose coverage of events was very much muted for obvious reasons; governments are not in the habit of giving the workers struggles publicity. However I have benefited tremendously from newspaper coverage of the strikes from the 1980's up to the present. That this is so is due to the existence of an independent press which only came into being in the mid-1980's.

The other problem is that I did not receive a lot of assistance from the Botswana Civil Servants Association officials. In fairness to them, they never said they do not want to talk to me, but the chief spokesman was always "busy", and could not find files on their submissions to Salaries Review Commissions, etc. Although our meetings were always interrupted by "urgent calls", he did indicate to me in between the calls, what some of his rank and file members feel on the question of unionisation. This is definitely something that I intend to follow up.

The other difficulty was access to the records of the National Employment, Manpower and Incomes Committee (Nemic), and the Wages Policy Committee (WPC), the two bodies that have been directly responsible for the implementation of the wages policy. Although these are supposed to be tripartite bodies, their records are confidential. Consequently whatever I learnt about NEMIC or WPC was from discussions with union officials or consultancy reports.

The other major problem encountered was the lack of statistical information on the number of strikes in a year, hours lost, financial losses to the employers, and strikers involved, etc. Although all strikes and their causes are reported to the Commissioner of Labour, as a legal requirement, to my dismay I have found that the annual reports by the office of the Commissioner of Labour do not give this statistical breakdown. Instead, the reports just say that there have been a number of illegal strikes and work stoppages, without actually stating the number of people involved. For instance a report will just say the whole labour force, or that X workers went on a strike, without indicating what percentage of the labour force was involved. However, these reports do show that industrial action in Botswana has been of very short duration, lasting from a few hours of work stoppage to one or two day "illegal" strikes.

These are the strikes that I have discussed in Chapter 9. However, my discussion on strikes relied mostly on newspaper reports. But again, as I have already stated, the private press in Botswana is a recent development. Consequently, I

have not been able to get the details of the strikes that took place before the advent of the free press. However, I have every confidence that the few strikes that I discuss in the study, will not leave anybody in doubt that Batswana workers have not been impotent playthings, but have often struggled within the limits of the repressive legal structure to confront both the state and capital.

1.6 Limitations of the Study .

But having stated what this thesis is about, it is also important to state what it is not about. This thesis is not about the development of either capitalist class or working class consciousness. Although these are very important aspects in the analysis of capitalist development anywhere, and in fact capital and labour exists in a dialectical relationship, I have for the purpose of this thesis left them out, especially because I wanted to concentrate on macro-structural issues within which these arise. I hope future researches on the state-labour relation in Botswana will address this very important issue.

Every method of inquiry has its weak points and strong points, and this applies no less to my own method than to other methods. The weaknesses and strengths of various research methods are subjects of on-going debates. Suffice it to say that I cannot pretend that I have risen above the fray of those debates. But where my conclusions or inferences could be seen as tendentious, I have tried to temper that by the generous use of official documents.

Notwithstanding all these problems, I have every confidence that the thesis is well researched, informed and up to date in so far as its object of analysis is concerned, to wit, the analysis of structures of repression and forms of worker resistance. To the best of my knowledge, this thesis is the first of its kind on the political economy of industrial relations in Botswana. It therefore has the shortcomings and imperfections of any pioneer work. It is the task of future research to go further and close any gaps, or provide an alternative analysis of Botswana's industrial relations system.

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1. See Scott (1990) Figure 1.2, page 42, on classification of documents..

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CASE NO 1604 of 1991

LIST OF KEY INFORMANTS.

BAIPIDI R. Secretary General, Botswana Federation of Trade Unions (27/8/1991).

MABILETSA I. Former Executive Committee member of Botswana Federation of Trade unions and Executive Committee member of BBEU (30/8/1990).

MOTSHIDISI K.K. First Secretary General, Botswana General Workers Union, and later Chief Industrial Relations Officer, and Commissioner of Labour, Department of Labour and Social Security (5/2/1992).

MOTSHWARAKGOLE J. Former Executive Committee member, Botswana Federation of Trade Unions. Now National Organising Secretary, Manual Workers Unions(4/11/1991).

OLSEN P. Former Chief Industrial Relations Officer. Now Labour Consultant (16/9/1991).

SALESHANDO D. Former Executive Committee member, Botswana Federation of Trade Unions. Now Executive Secretary, Botswana Manual Workers Union (14/11/1991).

SETLHARE E. Former Executive Committee member, Botswana Federation of Trade Unions. Now Deputy Executive Secretary, Botswana Manual Workers Union (14/11/1991).

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