# A Historical Review of the Controversy over U.S. Corporate Investments in *Apartheid* South Africa, 1960–1994

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#### **Abstract**

In 2014 a group of plaintiffs in the U.S. brought a lawsuit against U.S. corporations that had had business investments in South Africa during the apartheid era from the 1960s to the 1990s, on the grounds that their investments had provided material support for race-based human rights abuses in that country. This lawsuit, which was presented before a U.S. District Judge in Manhattan, Shira Scheindlin, was reviving a 12-year old case that sought to hold U.S. corporations liable for aiding and abetting the apartheid regime in perpetrating abuses, such as killings and torture. The plaintiffs contended that by supplying military vehicles and computers to the South African security forces, the U.S. companies had violated international law by encouraging human rights abuses (Sunday News Business, April, 2014). They argued that the U.S. companies had reinforced the apartheid regime materially by providing much-needed capital, technology and trade contacts which were critical to regime maintenance. This paper explores the long and chequered history of this controversy that began in the 1960s that provides the background for this litigation that now seeks compensation for apartheid era human rights violations, with potential damages in billions of dollars. It reviews this controversy by making a critical examination of the 'progressive force' argument that was proffered by U.S. corporations between 1960 and 1994 as a justification for investment in South Africa; against the argument presented by churches and civic society for disinvestment and withdrawal. It explores issues related to corporate social responsibility and social policy, and interrogates the U.S. companies' economic thesis that the introduction of business reforms at the corporations' South African plants would ultimately undermine racial segregation, and destroy apartheid, through an improvement in the contractual status of blacks in the labour force.

# **Key words:**

### Introduction

This controversy was initially sparked off by the increased international awareness of the evils of South Africa's apartheid system following the Sharpville incident, when 69 peaceful African demonstrators were shot dead by the South African police in 1960 as they protested the enactment of the Pass Laws (Corporate Information Centre, 1973, 17, 18; J.B. Bloom, 1986, 6). General American awareness, however,

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was heightened by the Soweto student demonstrations of 1976, where again the police fired on the more than 20,000 student demonstrators and mortally wounded several, and the related death of the Black Consciousness movement's leader Steve Biko in 1977 at the hands of police interrogators (Hauck, Voorhies & Goldberg, 1983, 1, 3). These events apparently angered many Americans and prompted many activists to call for an end to U.S. corporate involvement in South Africa. Activists compelled investors, legislatures and corporations to examine the issue of corporate social responsibility and reduce the level of U.S. investment in, and business dealings with, South Africa (Litvak, Degrasse & Tigue, 1978, 11, 12).

At the heart of the controversy over U.S. companies in South Africa was concern about the South African government's apartheid policies and the extent to which U.S. investment affected those policies. The controversy centered on two primary arguments; the argument for continued business involvement in South Africa, and the argument for withdrawal. The advocates of continued U.S. investment and business involvement in South Africa believed that American companies were a force for progressive change in South Africa and urged U.S. corporations to promote reforms both within and outside their workplaces. Their belief in the progressive role of U.S. business was based on the economic philosophy that, increased economic opportunities for Africans and an elevation in their standard of living would eventually lead to their full integration into South African society on all levels (Grundy, 1991, 58, 59; Coker, 1986, 77-80). In many respects, this paper is a critique of that economic thesis. The central question is whether economic development could have in the long term contributed to the destruction of the apartheid system.

The argument for disinvestment opposed the economic thesis that foreign investment and economic growth would ultimately challenge basic White supremacy and also questioned the effectiveness of corporate reform in achieving the same end. On the contrary, they argued that foreign investment and economic growth posed no threat to the apartheid system. Available evidence showed that U.S. investment in South Africa had actually bolstered the system. They argued that the capital supplied by American banks and businesses had actually eased South Africa's foreign exchange problems and made the country less vulnerable to international pressures for reform. They also argued that through the sale of certain products to the South African military and police, and through taxes paid to the South African government, U.S. companies were strengthening both the economy and military capability of the White regime, and the only moral alternative was for U.S. businesses to withdraw from South Africa (Litvak, 1978, 8, 38; Jackson, 1974, 94-102; Coker, 1986, 77; Corporate Information Center, 1973, 22-27)

The response of the U.S. corporations with operations in South Africa to the

increasing pressure to withdraw generally took the form of one of the following three ways. Firstly, some U.S. corporations chose to ignore the pressures from the activists and the calls for withdrawal, and continued doing business with South Africa, much as they had done before. Secondly, some major American banks were more responsive to the mounting pressure to display corporate social responsibility in their business dealings with South Africa, and from 1978 onwards, they stopped lending money to the South African government. Thirdly, some of the corporations chose to implement major reform measures in the way they did business in South Africa, especially in the creation of equal employment opportunities for Africans and Whites in their companies. The approach adopted by these companies was premised on a strong belief that business could be a progressive force in facilitating political change in South Africa. In 1977 the reformist business enterprises signed the Sullivan Principles of equal employment opportunity, and pledged to promote the training and advancement of Africans in the workplace (Hauck, Voorhies & Goldberg, 1983, 97-121; Myers, 1980, 93-99; Grundy, 1991, 62-63).

# The 'Progressive Force' Argument: Justification for Continued American Investment in Apartheid South Africa

In the 1970s and 1980s many U.S. corporations responded to the growing criticism of their operations in South Africa by introducing business reforms at their plants and argued that these reforms, which focused on improving the contractual status of blacks in the labour force, had the potential to facilitate political change in South Africa. This argument, which maintained that foreign capital had a constructive role to play in South Africa because the economic growth that it would stimulate would ultimately undermine and destroy Apartheid, was shared by almost all the U.S. corporations, and was the most frequently voiced justification for continued American investment in South Africa. The core of this argument, as expressed by the corporations, was the notion that, by spurring economic growth, American investments in South Africa would also raise the incomes and contractual status of black South Africans. This would eventually break down the country's racial political and economic barriers by fully and equally integrating blacks into the country's political and economic structures (Litvak, 1978, 11; Grundy, 1991, 58; Coker, 1986, 79; Church Information Center, 1973, 19-20). In this way, Apartheid would gradually be dismantled because further capitalist growth would be incompatible with the discriminatory Apartheid restrictions such as the reservation of certain jobs for Whites.

In 1972 General Motors' Executive Vice-President, E.M. Estes, outlined his company's reformist role in South Africa in a report presented to the Council on Religion and

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International Affairs (CRIA) that stated that, "General Motors will remain in South Africa and will continue to be in the forefront of progressive change" (Estes, 1972, 93). Similarly, in 1973 Ford Motor Company argued that "Ford believes that the industrialization of South Africa is bringing social and economic changes that will increasingly benefit all groups in that nation, and that the presence of Americanowned companies in South Africa is a positive factor in encouraging economic progress and equal opportunity" (McHenry, 1975). This belief was based on the economic thesis that an improvement in the contractual status of the black worker would automatically improve his political status as well.

This economic thesis maintained that through economic progress, the apartheid system would ultimately yield to the demands of a dynamic industrial economy because Whites, who comprised a small percentage of the population, would increasingly become unable to rely solely on themselves for the vital skilled labour and management jobs required by a growing economy. As a result, such apartheid restrictions as the Job Reservation Act, which stated that certain jobs were reserved for Whites only, would collapse (Hauck, Voorhies & Goldberg, 1983). According to this 'progress through growth' view, the gradual economic improvement of blacks would lead to a rise in their living standards, education would become more widespread, and eventually blacks would assume political responsibility. This business reform argument maintained that improvements in black wages, better training, promotion opportunities, and educational benefits to blacks would ultimately lead to the involvement of blacks in the political process. In other words, the reform of the political system in South Africa would follow automatically once the 'economic contradictions' had been resolved (Clifford-Vaughan, 1978; Coker, 1986, 79).

This implied that a change in the political status of black South Africans could not be expected until their economic condition had substantially improved. However, it has been observed that this economic philosophy failed to explain how changes in the contractual status of the black worker within the plant would improve his political status outside the corporate context, i.e. in the larger social and political context that existed outside the plant. Christopher Coker criticized this economic thesis for resting on an excessively mechanical interpretation of political actions as a kind of 'Pavlovian response' to economic pressures (First, Steele & Gurney, 1973; Coker, 1986, 77).

In response to the growing public criticism of their conduct in Southern Africa in the 1960s and 1970s, especially from churches, American corporations that had operations in South Africa began providing reform programs in areas of employment, job training, and education, in order to give more African and

Coloured South Africans new employment opportunities. From 1971 onwards, some corporations began making available reports that showed the improvements they had offered their Black employees by publicizing their wage scales, the new training and promotion opportunities they had offered, and other benefits. Such corporations included Polaroid Corporation, the Mobil Oil Corporation, the Ford Motor Company, I.T.T, the Chase Manhattan Bank, and General Motors Corporation (Church Information Center, 1973, 20-21).

Among the earliest American corporations that advocated the use of investment as a tool of reform was the Polaroid Corporation. Responding to protests in the Autumn of 1970 by its Black employees in Boston, Massachusetts, at its involvement in the production and processing of photographic material for South African Pass Books, and consequent demands for its withdrawal from South Africa, the management investigated the complaints and produced a report that advised against disinvestment but recommended a series of measures to improve the Company's conditions of employment. Polaroid reported that it would undertake a one-year 'experiment' of dramatically upgrading wages and benefits for Black employees and contributing to Black Education as its chosen way of opposing the Apartheid system (Church Information Center, 1973, 20-21; Coker, 1986, 81).

The response of other U.S. Corporations that had operations in South Africa to Polaroid's initiative was swift. By January 1972 General Motors, Chrysler and America Metal Climax had adopted similar programs of their own (Coker, 81). Many corporate executives were only too ready to introduce reform programs that, though limited to their subsidiaries, looked forward to the eventual repeal of most of the economic regulations of Apartheid, in particular the Job Reservation and Pass Law system which placed severe restrictions on labour mobility. After the Polaroid reform experiment many U.S. Investors began to believe that business reform was the key to change in South Africa. In July 1972 Mobil Oil Corporation disclosed its employment picture in South Africa at the request of the United Church Board for World Ministries of the United Church of Christ, noting the advances Blacks had made since 1962. Mobil maintained that; "What is needed for the continued improvement of the material well-being of non-Whites in South Africa is not disinvestment but greater investment" (Mobil Oil Corporation, 1972).

All the American corporations that disclosed information about their South African operations at the request of religious groups emphasized the reform theme. In 1973 Ford Motor Company made its South African operations public in its 'Special Informational Report to Stockholders' and seized the opportunity to state its conviction that the presence of American corporations in South Africa was a positive factor in encouraging economic progress and equal opportunity (Ford

Motor Co., April 27, 1973). In its presentation to church representatives in January 1973, I.T.T. expressed its conviction that productivity and enlightened employment policies were the proper course for American companies operating in South Africa and also expressed its commitment to remain in South Africa and 'work for the day of racial equality in South Africa' (I.T.T., Jan. 18, 1973). In 1973 the Chase Manhattan Bank expressed the view that all the transnational corporations that had operations in South Africa had an obligation to improve the educational and training opportunities available to their Black employees (Church Information Center, 1973, 21). Similarly, in 1972 General Motors also introduced changes in the operations of its subsidiary, G.M. South African (G.M.S.A.) in areas of employment, job training, and education, giving more blacks and coloured South Africans a variety of new employment opportunities (Church Information Center, 1973, 84).

However, the effectiveness of the business reforms as a vehicle for political change was limited by the larger milieu of South Africa's social and political system of apartheid. For example, despite any amount of assistance that the U.S. corporations could give Africans in the area of African housing, this assistance was extremely limited by the fact that Africans still had to live in a township and were not able to break out of the social and political pattern that existed there. There were also limitations in the area of job advancement because of explicit and implicit limits that the apartheid system imposed on the level to which non-white employees could rise. Although job reservation had been suspended in the case of the automobile industry, it was nevertheless on South Africa's law books and remained the foundation for the basic South African labour system. South Africa's racially segregatory educational system inevitably also limited the effectiveness of any kind of education program that U.S. corporations could establish at the work place (McHenry, 1974, 94-96).

In the final analysis, therefore, the effectiveness of all business reforms depended not alone on what the American company or any other transnational corporation did, but also depended upon the social and political situation that existed outside the plant, outside the corporate context. The fact that nothing had been done to eliminate the more than 200 laws that the South African government had introduced since 1948 that severely restricted the social and political life of the non-white employees inevitably proscribed the effectiveness of any corporate-initiated reform measures. The conclusion reached by most critics of U.S. investment in apartheid South Africa was that the benefits and improvements in working conditions instituted by companies at the work place would not in the long term contribute to the destruction of the social and political system of apartheid. On the contrary, they were essentially helping the country's economy.

After the brutal suppression of the 1976 student demonstrations in Soweto by the South African police, the controversy over the role of the motor industry in South Africa came to focus increasingly on the strategic role played by GMSA and Ford in South Africa through vehicle sales to the military and police. Criticism grew louder after the discovery that GM had a contingency plan for continuing production even in the event of 'serious civil unrest'. Pertinent questions were raised about GM and Ford's roles as forces for progressive social change in South Africa when they were a key component of South Africa's military effort. The American Committee on Africa criticized GM's contingency plan as evidence that the corporation's management viewed its interests as identical to the interests of the apartheid regime. In 1977 several church groups that were affiliated with the Interfaith Center requested GM and Ford to withdraw from South Africa because they supported the status quo. In 1979 the criticism intensified and several churches that were shareholders in the GM and Ford demanded that the two companies adopt a policy that bound them not to sell any vehicles to the South African police or military, and to ensure that their customers did not resell to the military either (Myers, 1980, 264-266).

However, GM and Ford resisted the suggestions that they should stop selling vehicles to the South African government on the grounds that these sales were critical to their financial well-being and that, if they stopped selling vehicles to the government, this would adversely affect their competitive position in bargaining for contracts to sell to other parts of the government. At the United Nations Public Hearings on Transnational Corporations in South Africa and Namibia held in 1985, GM reiterated this stand in the report that they submitted to the hearings, emphasizing that their withdrawal from South Africa would "eliminate the opportunity for General Motors South Africa to contribute to and promote needed change in that country" (U.N. Center on Transnational Corps., 1987, 87).

# The Disinvestment Argument

The call for disinvestment originated among private groups. The advocates for disinvestment in the U.S. included such organizations as the American Committee on Africa, the Washington Office on Africa, the American Friends Service Committee, Trans-Africa, the Interfaith Centre on Corporate Responsibility, African-Americans in general, diverse religious organizations, campus activists, and Africanist scholars. The stance adopted by critics of U.S. corporate involvement in South Africa was that foreign investment reinforced the South African regime materially by providing much-needed capital, technology, trade contacts, and by investing in such key industries as vehicles, energy, computers and mining, all of which were critical to regime maintenance. They argued that the economic thesis

that more foreign investment would create more skilled black labourers and eventually challenge basic white supremacy was flawed, and had not been proved over time. They pointed out that despite years of foreign investment the living conditions of blacks had not improved markedly by the late 1980s, and that the gap between blacks and whites had not narrowed in any way during that time. Furthermore, protectionist white trade unions had maintained the discriminatory wage and labour structure and the best jobs were usually reserved for whites (Church Information Center, 1973, 22).

Disinvestment critics drew attention to analyses by economists and sociologists that showed that the rapid increase in foreign investment in the 1960s had brought no substantial improvement in the standard of living for blacks but had actually contributed to the worsening of their condition. Statistics covering the period between 1960 and 1970 showed that black wages had actually declined during the period when foreign investment had been most rapid. Meanwhile, white incomes had more than doubled during that period (London Times, April 26, 1971). Furthermore, critics argued that the corporations' reform argument gave no attention to the sheer magnitude of the general poverty that blacks suffered in South Africa. For example, in the Soweto township outside Johannesburg, then the most economically active black area in South Africa, nearly 70% of the more than 600,000 blacks lived under the Poverty Datum Line (PDL) in 1972, which had been pegged at \$115 per month by the Johannesburg City Council and only covered bare essentials necessary for survival like food, fuel and transportation (Church Information Center, 1973, 23, 24).

Critics also drew attention to the fact that increased foreign investment had not contributed to the educational advancement of blacks either. The vast majority of Africans continued to receive only a rudimentary education, a situation which had not changed since 1953 when the government had established the Bantu Education Act. Furthermore, between 1950 and 1973 per capita government expenditure on what they termed 'Bantu Education' had fallen significantly. Blacks were provide inadequate primary and secondary schooling, as a result very few blacks were able to proceed to higher education, and were restricted from vocational and technical training schools by the regulations of exclusory white trade unions (Church Information Center, 1973, 23,24). In light of increasing evidence that foreign investors' reformist measures were not significantly improving the lot of blacks in South Africa under apartheid, many groups and individuals within and outside South Africa began calling for withdrawal of investment.

Church groups were among the most vocal in endorsing the principle of withdrawal. In 1972 the 'Churchmen Report on U.S. business in Southern Africa',

produced by an ecumenical team of 14 that had visited South Africa to report on U.S. involvement in that society concluded that;

"Most of us believe that American corporations should totally disengage from Southern Africa; that the presence of American corporations in which we are shareholders undergirds the system of racism, colonialism and apartheid which prevails in southern Africa" (Congressional Record, March 22, 1972)

In the 1980s disinvestment pressure intensified significantly. That decade witnessed increasing shareholder divestment of their funds from those U.S. corporations that were still involved in South Africa. Legislation was also passed in the U.S. that prevented such corporations from bidding on public service contracts in the U.S. As a result of these pressures, many corporations that had business links with South Africa increasingly faced the possibility of losing business in America (Litvak, Degrasse & McTigue, 1978). These pressures eventually caused more than half the U.S. corporations that had direct investments in South Africa to withdraw between 1984 and 1989. It has been observed that the significance of this divestment was that private groups, and the American public, had been able to bypass the U.S. government's foreign policy machinery and had effectively implemented sanctions against the racist regime (Grundy, 1991; Bloom, 1986; Coker, 1986; Myers, 1980)

# The U.S. Administration's Role

Many anti-apartheid activists of the time agreed that the focus of the controversy over U.S. companies in South Africa on 'business reforms' obscured rather than illuminated the central issue, which is the role that U.S. administration could have played in stimulating political change in South Africa (Barber & Spicer, 1979: Gray, 1986). For the most part, the U.S. government had no wish to pit itself into conflict with the South African government. Consequently it relied on voluntary decisions by the corporations themselves and preferred channeling its actions through intermediary bodies such as the business Council for International Understanding, and the African-American Chamber of Commerce.

In the 1970s the Nixon Administration pursued a more or less neutral policy towards South Africa that neither encouraged nor discouraged investment by U.S. corporations in South Africa. The State Department was completely opposed to a mandatory code of conduct that would have compelled all American corporations doing business with the apartheid government to adopt specific employment practices. It warned that any attempt to introduce such a code of conduct had the potential to force many companies to disinvest at precisely the time that their presence was needed. In the end the Nixon administration adopted

a do-nothing policy and confined its actions to encouragement of American businessmen to ensure conditions of employment that were 'consistent with American expectations' (Coker, 1986, 81). However, it is clear that the reform efforts of American corporations alone were unlikely to prove decisive without assistance from the U.S. government.

President Gerald Ford's administration, like Nixon before him, also adopted a neutral policy towards South Africa. Ford's policy favoured encouraging gradual change in South Africa and the avoidance of a major confrontation with the South African government. This do-nothing policy was characterized by vocal expressions of U.S. opposition to apartheid on the one hand, and a gentle prodding of U.S. investors on the other, urging them to become forces for progressive change by introducing better labour practices (Hauck, Voorhies & Goldberg, 1983).

Following the brutal repression of the Soweto student uprising in 1976 by the South African police, outraged anti-apartheid activists had hoped that the U.S. would introduce some changes in its foreign policy towards the white minority regime of South Africa. In 1976 Jimmy Carter's administration introduced a policy to restrict the sale of computers and computer technology to the South African military and police. This was a significant change from Ford's do-nothing policy and apparently ended the sales to the military and police. In February 1978 the Carter administration extended this restriction to cover all sales of vehicles produced by U.S. auto-corporations to the military and the police (Seidman, 1977; Litvak, Degrasse, McTigue, 1978; Hauck, Voorhies & Goldberg, 1983) .

With the election of Ronald Reagan to office in 1981, the advances made under the Carter administration were lost as the Reagan administration eased many of the trade restrictions that had been introduced by the Carter administration in the 1970s. In 1981 the Reagan administration amended the 1978 regulations to permit the sale of medical supplied and anti-hijacking equipment to the South African military and police. In 1982 the Reagan administration went further and granted export licences to four U.S. aircraft manufacturers that were competing to sell six planes to the South African airforce to be used as ambulances. Antiapartheid activists quickly voiced their opposition to the sale of any type of aircraft to the South African military and police but the U.S. Commerce Department defended the decision by arguing that the use of aircraft for medical purposes could be considered 'a civilian use'. Easing trade restrictions against South Africa was a central element in the Reagan administration's policy of Constructive Engagement in Southern Africa, and was characterized by a growing level of direct U.S. involvement in South Africa. In the final analysis, all the U.S. Administrations since Nixon maintained normal diplomatic and commercial relations with South Africa (Coker, 1986; Hauck, Voorhies & Goldberg, 1983).

### Conclusion

It has been argued that the general reluctance of successive U.S. administrations to commit themselves to action against the apartheid regime reflected a desire to protect American strategic interests in the region including, the Cape sea route, access to important minerals in the country, U.S. trade and investment, and to minimize Soviet influence in Southern Africa. It is clear, however, that, whereas the broad strategic interests, such as securing the unimpeded use of the Cape searoute along which much of the West's oil passed, and curbing Communist influence in the region, were clearly of great strategic importance to the U.S., its economic stake in South Africa was relatively small. This needs to be put into its proper perspective.

Firstly, direct U.S. investment in South Africa in the 1980s amounted to about \$2 billion dollars (compared with \$6 billion for the United Kingdom), which also amounted to about 17% of total foreign investment in South Africa, and 1% of the U.S.'s total investments in the world. Secondly, the 350 U.S. corporations that had investments in South Africa employed about 70,000 blacks, which amounted to only 2% of the total black labour force in the country. Consequently, the U.S.'s trade with South Africa, though important, was only a fraction of its world commerce. The only critical area for the U.S. was the purchase of several key minerals, i.e. chromium, manganese, platinum and vanadium, which were important to a wide range of U.S. industries. Even considering this, the profile of total U.S. economic interests in South Africa was still modest (Study Commission on US Policy, 1986, 420-421; Thompson, 1985, 156-157).

Hence an explanation for the U.S.'s do-nothing policy towards the apartheid regime, which was characterized by avoidance of a major confrontation with the South African government, must be found elsewhere, not in the need to protect vital economic interests. The answer seems to lie in the vulnerability of America's racially divided society to the possibility the eventual outbreak of a race war in South Africa that could have serious ramifications in the U.S. Beginning in the 1960s and well into next two decades, American society was characterized by polarized race relations between whites and African-Americans, and the Civil Rights movement that sought to eradicate the structure of white supremacy in America. Many civil rights organizations had emerged that championed the cause of "full" integration of blacks into American society. These ranged from the moderate wing of black reformers like the National Association for the Advancement of Coloured (NAACP), to the more militant groups like the Black Panthers (Simmons & Morris, 1972, 277). So, in many ways the racial polarization in America in the 1960s, '70s, and '80s was no different to the racial situation in South Africa, making this a special concern to the U.S. government.

The Report of the Study Commission on U.S. Policy Toward Southern Africa, which was published in 1986, accurately captured this concern. They observed that;

"If open conflict should break out between white and black in South Africa – and in particular if the Communists should choose to help wage a "war of liberation" against the white regime – the United States would face difficult questions in deciding how to react. Many Americans - black and white – would have intense feelings about events there, and strong, conflicting pressures to support one side or the other would emerge. The resulting debate could quickly develop divisive racial overtones, damaging to race relations in the United States (Study Commission on US Policy, 1986, 393)."

This, more than anything else, appears to be the real reason why the U.S. government's approach towards the apartheid regime was cautious and muted, with all the U.S. Administrations since Nixon preferring to maintain normal diplomatic and commercial relations with South Africa.

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