



## **TRADE UNION CONGRESS OF SWAZILAND (TUCOSWA)**

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11<sup>th</sup> April, 2012

The Director  
International Labour Organisation  
Block C, Crestway  
3 Hotel Street, Persequor Park  
**Pretoria, South Africa.**

Dear Sir,

Attention: Vic Van Vuuren

### **RE: REQUEST FOR YOUR INTERVENTION ON, RE: DE-REGISTRATION OF THE TRADE UNION CONGRESS OF SWAZILAND (TUCOSWA)**

1. We refer to the above matter.
2. The Trade Unions Congress of Swaziland (TUCOSWA) hereby request your office to intervene in the impasse of it's de-registration by the Government of Swaziland.

#### **Background information**

3. The Trade Union Congress of Swaziland (TUCOSWA) is the only Trade Union National Centre in Swaziland born out of the amalgamation of the then Swaziland Federation of Labour and the Swaziland Federation of Trade Unions and subsequently joined by the Swaziland National Association of Teachers.
4. The Federation held its public launch on the 1<sup>st</sup> May, 2011 and the Government was represented by the Commissioner of Labour.

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*“United we Bargain, Divided we Beg”*

5. Since its public launch, the Federation has been struggling with the Government for its registration which was finally granted on the 25<sup>th</sup> January, 2012 on the eve of a mass protest action organized to put pressure for the registration **(the certificate is attached here with and marked – attach 1&2)**
6. The Federation held its Founding Congress on the 9<sup>th</sup> -11<sup>th</sup> March, 2012 where at the Swaziland Federation of Trade Unions and the Swaziland Federation of Labour were officially dissolved in terms of their then respective constitutions.

### **Road to banning and de-registration**

7. Amongst the resolutions taken by the Federation at its founding Congress was that, **“the current system of Government in Swaziland is one that is undemocratic, repressive and dictatorial and that the Federation shall cause for a total boycott of the national elections in 2013 unless the elections are held under a multiparty system”**.
8. Following the widely media publication of this resolution, on the 21<sup>st</sup> March 2012 the Commissioner of Labour wrote to the Federation and demanded a confirmation or otherwise of the said resolution giving the Federation 7 days within which to do so **(the letter from the Commissioner of Labour and the response of the Federation is attached herewith marked attach 3, & 4,).**
9. On the 4<sup>th</sup> April 2012, the date proposed by the Federation and confirmed by the Commissioner of Labour for the discussion of the matter, the Federation received a letter from the Attorney General of Swaziland informing us of his advice to the Commissioner of Labour of the de-registration of the Federation.
10. In summary, the Attorney General alleges that the Federation is not a trade union organisation as envisaged by the Industrial Relations Act and further that in any event, the Act does not provide for the registration of Federations.
11. This observation by the Government was a total somersault position as the defunct National Centres were registered in terms of the Industrial Relations Act and that all the business Federations, the Federation of Swaziland Employers and chamber of Commerce (FSE-CC) and the Federation of Swaziland Business Community are registered under the same Act.
12. A further contradicting position is that the Government welcomed and Congratulated TUCOSWA for its formation per a letter written by the

Minister of Labour and Social Security (**attached here and marked attach 5 & 6 and dated 16<sup>th</sup> March 2012**).

13. The end result of the current position is that there is no National Centre now recognized by the Government of Swaziland and all tripartite structures will cease forthwith.
14. The assault on the freedom of association by the Government of Swaziland has reached a point that has not been reached before.
15. We trust our request will reach your utmost consideration with the urgency that this matter deserves.

Please find the letter from the Commissioner of Labour formally de-registering the Federation and our response (**herein attached and marked attachment 7 dated 5<sup>th</sup> April, 2012.**)

A handwritten signature in black ink, appearing to read 'Mduzi C. Gina', enclosed within a hand-drawn circle.

**Mduzi C. Gina**

1<sup>st</sup> Deputy Secretary General