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TRADE UNIONISTS IN PRISON

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## Trade Union Report

### The World Situation

In different parts of the world the label "trade union" means different things. There are really three basic levels:

(1) The level as known in Britain, the United States and most European countries at which trade unions are free to take industrial action, to appoint their own officials, and are independent of government.

(2) The level at which trade unions exist, but are heavily controlled by the government. This applies to many countries throughout the world. In Europe, such countries as Spain and Portugal have trade unions which are "recognised" by the government, and all other activity then becomes illegal. Strikes are illegal, and leading officials are appointed by the government concerned and not elected by the membership.

(3) The level which exists in most Eastern European countries where the workers and government are regarded as one. There are then only official trade unions. Strikes are again illegal, but leaders are elected. The result is that there can be no trade union activity as the West would know it. In practice this makes categories (2) and (3) much the same.

### Result

Because of these last two categories, there are thousands of trade unionists in prison throughout the world for trade union activities. On the whole, they are serving sentences for activities which trade unionists - and government - in Britain and elsewhere would regard as normal and part of a trade unions function. These activities include strikes, forming unions, demonstration, or merely meeting trade unionists from outside the country.

In South America some trade unionists are serving sentences of 20 years simply for trying to organise a strike that would be regarded as legitimate in Britain. In Indonesia thousands of trade unionists are in prison because they are associated with left-wing politics. After the 1965 coup, all unions were considered to be tied to the "left", and therefore regarded as bad security risks. In Spain trade unionists are convicted of illegal activities, and only the official government-controlled union is recognised and allowed to negotiate.

Amnesty International is concerned about the situation in which such trade unionists can be imprisoned, and has adopted many of them as "prisoners of conscience". This year Sean MacBride, Chairman of Amnesty International, called for a special effort to gain the release of these thousands of trade unionists:

"It occurred to me that on this 50th Anniversary of the International Labour Office, the International Council Meeting of Amnesty International might consider giving special attention to the thousands of trade unionists who are languishing in prisons for upholding the right to freedom of association and the principles of I.L.O."

This report is intended not as a comprehensive survey of the world situation, but to outline the attitude of governments throughout to trade unions and the broad categories into which these attitudes come. In order to do this, a number of "black spots" are highlighted: these are countries in which trade unionists are having a particularly heavy struggle and in which many are imprisoned for their activities. Since Amnesty International has no political axe to grind, these countries cover the spectrum of political power and party. Amnesty's one concern is that attention should be drawn to the lack of the basic freedoms which result in such imprisonments, and to those individuals who are languishing in prison, often forgotten, even by the government which first put them there.

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There is little doubt that if Britain looked upon its trade unions as some countries listed here people like Frank Cousins, Victor Feather, George Woodcock and many other notable British trade unionists would have spent many years in prison and might still be there today,

EUROPE

The relationship between trade unions and governments in Europe covers a wide range. So does the definition of a trade union. In Britain, France, the Scandinavian countries, Germany, Holland and Belgium, the trade union pattern is of the "free" type. Unions are not controlled by the governments, and there is the freedom to take industrial action. In Spain and Portugal, the trade unions are government controlled and have no freedom of industrial action. In the U.S.S.R. there are trade unions, but their ethos is such that they are almost unrecognisable as trade unions in the definition given to them in Britain and elsewhere. The Russian trade unions are more workers' association, with no powers of industrial action. In many ways, they can only be defined as welfare agencies which care for the leisure and social conditions of the workers.

SPAIN

There are hundreds of trade unionists in Spanish prisons for activities which would be considered normal in countries where trade unionism is accepted. On the surface, there have been changes in the governmental attitude to trade unions over the past year, but on examination these prove to make very little difference to the situation which has existed since the Civil War. The present state of trade unionism in Spain can only be seen against its strange historical background.

Historically, the Spanish trade union movement was always divided even prior to the Civil War. There were two main organisations: the U.G.T. and the C.N.T. The U.G.T. was the industrial wing of the socialist political movement. The C.N.T. was connected in a similar way with the anarchist movement. On the whole, they were both trade unionists of class struggle and protest.

After the end of the Civil War, the Spanish I.C.F.T.U. affiliates were banned and sent into exile. Still affiliated today, they have functioned from France maintaining clandestine membership and activity within Spain.

Since 1957 a new indigenous movement, the Comisiones Obreras, sprang into activity inside Spain in opposition to the State's Nationalist Syndical Movement. Their aim is purely syndicalist, their membership is drawn from a wide spectrum of political opinion and in this way political debate, with possible resulting fragmentation into different political factions, are held at bay in a country where only one political party is permitted, and where the opposition has so often foundered on different ideologies.

The detained, and there are many, come from both these Groups of aligned workers. They are detained and charged for infringements of the Penal Code, infringements which in many other countries would constitute Trade Union rights. These mens activities must be understood against the legal framework of the Spanish Sindicatos.

The principles determining the theology, structure and organisation of the vertical syndicates - The Spanish Sindicatos - are set forth in Chapter 13 of the Fuero del Trabajo of 1938 which was almost entirely based on the Labour Charter of Nationalist Socialist Germany. They are based on the philosophical concept that as both employers and employees are engaged in the same enterprise of production, then they are both "on the same side". In practice this means that both employer and employed are in the same union, that officials are appointed from the top downwards, and that only on the shop floor and this only since 1967, are representatives elected; that industrial strikes are illegal as are meetings of workpeople in any other association.

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Pressure both from within the country as well as from international bodies have made the Spanish authorities promise a new syndicalist law and has led to an invitation to I.L.O. to examine the present system. The I.L.O. report is emphatic in recommending more liberal Trade Union rights and the immediate granting of freedom to all imprisoned Spanish Trade Unionists. The new syndicalist law has so far only been outlined to the Press. It has not yet been debated in the Cortes (Spanish Parliament). Its outline suggests little real change, for the basic principle remains - labour and management are represented in the same union, strikes remain illegal and no other association is permitted.

It is to be hoped that the new more European minded Spanish Government will be able to offer the country a more liberal trade union structure and allow the new syndicalist law to be widely amended during its debate in the Cortes.

The International Labour Organisation, in a preliminary report, on the trade union movement in Spain has recommended reforms, but these have obviously been ignored. This recommended:

(1) All posts of authority in the trade union movement, including the highest, should be filled by election.

(2) The autonomy and practical equality of trade unions of workers and trade unions of employers.

(3) All appointed officials of the trade union organisation should receive instructions and be responsible only from and to its elected officers.

(4) The trade union organisation, while subject to the law of the state, should not be subject to direction or control by an political movement, and any relations which it may have with a political movement should be freely determined by its membership.

(5) The freedom of expression and meeting should be guaranteed to all schools of trade union opinion.

#### GREECE

Immediately after the coup d'etat of April 1967, the new regime dissolved 270 labour unions. It also confiscated the estates and archives of these unions on the grounds that they "deviated from their purpose". A representative for the Junta who appeared before the Commission of the Inquiry of the International Labour Organisation confirmed that the regime had dissolved unions, but said that the unions concerned were not fulfilling their purpose and were merely political organisations. He also argued that the arrested trade union officials were "criminals" who would soon be brought to trial. A year later the same story was put before the same I.L.O. commission.

Those unions and associations of unions which remain have been undermined by the regime removing key figures and replacing them with "puppet" figures so that the Junta retains control. There are still many trade unionists in prison. Strikes are illegal, new members cannot be enlisted into unions unless they first declare their loyalty to the regime, and meetings are illegal unless permission is given by the authorities.

#### PORTUGAL

Trade unions exist, and there is an uneasy understanding between government and the unions. Strikes are illegal. The people in key positions and other trade unionists, however, are often labelled as organising subversive activities, or as being a threat to the social order. Some trade unionists have been imprisoned, but it is often difficult to establish which are trade unionists and which are imprisoned for other political activities.

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There are about 90 political prisoners altogether, and some of these are undoubtedly trade unionists, convicted of carrying out activities which would be considered as normal in Britain and some other countries. (See Manuel Mendes Colhe in case histories).

### U.S.S.R.

Trade Unions in Russia exist, but in practice are more workers associations which care for the conditions of workers outside working hours. They are responsible for leisure interest, social life, childrens' nurseries, cultural activities, but are also required to present "political obligations". This means that they are the "transmission belt" which takes party politics to the workers on the factory floor. They are always passing resolutions condemning action - i.e. by Communist China etc. - which is outside the official party line.

Lenin was against trade unions from the very beginning, but saw them as useful as in a political "educational" role. Most Soviet politicians came to the conclusion that trade unions could not be other than government controlled in a Communist society. This led, over the years, to any kind of power being taken away from trade unions which would enable them to take industrial action.

There have been some examples of what can happen when trade unionists step outside the accepted rules and definitions of trade unions. The Russian writers, members of the Writers' Union, were imprisoned for publishing their works abroad against the union rules. In Kiev a Russian worker who agitated because he thought the union was not looking after his interests was arrested.

This quote from a Soviet newspaper shows how little freedom of action there is:

"The Soviet trade unions are honourably carrying out the tasks placed upon them by the party and will continue to be its reliable support, active assistants and faithful executives of the policy of the party, militant organisers of the masses, in the struggle for the implementation of the party programme and the historic decisions of the 23rd C.P.S.U. Congress for the great cause of building up the communist society in our country."

### SOUTH AMERICA

In general the trade union movement in South America are not strong organisations. In most countries there is a constant battle between governments and trade unionists who wish to found unions other than those recognised and controlled by the authorities.

### MEXICO

The official "trade unions" are government controlled. There are constant attempts to found new trade unions outside government control, but these are squashed. There are trade unionists in prison as a result.

### ARGENTINA

There is repression of strikes and demonstrations, with violent clashes between the police and the demonstrators. There are at least one hundred trade union leaders in prison for their activities. The most well-known is Raimundo Ongaro. He is head of the most militant trade union. \*He was arrested in June for "his own protection" after the leader of a rival trade union was murdered. He is still in prison, and there has been no trial, or even charges levelled. /more follows.....

\*Since this report has gone to press, Raimundo Ongaro has been released.



BRAZIL

There are trade unionists in prison in Brazil, and some have been adopted by Amnesty International. Some trade unionists have been given very heavy sentences indeed. Strikes and "unofficial" trade unions are illegal. Clodsmit Riani, a leading trade unionist, was sentenced to 17 years in prison for organising a strike. In the appeal court this was reduced to 7 years which he is still serving. The sentence was for a strike which would seem totally justified elsewhere. Another trade unionist, Luis Tenorio de Lima received a sentence of 20 years just for organising a strike.

Workers with grievances and who demonstrate are not treated well. Teachers are often not paid for long periods. After one delay of seven months, primary school women teachers staged a silent and orderly demonstration against this delay. They were broken-up by force backed with tear gas.

FAR EAST

Many of the countries are still largely agriculturally based economically, and this means that there is not as much trade union activity as in other areas of the world. India, which is much more industrialised than other countries in the area, has a trade union pattern as we would expect to find it in the West. There are, however, black spots.

INDONESIA

Thousands of trade unionists are imprisoned at the moment. This is as the result of the 1965 coup. The unions were said to be left-wing controlled, and the new regime immediately squashed all activity. Some trade unionists were killed in the early days of the regime. Others who were actively engaged in trade union work are still in prison. However, there are reports that "moderate" trade unionists are just becoming active again.

PAKISTAN

Trade unionists are having difficulty with the military regime. Some are imprisoned. Strikes are, again, illegal.

NEPAL

It is known that dozens of trade union officials are imprisoned.

AFRICA

At any one time there are a number of trade unionists detained in a number of different countries. This is because many new, independent states have not worked out a role for independent trade unions. Some, in fact, try to control trade unions in such a way that independent trade unions cease to be a reality. As a result there are conflicts.

Some trade unions are identified with one political party, and this means that changes in government bear directly on the trade union situation. Trade unionists are in prison equally in left and right wing countries.

A particular problem of most African countries is that trade unions represent only about 3% of the population, since only about 5% are workers in the normal sense of the word. For this reason, trade unionists are often regarded as a pressure group.

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TANZANIA

Tanzania is an example of this problem. After independence, the unions, which had been closely linked with the political party which achieved independence, promptly asked for higher wages and higher "Africanisation" of industry. The government considered this to be in conflict with the needs of the wider population.

Trade union officials were arrested and kept in detention until the trade unions had been reorganised to become almost a part of the official administration. Now, however, the labour movement is again striving to become an independent organisation. The most prominent trade unionist in the country was detained in October 1969 on the grounds of "plotting against the government".

UGANDA

In Uganda the government tried to take over the trade union movement in much the same way as in Tanzania, but failed. The trade union movement is thus still independent.

GHANA

In Ghana after the fall of Nkrumah a law was passed making it illegal to strike. The punishment was the death penalty. In fact, this was never used.

KENYA.

The trade union movement was inclined to support the opposition party. Several trade unionists have been detained, but all but one have been released. However, a trade unionist released earlier this year has been redetained.

GABON

The two leading trade unionists in the country were "framed". However, finally no evidence could be found to support the charges. One man was released, the other is still being detained. Here there is a conflict between unions and the government policy.

SOUTH AFRICA

Only 13 per cent of all South Africa's workers are organised in trade unions; of this 13 per cent only 0.3 percent are Africans; and African workers are denied full trade union rights or the right to strike.

Yet Africans constitute over 60 per cent of the labour force in the main sectors of employment. In the mining industry, 90 per cent of the workers are Africans: in the 19 main industrial groups it is in only one, the Printing trade, in which white workers constitute a majority - just over half.

Before the Nationalist Party came to power in 1948, its declared aim was to take control of the trade union movement which it accused of being "alien" to Afrikanerdom, international and liberal in outlook, a threat to apartheid in that many unions had members of all races. Immediately after 1948 it took measures to destroy militant trade unionism, and enforce racial separation within the individual unions.

The Suppression of Communism Act of 1950 empowered the Minister to order the removal from his post of any trade union official whom he (the Minister) deemed to be a communist. By 1956, 75 leading trade unionists had been ordered to resign. The included most of those in unions with mixed memberships - i.e. members of all races.

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The Industrial Conciliation Act of 1956 prohibited a union from obtaining registration unless it separated its membership on racial divisions. Only registered unions have the right to collective bargaining through Industrial Councils and Conciliation Boards. To further weaken the industrial power of African, Coloured and Asian workers, a system of job reservation was introduced. The Minister may declare that any job, or any industry be reserved for workers of a particular race. In practice this means reserving the higher paid, more skilled employment for Whites and forcing Africans to accept unskilled, occasionally semi-skilled, low paid employment.

No African trade union may be granted registration, and pressure is put on employers not to recognise them. The wages of African workers are laid down by the Government itself, or by White workers and employers on Industrial Councils on which Africans have no representation. Strikes of any kind by any African workers are prohibited, with heavy penalties (up to 5 years imprisonment) for any who do so.

In 1967 the South African Confederation of Labour which has never accepted affiliation from unions other than all White ones claimed to represent 190,000 members: the Trade Union Council of Trade Unions, TUCSA, represented 166,881, and in 1969 it resolved to exclude African unions from affiliation. It has no right to claim that it represents the workers of South Africa.

Only the South African Congress of Trade Unions, (SACTU) has consistently opened its membership to workers of all races, and consistently fought for the interests of African, Coloured and Asian workers. Since its inception in 1955, it has consistently been persecuted by the Security Police: its meetings interrupted, its members detained under the 90 day and 180 day laws, its leaders banned. No sooner does an official become elected than he, or she, is served with a banning order and has to resign. 27 officials have been banned, and most of the 150 trade union officials banned up to 1966 were members of SACTU. Banning is by administrative action: there is no appeal.

SACTU aligned itself with the Congress movement, the African National Congress and its sister organisations, now proscribed. Very many of those now serving prison sentences were active in both their political and trade union organisations. Many of those adopted by Amnesty groups were trade union members.

#### CASE HISTORIES

##### PORTUGAL

Manuel Mendes Colhe, 33-year-old worker arrested in October 1965. His trial took place on 24th February, 1966 in the Plenário Criminal da Boa Hora. The charge was membership of communist party and "subversive activities" specified as taking part in secret meetings, distributing pamphlets inviting to strike among marble workers, gathering funds for the strike. He was sentenced to 3 years and security measures.

At the trial the public prosecutor claimed that the nine accused took part in secret meetings, paid money into a common strike fund, received and distributed pamphlets among marble workers which were subversive and invited to strikes. They also belonged to the Portuguese Communist Party, which is illegal. It was said in the trial that Mendes Colhe joined the communist party in 1958, and that he lived in hiding since 1959. As an official of the party he directed the stonecutters' strike of 19th May, 1965, and also distributed money among the workers to enable them to continue the strike as long as possible. The strike lasted for 12 days. He also wrote and distributed pamphlets considered subversive among the public and the workers in the small town of Pero Pinheiro, where the Lisbon branch of the Sindicato Nacional dos Operários da Indústria de Mármore e Cantarias (Trade Union of Workers in the Marble Industry and the Quarries) has its siege.

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According to information from the prisoner's brother, he was sentenced to 3 years' imprisonment and "security measures". "Security measures" are a legal provision which was imposed 20 years ago by Decree Law 37 447 and are applied to the majority of the prisoners. As they enable the sentence to be prolonged by decision of the political police, PIDE, for 6 months to 3 years for an unlimited number of times, the length of imprisonment has no upper limit. Most prisoners, however, serve only one period of Security Measures. The Security Measures have been strongly criticised by Portuguese lawyers and even in Portuguese government circles.

#### KENYA

Patrick Peter Ooko was arrested on August 4th, 1966, under the Preservation of Public Security Act and has been detained without trial ever since. This law gives the President powers to detain without trial, restrict movement, impose censorship, prohibit meetings, ban societies, etc. It was passed in June 1966 and was followed by the arrest of numbers of Kenya Peoples Party (KPU) supporters, among them most of the Kenyan trade union leaders. Of those arrested in 1966 only two now remain in detention and Ooko is the only trade unionist.

A single man in his late twenties Ooko was, before his arrest, secretary-general of the East African Common Services African Union (the civil servants union in Tanzania, Uganda and Kenya) and was considered one of the ablest trade unionists in Kenya. He was a supporter of Oginga Odinga, the Opposition leader, and organising secretary of the Nairobi branch of the KPU.

The Central Organisation of Trade Unions in Kenya (COTU), formed to co-ordinate the activities of all trade unions, was continually torn by disagreement between the Western-oriented and left-wing groups. In the autumn of 1965 those trade union leaders who supported the KPU broke away to form a new body, the Ke ya Workers Congress. This, the government alleged, was a focus for political rather than trade union activity and accused it of receiving money from Odinga for political ends. A number of strikes, said by the government to be politically motivated, took place. The arrest of trade union leaders involved in these strikes appears to have been an attempt to break the KPU domination of certain unions.

Ooko does not seem to have been involved in any anti-government conspiracy, nor to have had any association with violence. He was the only one, of the trade union leaders arrested to attempt to challenge the legality of his detention by bringing an action against the Kenyan government in the first half of 1967. He appeared in a lower court, his plea was dismissed and no appeal to a higher authority allowed. The government alleged that Ooko had received money from foreign sources and used this for political purposes in the trade union movement. No specific evidence was produced to substantiate either of these two charges and in any case there is no law in Kenya prohibiting money from overseas, either for personal or organisational purposes, being received. (The official Kenya trade union movement and many of its leaders have often received money from abroad which was used for the movement).

#### SPAIN

Marcelino Canacho Abad is 52, married, and the father of two teenage children. He is a leader of the indigenous illegal trade union movement, Comisiones Obreras, which he helped to found in 1964. Sr. Canacho worked in the Empresa Motor Iberica in Madrid and has been imprisoned continuously since 1st March, 1967, first serving a one year sentence, then being held without trial while a hearing for "contempt of court" is outstanding.

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On January 27th, 1967, the workers of several factories in Madrid staged a public, peaceful protest against low minimum wages and spiralling prices. They had planned to walk quietly home from work or use their own transport rather than the factory-run buses. This form of protest was chosen not only because it was a peaceful form of protest but because it was thought that it could not be interpreted as constituting the breach of the law termed "illegal demonstration" and because it had been used previously without incident.

However, on 27th January, the police charged the workers, despite the fact that everything was developing pacifically.

Although Marcelino Canacho stayed at home throughout these events he was detained the following day when he went to make inquiries about detained workers in order to gather information for a petition officially authorised and commissioned by the Jurado y Enlased (an official body in Spanish union structures). Though well-known to the police, Cancho was arrested for identification, apparently no mention being made at the time of his arrest of the events of the previous day.

Provisionally released, Canacho was fined 50,000 pesetas for his supposed part in the January 27 events. In February he was ordered to stand trial charged with "illegal demonstration" and accused of figuring as the head of a group of workers on January 27. On March 1<sup>st</sup> he was committed to Carabanchel Prison. On 2nd April 1968, Canacho was tried in the Public Order Tribunal in Madrid and, in one of the most dramatic sessions in the history of that court, he was expelled from his own trial. During the trial he exploded into a vociferous plea to be tried for something he had committed, whereupon he was expelled from court. While being led off he shouted: "Down with Special Courts, this is a Dictatorship that is sinking - long live liberty". The public crammed into the court soon spontaneously joined in shouts of "libertad". The judge ordered the court to be cleared, except of the press, and declared a recess. At the resumption of the trial, with both public and press barred, Canacho was sentenced to one year's imprisonment for his alleged part in the events of 27th January. It was not taken into consideration that he had already served 14 months awaiting trial.

Canacho was later charged with contempt of court, for which a further term of five years' imprisonment was demanded. His lawyer challenged the competence of the court to try Canacho on the grounds that his accusers could not be his judges. Canacho is still awaiting trial, facing a possible five years' extension of his imprisonment.

#### MEXICO

Demetrio Vallejo Martinez was the General Secretary of the Union of Railway Workers of Mexico. He was arrested in March 1959 for having organised a strike in protest against the Mexican practice of forcing labour unions to be mere branches of the Revolutionary Institutional Party (P.R.I.) The strike was promoted by the National Union of Railway Workers and agreed upon by the workers' assemblies.

In violation of the Mexican Constitution which states that everyone must be tried within a year of his arrest, Demetrio Vallejo was not tried until March 1962. He was then sentenced to 16 years imprisonment.

As his ideas have not changed he has been denied parole. At the time of the mass demonstrations last year in Mexico City, he went on a hunger strike to protest against the denial of parole. He ended it when he was promised that he would soon be released if he stopped the strike. Then he waited, but his freedom never came.

During his 10 years in prison Demetrio Vallejo has been on several long hunger strikes which have seriously affected his health. Although he made it plain early this year that he was on a hunger strike protesting on behalf of a just cause and that he himself is the one who must decide whether to live or die, he was being tied down in order to force-feed him. The doctors attending him say that he may die at any moment because of the seriousness of his condition.

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GABON

M. Auguste Walker-Anguilet was the Secretary General of the Confederacion Africain du Travailleurs Croyants Gabonais, the principle Christian trade union in Gabon. A prominent trades unionist, he had also for several years been the official delegate from Gabon to the International Labour Conference.

He was arrested on September 20, 1967. In February 1968 he was charged with distributing pamphlets critical of the government and on December 8, 1968 he was tried before a special tribunal - more than a year after his initial arrest and sentenced to life imprisonment. A number of other Gabonese trade union leaders were arrested at the same time, including the principal trade union leader in the country. Mr. Essone N'Dong, the General Secretary of the Gabonese Trade Union Federation.

Protests were made to the Gabonese Government by both the International Confederation of Free Trade Unions and the Federacion Mondiale du Travail, and a formal complaint submitted to the International Labour Office in Geneva. On December 30, 1968, on the occasion of President Albert Bongo's 33rd birthday, his sentence was commuted to 10 years with hard labour. In August, 1969, Essone N'Dong, who was sentenced at the same time, was released, but Walker-Anguilet still remains in prison,

The trade unionists had been charged with "endangering the internal security of the State and of propaganda to incite public disturbances". It was said that Essone N'Dong had written and reproduced subversive anonymous leaflets calling upon the people to arise against President Bongo, and that Walker-Anguilet had printed and distributed these leaflets. Both denied the charges and there seems little doubt that the pamphlets were not in fact written by M. N'Dong nor distributed by the trades union leaders. The pamphlets, in fact, were not of a particularly inflammatory nature, although they sharply criticised the Gabonese Government's undemocratic manner in handling the affairs of the country. Essone N'Dong's brother gave evidence during the trial that he was the author of the pamphlets concerned.

The arrest of the Gabonese trades unionists appears to have arisen out of the conflict between the Government and the trades union movement, a situation not infrequent in one-party, newly formed states where the government attempts to control trades union action and to subordinate trades union policies to party politics. In Gabon, friction between the government and the independent trades unions had polarised after the strike which took place towards the end of 1967.

In his early 40's M. Auguste Walker-Anguilet is married, with children.

END